

# **THE COLTS NECK FARMLAND PRESERVATION BULLETIN**

## **WINTER/SPRING - 2003**

**PUBLISHED BY THE  
COLTS NECK FARMLAND PRESERVATION  
AND OPEN SPACE COMMITTEE**

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### **FORWARD:**

**The Farmland Preservation and Open Space Committee of Colts Neck Township has decided to issue a semi-annual bulletin to improve communications between Colts Neck Landowners and the Committee. In the interest of efficiency, the Bulletin will be kept brief but will cover topics that the Committee believes will be of interest and useful to Colts Neck Landowners. In addition to keeping Landowners apprised of Local, County and State actions, issues and options related to the Farmland Preservation Program, the Bulletin will cover Farm Bureau Applications and other information on Agriculture Programs and farmland use in general that they as Colts Neck Landholders may find interesting and useful.**

**COLTS NECK FARMLAND PRESERVED TO DATE**

<b>Thompson Farm-----</b>	<b>63 Ac.</b>
<b>Dittmar Farm -----</b>	<b>90 Ac.</b>
<b>Mumford Farm -----</b>	<b>106 Ac.</b>
<b>McCrane Farm - I -----</b>	<b>68 Ac.</b>
<b>McCrane Farm - II -----</b>	<b>36 Ac.</b>
<b>Blackburn Farm -----</b>	<b>86 Ac.</b>
<b>Barney Farm -----</b>	<b>75 Ac.</b>
<b>Barclay Farm -----</b>	<b>100 Ac.</b>
<b>C.N. Twp. Five Points Rd.-----</b>	<b>27 Ac.</b>
<b>Sesa Farm -----</b>	<b>30 Ac.</b>
<b>Total Acreage Preserved -----</b>	<b>681 Ac.</b>

### **MONMOUTH COUNTY AGRICULTURE DEVELOPMENT BOARD** **PRESERVATION STATISTICS**

The MCADB reports that during the period of time since September 1, 2001, there were 9 farms representing 6 townships involving a total of 565 acres that were preserved. Two of these farms, the Blackburn farm and the one McCrane farm involving a total of 122 acres or approximately 22% were from Colts Neck.

Of the total 7205 acres currently preserved by the County, Colts Neck has accounted for 681 or approximately 9.5%.

### **FARMLAND PRESERVATION OPTIONS AVAILABLE TO COLTS NECK** **LANDOWNERS**

Currently there are three options available to Colts Neck Landowners for seeking to have their property considered for Farmland preservation. They are (1) - Application through the County and State with the support of the Colts Neck Farmland Preservation Committee and Township Committee; (2) - Application directly to the State with the support of the Colts Neck Farmland Preservation Committee and Township Committee; and, (3) - Application directly to Colts Neck Township. This option is recommended only under special circumstances. The full support of the Township Committee would be required. The Farmland Preservation and Open Space Committee will gladly assist landowners throughout any of the following options.

## **Option 1 - Application Through the County and the State**

This option involves the following steps:

A non-binding application must be submitted to the Monmouth County Agriculture Development Board (MCADB) in Freehold.

The County performs an initial review and preliminary ranking to determine how many farms they can forward to the state. All property owners selected will be asked to attend a meeting with the county. Following the meeting, an option form will be distributed and property owners will be asked to return the form within approximately two weeks. The completion of the option form will obligate the property owner to either go forward with the sale or reimburse the county for survey and appraisal cost if the owner elects not to go forward.

When property owners return the option form to the MCADB, the county hires appraisers to complete surveys on farms that have completed the option form.

The county then receives appraisals and prepares their application forms for all of the property they are submitting to the state.

The State acts on all applications from all counties and notifies each county of the final valuation of the individual property submitted by that county. The value per farm is shared with the property owners and their position on the state list is also released to the property owners.

The property owners determine how much, if any they will discount their appraisal from the final appraised value for their property in order to improve the competitiveness of their application with the state.

If successful, property owners will be asked to sign a contract to sell the development rights and the county will then hire an engineering firm to survey the property. Closing will take place and the farm owner will be paid for the development rights.

The time requirement for this option can be expected to vary on a case-by-case basis, but it is estimated to require approximately 21 months from submission of application to closing.

## **Option 2 - Application Directly to the State**

This option has been offered by the state to allow townships like Colts Neck to support the submission of farmland preservation applications directly to the state. The availability of this option gives the Colts Neck Farmland Preservation and Open Space Committee more flexibility in accommodating the needs of Colts Neck Landowners in having their applications processed. This option is estimated to require less total time to process from initial application to closing. This option is estimated to require 12 to 15 months from submission of application to closing.

### **Option 3 - Direct Purchase by Colts Neck Township**

This option was introduced by the Colts Neck Township Committee recently and has been successfully used for the preservation of Eastmont Orchards as announced in the May 31, 2001 issue of the Asbury Press. (See excerpt below)

This option gives the Township the greatest amount of flexibility and ability to be responsive to landowners interested in submitting preservation applications. Naturally, this option will be limited by the availability of monies to the Township to cover the direct purchase of development easements. While most of these monies will be recovered by the Township when they eventually sell these development easements to the State, the Township must manage the associated cash flow requirements.

