

MERCER COUNTY MASTER PLAN FARMLAND PRESERVATION ELEMENT

2020 COMPREHENSIVE FARMLAND PRESERVATION PLAN



Mercer County Agricultural Development Board Adoption: December 7, 2020

Mercer County Planning Board Adoption: August 11, 2021

Prepared through funding from the State Agriculture Development Committee



County of Mercer

Brian M. Hughes, County Executive

Board of County Commissioners

Samuel T. Frisby, Chair
Nina D. Melker, Vice Chair
Ann M. Cannon
John A. Cimino
Pasquale “Pat” Colavita, Jr
Andrew Koontz
Lucylle R.S. Walter

Mercer County Planning Board

Michael Shine, Chair
William S. Agress, Vice-Chair
Brian M. Hughes, County Executive
Samuel T. Frisby, Commissioner
Basit Muzaffar, Mercer County Engineer
Samuel M. Rubino
Talwanda Wilson

Cover Photo: Old Mill Road Barn; Hopewell Valley Regional School District Website; Pictures around the Community



Mercer County Agricultural Development Board


Steven Jany, Chairman
Frank D'Amico, Vice-Chairman
Scott Ellis
Laurie Emde
Gary Mount
Kristine Walsh
Theodora Wang

Meredith Melendez, Cooperative Extension of Mercer County
William Agress, Planning Board Representative

Mercer County Planning Department

Leslie R. Floyd, PP/AICP Planning Director
Lisa K. Fritzinger, PP/AICP, Assistant Planning Director
Matthew Lawson, PP/AICP, GISP, Principal Planner - Transportation
Emily B. Blackman, PP/AICP, Senior Planner, CADB Administrator
Regine Delcy, PP/AICP Senior Planner
Matthew Zochowski, AICP, Senior Planner
Andrew Lloyd, CFM, Senior Planner
Kathleen Sar, Supervising Drafting Technician
Jill Benner, Principal Clerk

Adopted by the Mercer County Planning Board:


Matthew Zochowski, AICP
Secretary

8-27-2021
Date

The original plan has been signed and sealed in accordance with the New Jersey Professional Planners Licensing Act.



Leslie R. Floyd, AICP/PP #005681
Planning Director



2020
COUNTY OF MERCER
COMPREHENSIVE
FARMLAND PRESERVATION PLAN

Table of Contents

CHAPTERS	PAGES
Introduction	4
I. Agricultural Land Base of Mercer County	5
II. Agricultural Industry – An Overview of Mercer County	15
III. Land Use Planning for Agriculture in Mercer County	20
IV. Mercer County Farmland Preservation Program – An Overview	46
V. Future Farmland Preservation Program	57
VI. Economic Development	68
VII. Natural Resource Conservation	75
VIII. Agricultural Industry Sustainability, Retention and Promotion	83
 APPENDICES	 PAGES
I. Farms with Agricultural Easements Held by County of Mercer	91
II. Farms with Agricultural Easements Held by State of New Jersey	98
III. Preserved Farm Acreage by Municipality: County and State-held Easements	99
IV. Adopted CADB Policies	103
V. Model Right To Farm Ordinance	111
VI. Mercer County Farmland Preservation and Project Area Maps	116



Introduction

New Jersey is a state of extremes, having some of the highest population densities in the country and, at the same time, having some of the most pristine wilderness such as the Pine Barrens region. Within this diverse landscape are counties like Mercer with very fertile and productive farmland that enables the Garden State to live up to its name.

The goals of the Mercer County Farmland Preservation Plan are to guide Mercer County's efforts to:

Preserve its remaining viable agricultural land; and,
Enhance and protect its agricultural industry.

The Plan recognizes:

- That farming is an important component of the County's economy;
- That preserving farming is in the public interest; and
- That farmland is an irreplaceable natural resource.

This Plan has also been prepared to meet requirements of the New Jersey State Agriculture Development Committee (SADC) for state farmland preservation cost-share funding. The format of the Plan follows the SADC's "Guidelines for Developing County Comprehensive Farmland Preservation Plans", approved December 14, 2006 and readopted July 25, 2019. This 2020 update is adapted from the version approved by the Mercer County Agricultural Development Board on June 7, 2010, prepared by Dan Pace, Mercer CADB Administrator for 17 years.



Lee Acres Farm, East Windsor; Dan Pace

Chapter I. Agricultural Land Base of Mercer County

- | **A.** Location and Size of Agricultural Land Base
- | **B.** Distribution of Soil Types and Characteristics
- | **C.** Number of Irrigated Acres and Available Water Resources
- | **D.** N.J. Farmland Assessment and U.S. Census of Agriculture:
Statistics and Trends



Chapter I: Agricultural Land Base of Mercer County

A. Location and Size of Agricultural Land Base

Utilizing Farmland Assessment records as an indicator for the current location and size of the County's agricultural land, Figure 1 illustrates that most agriculturally assessed lands in Mercer County are found in the northern municipality of Hopewell Township and the northern portion of Lawrence Township, plus, the southern municipalities of West Windsor, Robbinsville, and East Windsor Townships. Hamilton Township, especially near the border of Burlington and Monmouth counties, also has significant acres of farmland. The total acreage of farmland assessed properties in 2018 Tax Year (2017 data) is 29,227 acres. This represents approximately 20% of Mercer County's total land area of 144,640 acres.

Figure 1 also illustrates how Mercer County's farmland assessed parcels relate to agricultural land in the adjacent Counties of: (clockwise from the top) Hunterdon, Somerset, Middlesex, Monmouth, and Burlington.

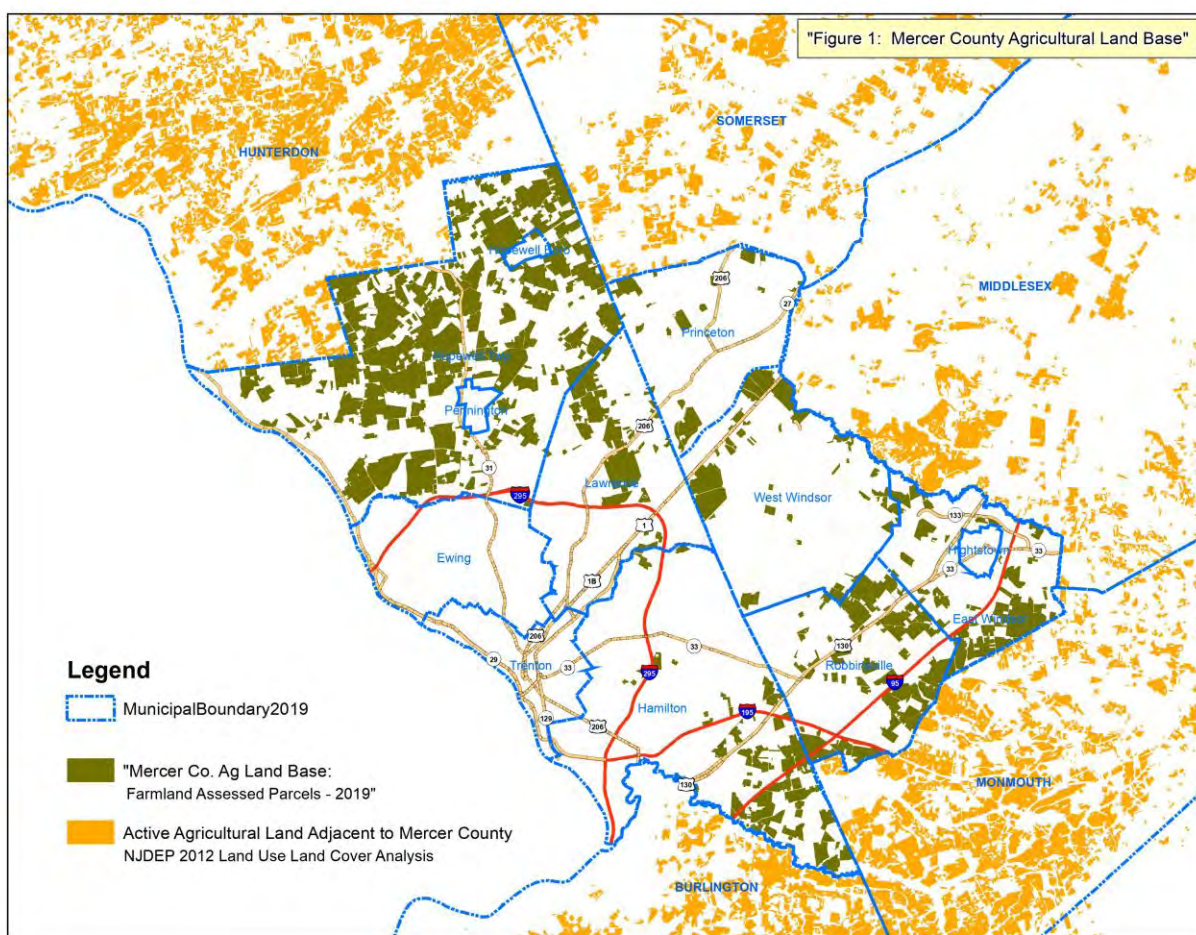


Figure 1. Mercer County Agricultural Land Base.

1. Mercer Municipalities:

Table 1 identifies farmland assessed properties by type of farmland assessment land class and by municipality. Hopewell Township has by far the greatest amount of agriculture and farmland assessed property in the County. Five municipalities (Ewing, Hightstown, Hopewell Borough, Pennington, and Trenton) have very little acreage assessed for agriculture - or none at all. Note that since the last County plan was written, Princeton Township and Princeton Borough merged to form one municipality, Princeton.

Table 1. Tax Year 2018 Data: Municipal Farmland Assessed Parcels – Agricultural Classes.

New Jersey Farmland Assessment 2017									
TAX YEAR 2018 - Mercer County									
Town	Cropland Harvested (acres)	Cropland Pastured (acres)	Permanent Pasture (acres)	Unattached Woodland (acres)	Attached Woodland (acres)	Equine Acres (acres)	Renewable Energy (acres)	Total For AG Use (acres)	Total FA-1 Forms (acres)
East Windsor Twp	1,670	114	114	179	225	6	-	2,308	2,517
Ewing Twp	-	-	-	-	-	-	-	-	-
Hamilton Twp	1,795	46	79	301	292	8	-	2,521	2,640
Hightstown Boro	-	-	-	-	-	-	-	-	-
Hopewell Boro	34	-	11	8	3	-	-	56	59
Hopewell Twp	5,127	1,407	2,597	2,909	2,541	73	20	14,674	15,796
Lawrence Twp	601	82	524	191	376	1	30	1,805	2,056
Pennington Boro	-	-	-	-	-	-	-	-	-
Trenton City	-	-	-	-	-	-	-	-	-
Robbinsville Twp	2,300	76	94	443	371	68	1	3,353	3,600
West Windsor Twp	1,105	26	44	229	221	5	-	1,630	1,660
Princeton	304	-	36	402	103	4	-	849	899
--- Total ---	12,936	1,751	3,499	4,662	4,132	164	51	27,196	29,227

B. Distribution of Soil Types and Characteristics

North of Route 1, sandstone, shale, argillite, and diabase underlies much of the area but many rich alluvial deposits can also be found. As one moves north, slopes progress from gently rolling hills to relatively steep hills and ridges. Generally, in this part of the County, field crops such as corn and soybeans can be found on the lands with gentle slopes while greater slopes are better suited for pastureland and niche farming ventures.





Image from: http://www.njaudubon.org/Education/Oases/Images/Physiographic_Map_copy2.jpg

1. Agricultural Soil Types: Mercer County

The United States Department of Agriculture (USDA) classifies soils into several categories related to suitability for farming. The categories within the “Important Farmlands Inventory” in descending order of importance are: Prime, Statewide Importance, Local Importance, and Unique. The Prime and State Importance Soils Map (Figure 2, next page) identifies Prime and Statewide Significant soils throughout Mercer County.

Conveniently, Route 1 divides the County roughly in half in an East-West direction. North of Route 1, a broad band of alluvial deposits and Prime Soils exists up to the aptly named Sourland Mountains. South of Route 1, Prime soils are scattered; but there are significant quantities of Statewide Significant Soils. Mercer County comprises 226 square miles midway between New York City and Philadelphia. It lies in both the Inner Coastal Plain and Piedmont physiographic provinces. As illustrated in the map above and in Figure 2, in Mercer County, Route 1 can be roughly considered as the red line divider of these two provinces.

South of Route 1, unconsolidated sediments composed mainly of sands, silts, and clays underlie the coastal plain, and, consistent with coastal plain conditions, slopes are gentle. These lands are very suitable for many forms of agriculture.

Areas shown as white spaces in Figure 2 are densely developed, water and wetlands; or, can be soils of local, unique, or of no importance.