**Questions about any of these options or Farmland Preservation in general should be directed to the Farmland Preservation and Open Space Committee Chairperson - Carol Barnett (732-946-4358), Vice-Chairperson Kim Rothberg (732-460-9430) or Committeewoman Lillian Burry (732-946-2624).**

**As an aide to Colts Neck Landowners who are interested in taking advantage of the current opportunities for placing their property in New Jersey's Farmland Preservation Program, a copy of the Non-Binding Application Form has been attached to this Bulletin. Please note the April 11, 2003 deadline for the year 2003 applications.**

### **THE 27 ACRE TOWNSHIP OWNED PARCEL ON FIVE POINT ROAD HAS BEEN APPROVED FOR NEW JERSEY'S FARMLAND PRESERVATION PROGRAM**

The development rights on the 27.1 acre parcel of land on Five Point Road owned by the Township of Colts Neck has been approved for New Jersey's Farmland Preservation Program. The development easement for this property was sold to the State for \$17,000.00 per acre.

### **COLTS NECK BUYS RIGHTS TO EASTMONT ORCHARDS**

The development rights of Eastmont Orchards, a 100-acre property, has been purchased by the township. This move represents another step in the township's efforts to protect farmland and slow development in this 31.7 square-mile community. "This will slow down our growth and preserve our open spaces," said Committeewoman Lillian G. Burry during an interview. "The Orchards on Route 537 is a vital area, and it's visible, and we

want to keep this space open.”

The Township Committee passed a resolution authorizing two state- approved independent appraisers to determine the value of the development rights for this property. “We’ve gotten two appraisals that have come in, and we’ve offered David Barclay and his father \$17,000.00 per acre. The offer was accepted and the Township Committee has approved it,” Burry said.

The Township introduced a bond ordinance to cover the expense of purchasing the Eastmont development rights. In the meantime, the Township has placed an application with the State Farmland Preservation Program, and has recently been advised it will be receiving 100% of the cost of purchasing these development rights from the State in response to this application.

The Township and the Barclays closed on the sale of these development rights on August 27, 2001. The reimbursement to the Township from the State is expected shortly.

**COLTS NECK TOWNSHIP RIGHT TO FARM ORDINANCE - AN  
ORDINANCE AMMENDING AND SUPPLEMENTING THE CODE OF THE  
TOWNSHIP OF COLTS NECK TO CREATE CHAPTER 180 OF SAID CODE  
WHICH SHALL BE ENTITLED “RIGHT TO FARM” AND AMMENDING AND  
SUPPLEMENTING SECTION 102-4, DEFINITIONS OF CHAPTER 102;  
DEVELOPMENT REGULATIONS IN THE TOWNSHIP OF COLTS NECK:**

The Right to Farm Ordinance was endorsed by the Farmland and Open Space preservation Committee.

The following is a copy of the Right to Farm Ordinance approved by the Colts Neck Township Committee on December 11, 2002:

**WHEREAS**, It is expressly found by the Township Committee of Colts Neck that whatever temporary inconveniences may be caused to others by farming uses and activities, are more than offset by the benefits from farming to the neighborhood and community and to society in general, by the preservation of open space, the beauty of the countryside and clean air and by the preservation and continuance of farming operations in Colts Neck and in New Jersey as a source of agricultural products for this and future generations, and

**WHEREAS**, the Township Committee recognizes that Colts Neck is an agricultural community and that many of its residents were attracted to Colts Neck because of the open space and rural atmosphere and the Township Committee chooses to show its support of agriculture through the adoption of a right to farm ordinance in order to maintain agriculture as a viable industry in perpetuity.

**NOW, THEREFORE, BE IT ORDAINED** by the Township Committee of the Township of Colts Neck, County of Monmouth, State of New Jersey as follows:

SECTION I: That Section 102-4, entitled ‘Definitions’ of Development Regulations be amended and supplemented in accordance with the following:

Article A.           Agriculture - The growing and harvesting of crops and the raising, keeping, training and breeding of farm animals, including truck farms, livestock, dairies, fruit farming, nurseries and greenhouses, buildings for housing seasonal workers for the farmers own use, barns and grading and storage buildings, commercial farm packing operations, buildings for keeping of poultry and livestock and garages for the keeping of equipment and trucks used in farm operations. Only commercial farms containing a minimum of 15 contiguous acres devoted to an agricultural activity may process the agricultural output as long as all processing operations maintain a 200 feet front setback, and a 100 feet side and rear setback. Agriculture shall not include abattoir, nor commercial hog-raising, nor shall agriculture include commercial poultry farms unless the poultry house walls and brooder house walls are at least 500 feet from any lot line. A commercial poultry farm shall be deemed to be any farm on which there are more than 100 fowl.