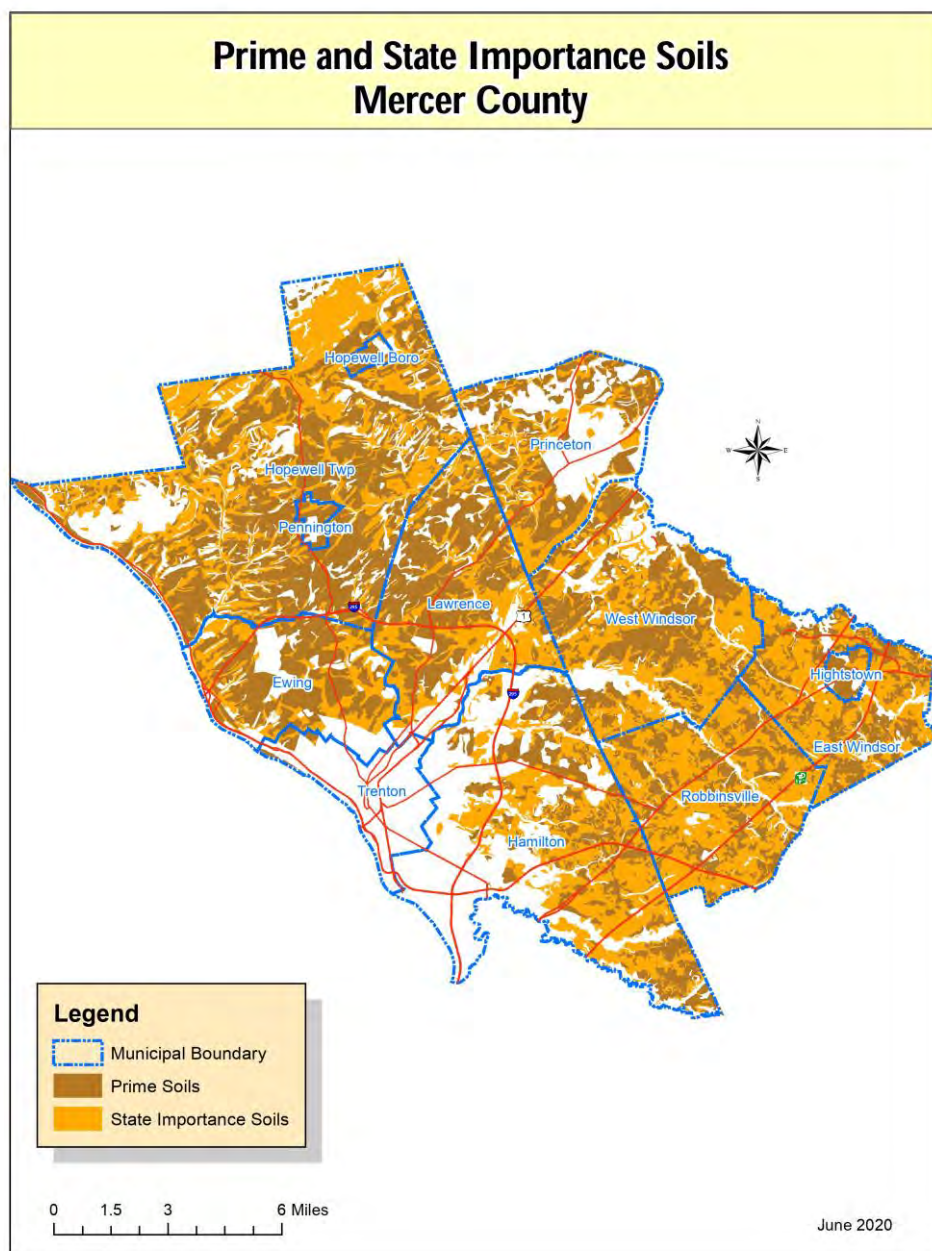


Figure 2. Mercer County Prime and Statewide Important Soils. (Source: USDA, 2012)

2. Mercer Municipalities:

As Table 1 illustrated, Mercer County has eight municipalities with Tax Assessed Farmland. To determine the area and type of agriculturally important soils being farmed within those municipalities, USDA soils and NJDEP 2012 Land Use Land/Cover Analysis “Agriculturally Active Land” data was combined to create Table 2.

Table 2. Agriculturally Important Soils, under Active Agricultural Land, within Municipalities with Tax Assessed Farmland.

Total Municipal Acreage	Active Ag Land Acres	Prime Soils Acres	Statewide Soils Acres	Local Importance Soils Acres	Unique Soils Acres	Non Agricultural Land Acres
E WINDSOR- 9,984 acres	2,333 23 %	1,186 12%	1,084 11%	59 >1%	4 >1%	7,651 77%
EWING - 9,664 acres	655 7%	562 6%	82 1%	11 >1%	0	9,009 93%
HAMILTON -25,216 acres	2,735 11%	1,260 5%	1,298 5%	9 >1%	128 >1%	22,481 89%
HOPEWELL BORO -512 acres	55 11%	27 5%	14 3%	14 3%	0	457 89%
HOPEWELL TWP- 37,120 acres	10,212 28%	5,909 16 %	3,700 10%	320 2%	0	26,908 72%
LAWRENCE - 14,080 acres	1,633 12%	1,263 9%	279 2%	58 1%	0	12,447 88%
PRINCETON - 10,432 acres	539 5%	352 3%	180 2%	7 1%	0	9,893 95%
ROBBINSVILLE -13,248 acres	3,764 27%	1,695 12%	2,020 15%	28 1%	21 1%	9,484 72%
W WINDSOR - 17,152 acres	2,723 16%	1,307 8%	1,186 7%	120 1%	83 1%	14,429 84%
TOTAL Acres	24,266	13,561 55%	9,843 40%	626 4%	236 1%	112,759

Source of Active Agricultural Land: NJDEP 2012 Land Use/Land Cover Analysis
Source of Agriculturally Important Soils: USDA/NRCS/SSURGO, 2012

C. Number of Irrigated Acres and Available Water Resources

A number of waterways crisscross the County (e.g. larger ones being Assunpink Creek, Stony Brook, Crosswicks Creek, and Doctors Creek) and adjacent farms sometimes utilize them for irrigation purposes. In addition, a relatively abundant and high groundwater table is found in most sections of the County, making well water or farm ponds a viable option for farms not located on a waterway.

Utilizing U.S. Census of Agriculture Data, Table 3 identifies the number of farms and number of irrigated acres for the past eight censuses.



Table 3. Number of Irrigated Farms and Farm Acres in Mercer County, 1982 - 2017 (U.S. Census of Agriculture).

Census Year								
	2017	2012	2007	2002	1997	1992	1987	1982
Irrigated Farms	82	61	66	61	65	66	48	44
Acres	1,008	1,073	1,028	1,110	880	1,226	747	1,003

Given the total number of farms and farm acres historically documented by the census for Mercer County (See Table 4), the low number of irrigated farms indicates that irrigation has not been an important aspect of Mercer County's agriculture industry in recent history.

D. N.J. Farmland Assessment and U.S. Census of Agriculture: Statistics and Trends

1. Number of Farms, Farms by Size (actual, average, and median)

The most significant trend over time in Mercer County has been the loss of farmland. Since 1987, Mercer has lost over 16,000 acres of farmland. The rate of loss has stabilized over the last 20 years, but farmland assessment data continues to show a decline over time in the County (Table 5). Data from the 2017 Census of Agriculture indicates that the County has actually gained 5,400 acres of farmland in the last five years (Table 4). But, we believe that this data may not be comparable to previous years' census results due to a low census response rate in 2017 and the methods that were used to adjust the data (<https://www.nass.usda.gov/AgCensus/FAQ/Methodology/Census-Sub-Sampling-Method-Report.pdf>).

Statewide, farmland loss was most significant during the later part of the 20th century, with 52% of New Jersey's farmland lost since 1950 according to the U.S. Department of Agriculture. While this loss largely took place prior to 1980, recent work by the Regional Planning Partnership, a consultant on the County Master Plan, documented that Mercer County experienced the second greatest loss of farmland in New Jersey between 1982 and 1987 (RPP.ENV.ELEMENT.MERCER.MP12.08.05; Paragraphs 3.1 and 5.0).



Table 4. U.S. Census of Agriculture– Mercer County, 1987-2017.

Census Year							
	2017	2012	2007	2002	1997	1992	1987
Farms (number)	323	272	311	304	285	296	309
Farms (acres)	25,230	19,744	21,730	25,070	28,391	35,786	41,303
Avg. Farm Size (acres)	78	73	70	82	100	121	134
Median Farm size (acres)	18	23	22	22	25	n/a	n/a
Estimated Market Value of Land and Bldgs							
Avg. per Farm (dollars)	\$1,414,874	\$1,474,301	\$1,314,520	\$1,296,915	\$1,359,262	\$1,310,693	\$458,712
Avg. per Acres (dollars)	\$18,114	\$20,310	\$18,813	\$18,855	\$13,871	\$11,180	\$4,093
Market Value of Ag Products Sold (\$1,000)							
Avg. per Farm (dollars)	\$24,981	\$19,729	\$18,646	\$12,247	\$13,255	\$15,879	\$13,956
Avg. per Farm (dollars)	\$77,341	\$72,534	\$59,956	\$40,286	\$46,510	\$53,647	\$45,164

Other significant and interesting trends from Table 4 are:

That the number of farms over this 30-year time frame has remained fairly constant, with an increase in the last five years; but, farm size has significantly decreased and most farms in the County are very small, with the median size at 25 acres or less over the last 20 years.

That while the value of agricultural land and buildings increased dramatically – as it has throughout the state for agricultural and non-agricultural uses – the market value of agricultural products has seen little change relative to the increased value of land since 1987. However, according to a more detailed census report comparing 2012 and 2017 data, there has been a noticeable increase in the value of certain agricultural products, namely 1) Vegetables, melons, potatoes and sweet potatoes, 2) livestock, poultry and their products, 3) crops, including nursery and greenhouse crops, 4) berries, and 5) nursery, greenhouse, floriculture and sod. The same report shows a large increase in the value of food sold directly to consumers – an increase from \$1,060,000 to \$5,704,000 from 2012 to 2017 (2017 Census of Agriculture- County Data. Table 2: Market Value of Agricultural Products Sold Including Food Marketing Practices and Value-Added Products: 2017 and 2012).

In contrast to the U.S. Census of Agriculture data showing that Mercer County gained farmland in the past five years, New Jersey Farmland Assessment data (see Tables 5 and 6) shows a continued downward trend in farmland assessed acreage. We believe that the farmland assessment data more accurately reflects the trends in the County than the census data.



2. Cropland Harvested, Pastured, Woodland, Equine, and Total for Agricultural Use

Table 5. New Jersey Farmland Assessment – Mercer County, 1983- 2018.

Acreage by Tax Year							
	2018	2011	2008	2000	1995	1990	1983
Cropland Harvested	12,936	14,658	15,976	22,199	25,182	28,369	30,474
Cropland Pastured	1,751	2,182	1,986	1,995	1,752	2,159	1,691
Permanent Pasture	3,499	3,541	3,856	4,000	3,795	3,944	3,899
"Active Agriculture" Subtotal	18,186	20,381	21,818	28,194	30,729	34,472	36,064
Unattached Woodland	4,662	4,190	4,341	5,292	5,584	4,818	n/a
Attached Woodland	4,132	5,066	4,962	7,696	8,508	9,442	12,563
Equine	164	135	116	87	n/a	n/a	n/a
Total Farmland Assessed	27,144	29,772	31,237	41,269	44,821	49,101	48,642
% Cty Farmland Assessed	18.8%	20.6%	21.6%	28.5%	31.0%	34.0%	33.6%

Source: SADC County Agricultural Profile, provided in February 2020.

NOTE: The total farmland assessed acreage shown here is less than the total land recorded for Farmland Assessment in Table 1 because the value in Table 1 includes non-ag land and land with a farmhouse.

* Cropland Harvested 2018 Tax Year acreage in order of importance (from Table 8):

- 9,404 acres in field crops, especially corn for grain, soybeans and hay
- 1,792 acres in nursey, especially trees and shrubs, Christmas trees and sod
- 918 acres in vegetables, especially snap beans, melons, sweet corn, pumpkins, squash, tomatoes and other mixed vegetables
- 254 acres in cover crop
- 225 acres in fruit, especially apples, pears, peaches and grapes
- 164 acres in equine



3. Mercer Municipalities:

Six of the County's 12 municipalities have **97%** of all farmland assessed lands in the County (see Tables 1 and 6). Portions of these six municipalities are now, and have historically been, "target areas" for the County's farmland preservation program. They are: East Windsor, Hamilton, Hopewell Township, Lawrence, Robbinsville, and West Windsor.

Although these municipalities have lost significant farm acres over time, preservation activities by the County, the State, these local governments and non-profits has enabled a solid viable land base for the agricultural industry. The types of industry are discussed in the following chapter and the amount of preserved farmland by municipality can be found in the Appendix.

Table 6. Farmland Assessment over Time – Mercer's Six Farming Municipalities Total Acres for "Agricultural Use".

Ag Use Acres by Tax Year				
	2018	2008	2001	1996
East Windsor Twp	2,308	2,652	3,426	4,358
Hamilton Twp	2,521	2,942	4,599	5,312
Hopewell Twp	14,674	15,807	19,475	19,830
Lawrence Twp	1,805	1,829	2,186	3,166
Robbinsville Twp	3,353	4,556	6,276	7,140
West Windsor Twp	1,630	2,392	4,486	5,546
--- Total ---	26,291	30,178	40,448	45,352

Source: SADC County Agricultural Profile, provided February 2020



Chapter II: Agricultural Industry: An Overview of Mercer County

- | **A. Trends in Market Value of Agricultural Products Sold**
- | **B. Crop Production Trends over the Last 20 Years**
- | **C. Support Services within Market Region**
- | **D. Other Agricultural Related Industries**



Chapter II: Agricultural Industry: An Overview of Mercer County

Mercer County's early economy, like other New Jersey counties, was based on farming. The rise of the County's manufacturing industry in the late 1800's through the 1900's, diminished the prominence of agriculture, but farming remained an important component of the local economy.



Hopewell Twp. Farm: Photo by Dan Pace

Utilizing 2017 Census of Agriculture data, Figure 3 shows that among the 17 of 21 New Jersey counties with a significant number of agricultural products sold (discounting Bergen, Essex, Hudson and Union Counties), Mercer County ranks 10th.

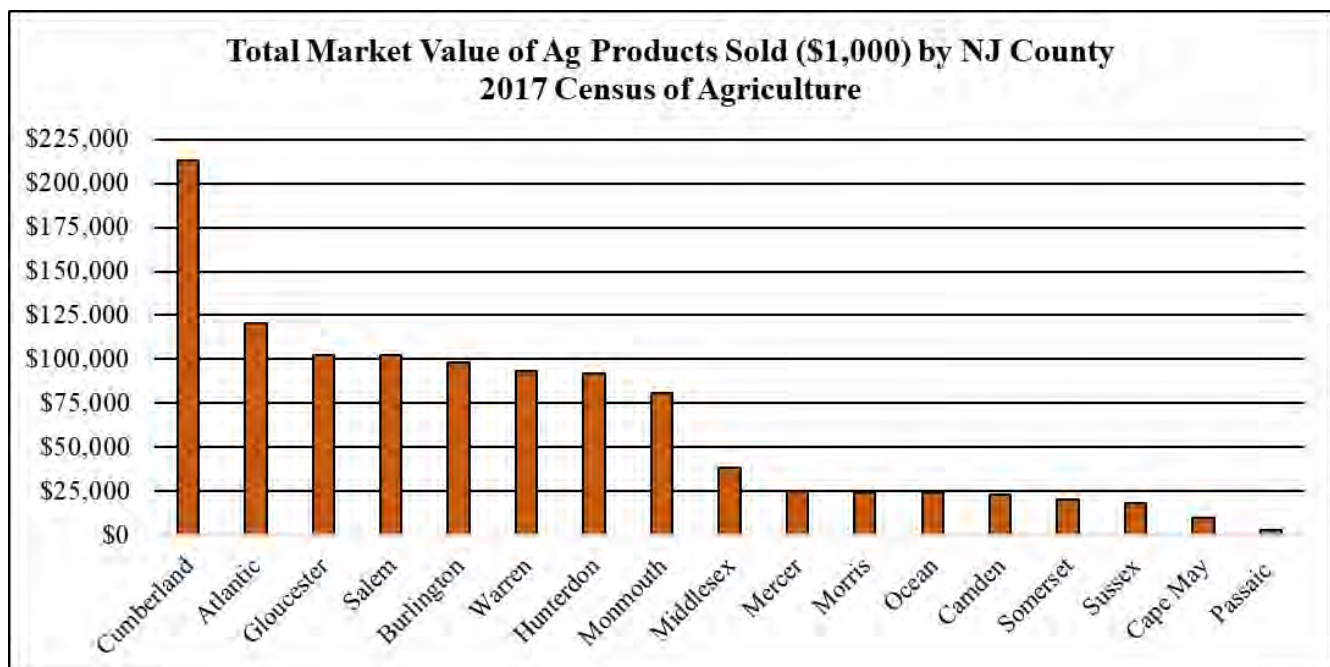


Figure 3. 2017 Census of Agriculture: Total Market Value of Agricultural Products Sold (\$1,000) by NJ County.



In addition, utilizing 2017 Census of Agriculture data, Mercer County's average product market value of \$77,341 per farm fell well below the state-wide average value of \$111,095, despite County average and median farm size (78 and 18 acres, respectively) being similar to the State-wide average and median farm size (74 and 16 acres, respectively).

A. Trends in Market Value of Agricultural Products Sold

The table below illustrates how Agricultural Product Value and farmland acres trends for the County have fared between 1987 and 2017 as reported by the Census of Agriculture.