Article B.           “Commercial farm “ means:

1. A farm management unit of no less than five acres producing agricultural or horticultural products worth \$2,500.00 or more annually, and satisfying the eligibility criteria for differential property taxation pursuant to the Farmland Assessment Act of 1964, (N.J.S.A. 54:4-23, et seq.); or
2. A farm management unit less than five acres, producing agricultural or horticultural products worth \$50,000.00 or more annually and otherwise satisfying the eligibility criteria for differential property taxation pursuant to the Farmland Assessment Act of 1964, (N.J.S.A. 54:4-23.1 et seq.).

Article C.           “Farm management unit” means a parcel or parcels of land, whether contiguous or noncontiguous, together with agricultural or horticultural buildings, structures and facilities, producing agricultural or horticultural products, and operated as a single enterprise.

Article D.           ‘Processing’ means changing the natural state of an agricultural output produced by a commercial farm into another product to be sold.

Section II: That the Code of the Township of Colts Neck is hereby amended to establish “Chapter 180, Right to Farm” as follows:

## **CHAPTER 180: Right to Farm**

## **180-1 Commercial Farm Owners and Operators, Permissible Activities**

A                The right to farm is hereby recognized to exist in the Township of Colts Neck, subject to Chapter 102, Development Regulations of the Code of the Township of Colts Neck. This right to farm includes the following generally accepted agricultural operations or practices:

Produce agricultural and horticultural crops, trees and forests products, livestock, poultry and other commodities as described in the following Standard Industrial Classification (SIC) for agriculture (SIC codes 0111-0291), forestry and fishing (SIC codes 0811-0851) and trapping (SIC codes 0912-0971).

Package the agricultural output of the farm. Processing the agricultural output is permitted on commercial farms containing a minimum of 15 contiguous acres devoted to an agricultural activity.

Provide for the operation of a “farm stand, temporary seasonal” in accordance with Section 102, Development Regulations.

Operate horse breeding, training and boarding facilities.

Replenish soil nutrients and improve soil tilth.

Control pests, predators and diseases of plants and animals.

Clear woodlands using open burning and other physical facilities for water and soil conservation and surface water control.

Conduct on-site disposal of organic agricultural waste and manure in accordance with the best management practices contained in a report entitled “On Farm Strategies to Protect Water Quality” prepared by the New Jersey Association of Conservation Districts in cooperation with the State Soil Conservation Committee, New Jersey Department of Agriculture and the Natural Resources Conservation Service U.S. Department of Agriculture, or approved equivalent.

Conduct agriculture-related educational and farm-based recreational activities provided that the activities are related to marketing the agricultural or horticultural output of the commercial farm, and

Engage in any other agricultural activity as determined by the County or State Agriculture Development Committee and adopted by rule or regulation pursuant to the provisions of the “Administrative Procedure Act”, P.L. 1968, that is also in accordance with Section 102, Development Regulations of the Code of the Township of Colts Neck.

B.            An additional purpose of this ordinance is to promote a good neighbor policy by advising purchasers and users of property adjacent to or near commercial farms of accepted activities or practices associated with those neighboring farms. It is intended that, through mandatory disclosures, purchasers and users will better understand the impacts of living near agricultural operations and be prepared to accept attendant conditions as the natural result of living in or near land actively devoted to commercial agriculture in an Agricultural

Development Area, meaning an area identified by a County Agriculture Development Board pursuant to the provisions of N.J.S.A. 4:1C-18 and certified by the State Agriculture Development Committee.

C. A copy of this ordinance shall be prominently posted at Town Hall, local real estate offices and within the sales office at subdivision construction sites. A copy of this ordinance shall also be provided to each and every citizen who receives a building permit.

SECTION III All other ordinances or parts of ordinances inconsistent herewithin are hereby repealed to the extent of such inconsistency.

SECTION IV this ordinance shall take effect upon final passage and publication in accordance with the law.

### **PRESERVED FARMLAND SIGNS AVAILABLE**

New Jersey now is offering "Preserved Farmland" signs to any owner of a preserved farm. The signs are aluminum and are available in two sizes. The first measures 18 inches by 24 inches and is mounted on a metal post. The larger sign measures 3 feet by 4 feet and is surrounded by a wooden frame and mounted on two wooden posts approximately 9 feet tall. When installed into the ground, the sign stands about 6 feet high.

Both signs feature the same design - a barn in the background with the message "Preserved Farmland: Private Land, Public Legacy."

The signs are free of charge and will be delivered and installed for any interested landowner who has preserved farmland. To receive a sign, please call Carol Barnett at 732-946-4358.

### **STATE AGRICULTURE DEVELOPMENT COMMITTEE - FARM LINK PROGRAM**

Farm Link matches potential buyers and sellers of farmland. The program is useful for those who want to expand their farms or start farming, and also for retiring farmers or landowners who would like to insure that their land stays in agricultural production, but have no family members who want to continue to farm.

The program also serves as a clearinghouse for information on everything from the availability of preserved farms for sale, to business contacts and resources. Both unrestricted and deed-restricted farmland enrolled in the Farmland Preservation Program are tracked through Farm Link.



Those interested in Farm Link are referred to the State Agriculture Development Committee or to the following web site: <http://www.state.nj.us/agriculture/sadc/farmlink.htm>.