Table 7. Total Market Value of All Agricultural Products Sold and Farmland Acres in Mercer County, 1987 – 2017 (U.S. Census of Agriculture).

Market Value of Ag Products Sold (\$1,000) by Census Year						
	2017	2007	2002	1997	1992	1987
Value	\$24,981	\$18,646	\$12,247	\$13,255	\$15,879	\$13,956
Farm acres	25,230	21,730	25,070	28,391	35,786	41,303

The reversal of the downward market value trend is likely related to economic factors such as more value-added products, higher commodity prices, and greater sales in certain sectors.

Despite the loss of farmland acreage since the 1980s and 1990s, the Mercer County agricultural community remains an important part of the County's economy and a contributor to the state's farming industry. Census data from 2017 shows that in certain sectors, the County ranked:

- 12th Statewide for sale of vegetables (primarily sweet corn and pumpkins);
- 10th Statewide for the sale of livestock, poultry and products; and
- 8th Statewide in sale of grains, oil seeds, and beans (primarily corn and soybeans).

In addition, Mercer County farmers' ability to respond to changes in the marketplace has contributed to the overall economic health of the agricultural industry in Mercer County. Evidence of this is the growing number – and increasing size – of farm stands and farmers markets, plus, growth in niche agriculture sectors like wineries and organic farms. For example, Hopewell Township is not only home to one of three wineries in Mercer County and half a dozen organic farms, but also to multiple Community Supported Agriculture farms. One, Honey Brook Organic Farm, is the oldest and largest organic CSA in the state.

B. Crop Production Trends over the Last 20 Years

Table 8 illustrates how traditional field crop (corn for grain, soybeans, wheat, and rye) acreage has dramatically been reduced over the past 35 years (well over 50%). This is likely because these larger farm lands are most sought after by housing and commercial developers. Cover crop acreage has remained relatively stable.

Table 8 also illustrates:

Nursery acres (trees, sod, ornamentals) remain important in the County, though there was a decline over the past 10 years;

Fruit, berries and vegetable acreages have remained relatively stable, as pick-your-own and CSA



operations continue to be popular and producers of Asian fruits and vegetables continue to operate in the County. Grape acres nearly doubled, reflecting the addition of a third winery in the County.

It is important to note that “Equine Acres” in Table 8 are dedicated solely for “boarding, rehabilitating or training livestock”. More representative figures for equine related farm acreage come from a 2007 study by the Equine Science Center at Rutgers. In it, Mercer County is identified as having 2,300 equine related acres – far greater than the 116 acres reported in 2008 and the 278 farmland assessed acres in 2007. Indeed, just within the County’s farmland preservation program, four farms totaling approximately 350 acres are breeding facilities while several hundred more acres on other preserved farms have equine as ancillary to other agriculture production. There are three notable equine trainers and breeders in Hopewell Township (including one preserved farm) and three (also preserved farms) in East Windsor.

Table 8. Mercer County Farmland Assessment Crop Sectors by Acre, 1983-2018*

Crop Sector Acres by Tax Year							
	2018	2008	2004	2000	1995	1990	1983
Field Crops	9,404	11,160	13,714	17,921	20,157	21,768	24,962
Cover Crops	254	396	247	302	595	381	421
Equine	164	116	136	87	n/a	n/a	n/a
Total Fruit	225	305	251	209	159	160	176
Berries	20	18	30	45	23	53	61
Grapes	117	59	41	15	1	1	1
Nursery	1,792	2,155	2,374	1,706	2,005	2,439	2,521
Vegetables	918	1,033	1,027	1,323	1,296	1,064	1,711

*Not all sectors shown

C. Support Services within Market Region

Within Mercer County, there are few support services for the agricultural industry. In fact, Tri County Auction in East Windsor, a traditional auction house that hosts a produce auction three nights a week, is the only existing wholesale market support for the industry in Mercer County. When asked where they get agricultural inputs (seed, fertilizer, chemicals, etc) local farmers say they go to Grow Mark in Burlington County, Farmers Brokerage and Supply in Monmouth County, and the Plant Food Company in Middlesex County.

For equipment purchases, local farmers will go to Central Jersey Equipment in Columbus, NJ, Pole Tavern Equipment and Sales in Salem County, Farm-Rite in Cumberland County, and Hooper in Intercourse, PA. However, Mercer County’s farmers have become very adept at minimizing the need for many repair services by fixing many mechanical problems themselves. In doing so, they rely heavily upon mail order and out-of-state retailers for their equipment parts.

When asked where they bring their agricultural products, growers of the vastly predominant field crops (see Table 8) like corn for grain, soybeans, and wheat go to Perdue in Salem and Cumberland Counties and also into Pennsylvania. Vegetable farmers, of which sweet corn and pumpkins are the dominant products, sell direct to the consumer from their farms and also to supermarkets and roadside stands.



Rutgers Cooperative Extension of Salem County had a very good website for farmers to find suppliers, services and many other resources at <https://salem.njaes.rutgers.edu/>. As of this writing, this website no longer exists, but an update is in progress.

In addition, the Trenton Farmers Market provides a daily year-round direct marketing outlet for farmers – as it has been doing since the 1930's. However, the number of participating farmers is limited by the Market's member's rules. There are also a large number of smaller but viable weekly farmer's markets appearing around the County on both public and privately-owned lands. These markets are further discussed in Chapter 6.

D. Other Agricultural Related Industries

There are no other industries directly related to agriculture in Mercer County; however, many small businesses in Mercer County such as landscapers, restaurants, liquor stores, supermarkets, and schools buy locally produced agricultural products directly.

One school in particular, The Lawrenceville School, a private four-year boarding school, has made significant strides towards providing student and staff meals with food purchased locally through their Sustainable Food Project – such as fruits from Terhune Orchards in Lawrence and vegetables from Sandy Acres in East Windsor (<https://www.lawrenceville.org/campus-life/dining>).



Chapter III: Land Use Planning for Agriculture

- / **A. State Development and Redevelopment Plan**
- | **B. Special Resource Areas**
- | **C. County Master Plan and Development Regulations**
- | **D. Current Land Use and Trends**
- | **E. Sewer Service Areas / Public Water Supply Areas**
- | **F. Municipal Master Plans and Zoning Overview**
- | **G. Discussion of Municipal and Regional TDR Opportunities**



Chapter III: Land Use Planning for Agriculture

A. State Development and Redevelopment Plan

The *New Jersey State Development and Redevelopment Plan* (SDRP), adopted in 1992 and updated in 2001, strongly supports the preservation of agriculture and recognizes the fact that farming not only contributes to the state's economy but to the quality of life. The promotion and the preservation of agriculture is a major goal of the SDRP as identified by 15 separate statewide agricultural policies to be used by state, county and local agencies in their planning and decision-making processes. The application of these statewide policies through a framework called the Resource Planning and Management Structure forms a balanced approach to preserving agriculture in the state.

The Resource Planning and Management Structure identifies "centers" and "planning areas."

Centers are defined by the SDRP as "compact forms of development that are desirable and necessary to assure efficient infrastructure and protection of natural and environmental resources in the various regions of the state." Five types of centers are identified by the SDRP based on varying levels of population, employment, density, housing and infrastructure: Urban Centers, Towns, Regional Centers, Villages and Hamlets.

Planning areas are defined by the SDRP as "regions of the state within which there are critical natural and built resources that should be either protected or enhanced in order to achieve the goals of the State Planning Act." Planning areas are geographically delineated to reflect the state's varying levels of development, infrastructure capacities and presence of natural resources.

Mercer County contains the following 2001 SDRP Plan state designated planning areas:

- Planning Area 1 – Metropolitan
- Planning Area 2 – Suburban
- Planning Area 3 – Fringe
- Planning Area 4 – Rural
- Planning Area 4B – Rural/Environmentally Sensitive
- Planning Area 5 – Environmentally Sensitive

Mercer County municipalities designated as centers with endorsed plans are:

Hopewell Borough	Village Center
Princeton	Regional Center
Hightstown	Town Center
Robbinsville Town Ctr.	Town Center
Trenton	Urban Center



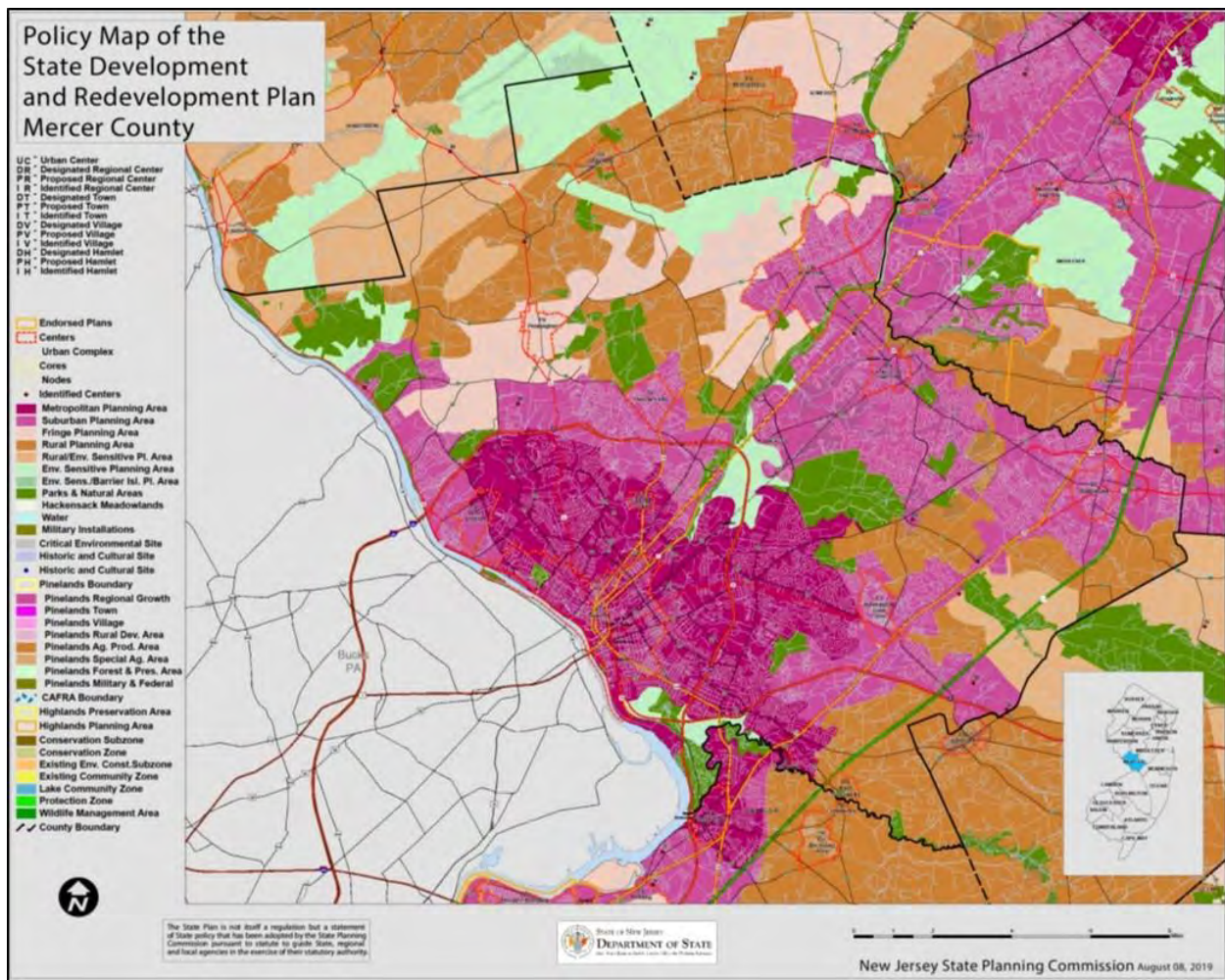


Figure 4. Adopted Mercer County Planning Areas and Centers: 2001 Policy Map (current as of August 8, 2019).

The following chart illustrates the percentage of the County within each Planning Area:

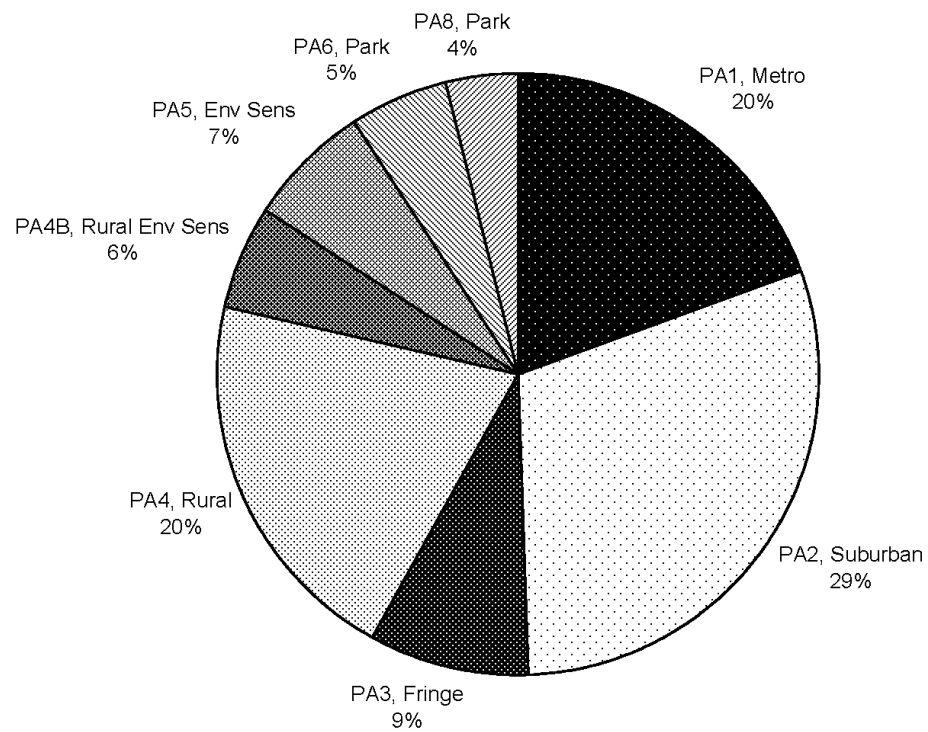
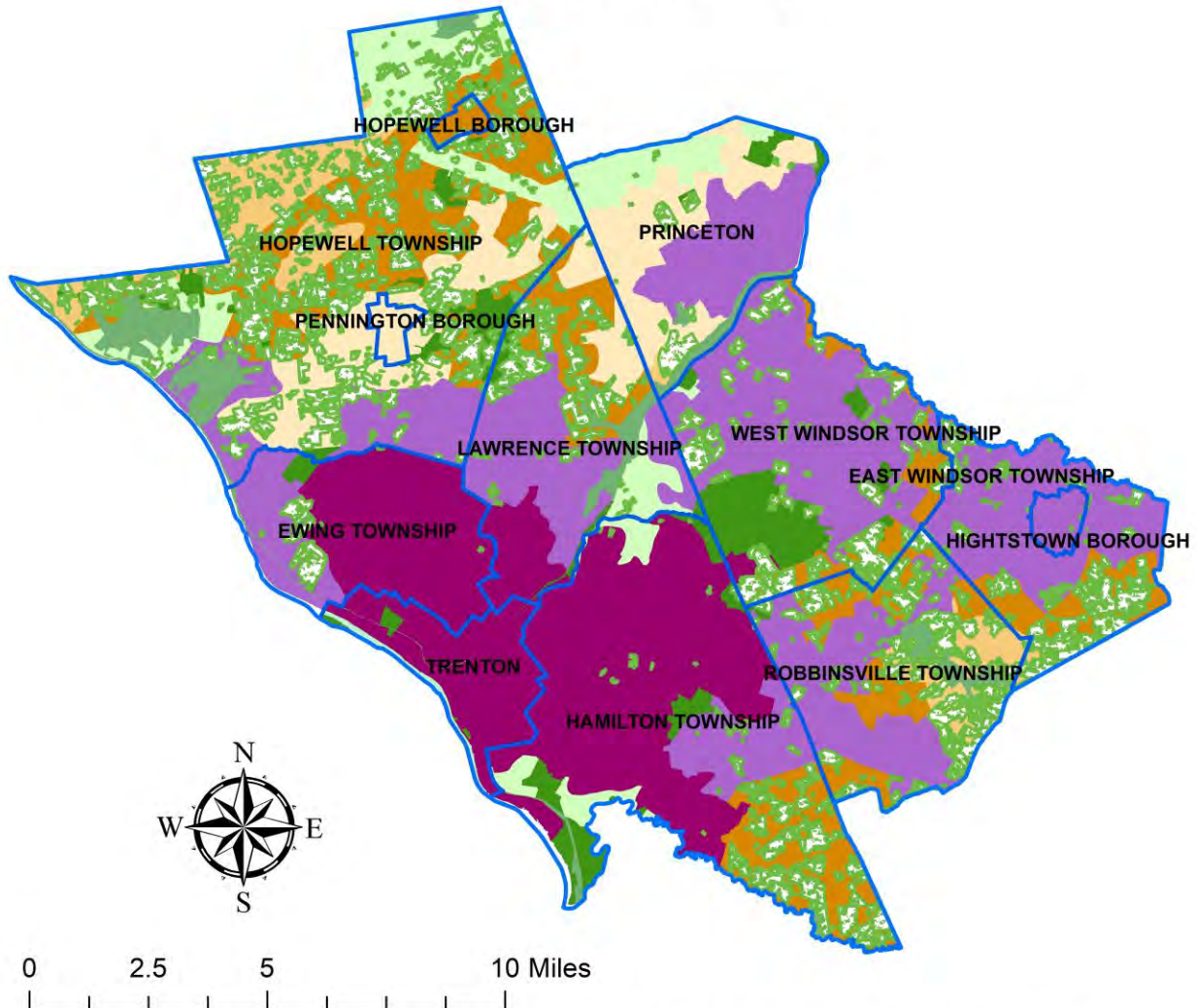


Figure 5. Percentage of Mercer County within each State Planning Area.

Mercer County State Planning Areas with Active Agriculture Land Use (NJDEP 2012)



Legend [Data Sources: 2012 DEP LULC, 2019 State Plan Map]

	Agriculturally Active Land, 2012 DEP LULC - 20,704 Acres
	Area 1- Metropolitan - 28,453 Acres [19.6% of County area]. Active Ag Land - 129 Acres; 0.5% of Metropolitan
	Area 2 - Suburban - 43,242 Acres [29.8% of County area]. Active Ag Land - 3,175 Acres; 7.3% of Suburban
	Area 3 - Fringe - 12,689 Acres [8.7% of County area]. Active Ag Land - 1,660 Acres; 13.1% of Fringe
	Area 4 - Rural - 29,842 Acres [20.5% of County area]. Active Ag Land - 10,325 Acres; 34.6% of Rural
	Area 5 - Env. Sensitive - 9,682 Acres [6.7% of County area]. Active Ag Land - 830 Acres; 8.6% of Env Sensitive
	Area 4B - Rural Env. Sens. Areas - 8,058 Acres [5.5% of County area]. Active Ag Land - 2,826 Acres; 35.1% of Rural Env Sens
	Area 6 - Parks and Natural Areas - 8,258 Acres [5.7% of County area]. Active Ag land - 1,178 Acres; 14.3% of Parks/Natural
	Area 8 - State Parks - 5,660 Acres [3.9% of County area]. Active Ag Land - 443 Acres; 7.8% of State Parks

Figure 6. Active agriculture (2012 NJDEP LULC data) in each Planning Area, Mercer County.

The County's Town and Village Centers have been addressing the development pressures in surrounding fringe and rural planning areas primarily through the county and state open space and farmland acquisition programs (Mercer County Master Plan Framework, p. 42 <http://www.mercercounty.org/home/showdocument?id=1242>).

The Town and Village Centers in Mercer County, such as the historic boroughs (Hightstown, Pennington, Hopewell Borough), do not have jurisdiction over the lands which surround them. As such, the only tool available to them to protect their environs is the purchase of land for open space or agricultural use. Robbinsville Township created an innovative Town Center with the express intent that the center would absorb most of the demand for growth into the future. Hopewell Township completed a comprehensive study of water capacity to support a significant down-zoning effort in 2002. That effort, combined with the identification of "municipally identified hamlets" in Hopewell Township's Valley Resource Conservation (VRC) zone, fosters the use of their Noncontiguous Cluster Development Ordinance to direct development away from the more rural and environmentally sensitive areas of the community. Again, this effort is paired with an aggressive land acquisition program. The two "donut-hole" boroughs of Hopewell and Pennington cooperate and contribute to land preservation outside their borders in conjunction with Hopewell Township. East Windsor, West Windsor, Hamilton, and Lawrence Townships all have utilized a land acquisition method to direct or discourage growth. Both West Windsor and Lawrence have been buying land for so long that little developable land remains available in the more rural or environmentally sensitive areas.

The SDRP states that, "New development should be guided into Centers to preserve open space, farmland, and natural resources and to preserve or improve community character, increase opportunities for reasonably priced housing and strengthen beneficial economic development opportunities." Efforts are underway to establish transit villages in Hamilton and West Windsor Townships, both of which may absorb growth which might otherwise occur in Planning Areas 4 and 5. Elsewhere in Mercer County, Robbinsville Town Center, existing boroughs, and the potential of "municipally identified hamlets" in Hopewell Township are the other center-based development opportunities.

B. Special Resource Areas

There are no Special Resource Areas within Mercer County. However, the County of Mercer supports the lead agency efforts of The Sourlands Conservancy (formerly the Sourlands Regional Planning Council) to create a Sourlands Special Resource Area (Figure 7) that would encompass part of northern Hopewell Township in Mercer County as well as municipalities in adjacent Hunterdon and Somerset Counties (<https://www.sourland.org/comprehensive-management-plan-ii>). Portions of this Area are within the County's ADA and the County's Hopewell Project Areas as well as Hopewell Township's own farmland preservation Project Area.

The Sourlands Conservancy is a nonprofit group, dedicated to the protection and preservation of the 90-square-mile Sourlands region, which has been spearheading efforts to preserve the ecological integrity, historical resources, and special character of the Sourlands and has been supported by State Smart Growth Grants.

Late in 2010, a Comprehensive Management Plan (CMP) was presented to the seven municipalities (Hillsborough, Montgomery, East Amwell, West Amwell, Hopewell Township, Hopewell Borough, and Lambertville) and three counties (Somerset, Hunterdon, and Mercer) that share the Sourlands (Smart Growth Planning and Management Project for the Sourland Mountain, Final report, p.12). After holding a series of public meetings in each township, and having received considerable public comments, in 2011 this CMP was endorsed by each of the five townships, creating a blueprint for cooperative cross-municipality management of this fragile and irreplaceable resource.



The Sourlands CMP identifies strategies to preserve the Sourlands including acknowledging the importance of preserving agriculture on prime farmland soils while discouraging or preventing agriculture where it will damage sensitive ecosystems or overstress limited water supplies. As shown on the below map, the portion of the Sourlands Region that is in Mercer County is located in Hopewell Township and Hopewell Borough. Well over half of the active agricultural acreage in Hopewell Township is located within the Sourlands Region.

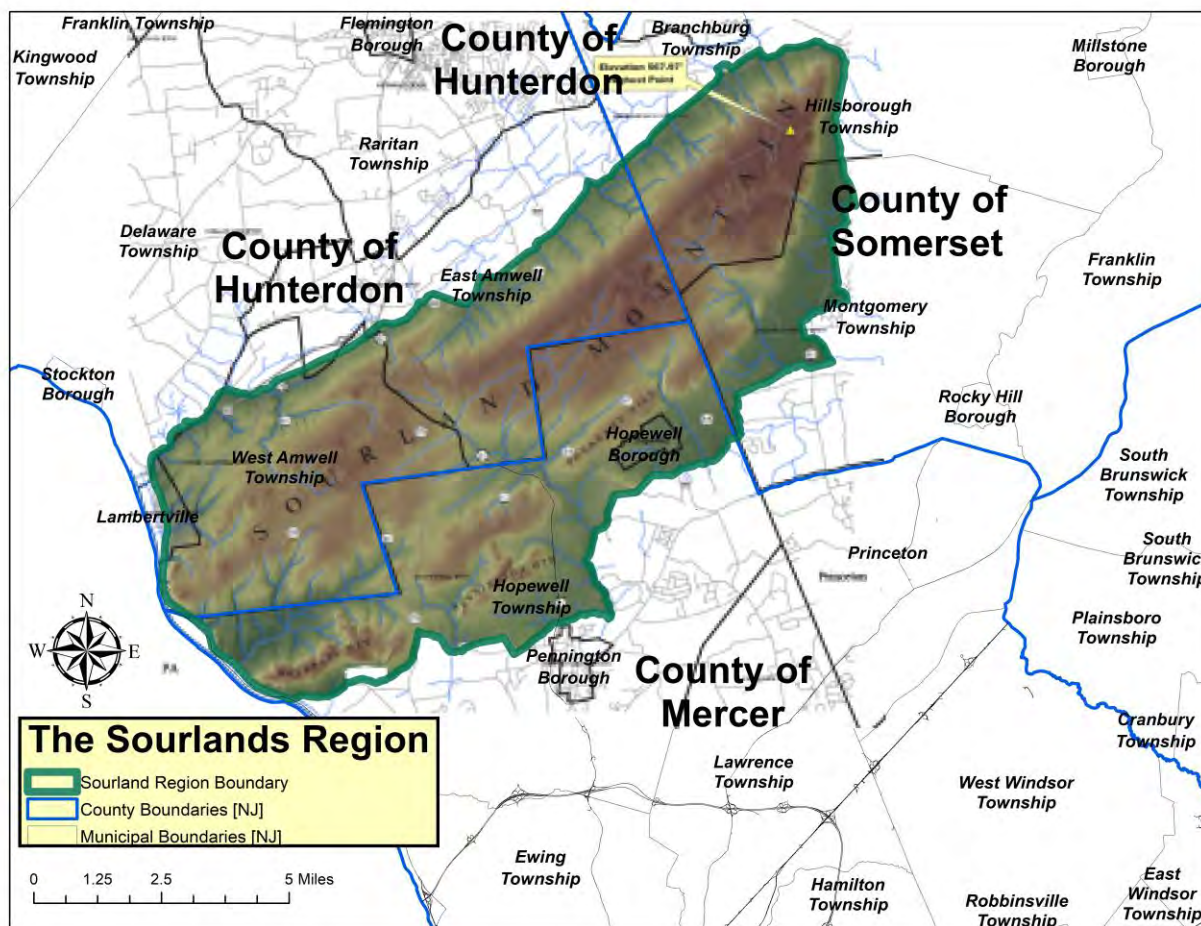


Figure 7. The Sourlands (from Sourlands Conservation Management Plan, 2011).

C. County Master Plan and Development Regulations

1. County Master Plan and Policy Framework Background

The current Mercer County Master Plan (as adopted by the Mercer County Planning Board in 2010, and amended by the same in 2016) acknowledges that agricultural land is under development pressure, and that an aggressive farmland preservation program is therefore appropriate for the County. The preceding Master Plan (1986) set the framework for such a program, highlighting the following goals related to Agricultural Development: 1) Reserve and protect sufficient land to support agricultural activities, and 2) Encourage and support a viable agricultural economy. That Plan divided the County into two general growth management areas, Growth Areas (Urban, Regional and Suburban) and Limited Growth/Agricultural Areas. Most lands designated by the CADB in its 1985 Agricultural Development Area map fell into the Limited Growth/Agricultural Area, and this holds true today.



The 1986 Plan articulated several policies for the Limited Growth/Agricultural Area, including limiting growth-inducing infrastructure, encouraging the use of cluster and village development patterns, limiting non-residential development to local retail and service uses and limiting expenditure of public funds for farmland preservation to this Area. The Plan went on to say that prime agricultural soils should be preserved in appropriate areas and that agricultural land is an important cultural resource, deserving of protection. The Plan also identifies existing Village Centers and a desire to protect the boundaries of the centers via parks and cluster development.

The County's 1986 Growth Management Plan recognizes the importance of preserving agricultural lands and limiting growth-leading infrastructure – each of these being within the jurisdiction of the County. The Plan encourages the use of zoning and other innovative techniques (such as clustering) by municipalities to minimize the intrusion of development into valuable agricultural areas.

As indicated above, the 1986 Plan's Limited Growth/Agricultural Areas also served as a measure for the CADB's 1985 ADA map. Interestingly, the CADB's current ADA map is a reasonable reflection of the 1990 and 2000 land use projections. The ADA is discussed with further detail in Chapter IV.

2. Current Master Plan (2016) and Farmland Preservation Element

In further recognition of the importance of farmland preservation, and the use of appropriate land use policy tools within its purview, Mercer County has worked to evolve the policy framework mentioned above into an independent but fully integrated "Farmland Preservation" Element of the Master Plan. In developing the current County Master Plan (as adopted in 2010, and amended in 2016), the County Planning Department provided Mercer's municipalities with regional analysis of the current and future state of the county's transportation, economic, and environmental systems. These regional systems are the infrastructure that support land use within the county. The Plan deployed a method for developing consensus among the municipalities on development and redevelopment goals for land use.

During consensus-building, also known as the Regional Action Plan (RAP), municipalities were introduced to indicators used to measure how well the region was meeting its goals for future development. Municipalities were able to consider existing and proposed preserved open space and farmland as attributes to those indicators.

D. Current Land Use and Trends

1. Current Land Use

Today, Mercer County contains few areas that resemble the agricultural landscape of its past. Suburban development with increasingly larger homes on larger lots is what one currently and predominantly finds in the outer suburban rings surrounding Trenton. In the vicinity of Interstate interchanges, business parks and warehouse construction have occurred on former farmland. The County's agricultural areas, described in Chapter I as being concentrated within six out of 12 municipalities (representing 97% of all farm assessed land) are now relegated to shrinking farm belts in Hopewell Township to the north, and the southeasterly portions of Hamilton, East Windsor, and Robbinsville Townships (Rt. 130/NJTPK corridor). A smaller, but nonetheless significant, concentration also occurs within north Lawrence Township and in West Windsor near Mercer County Community College/Park. The Urban *Land Cover* illustration displayed as Figure 8 and Tables 9a, 9b and 9c on the next page illustrate the fluid nature of land uses in Mercer County since roughly the turn of the 21st century.



2. Trends in Land Use, Population, and Development Pressures: 2002-2015

An analysis of trends in land use, population, and new residential building permit issuance reveals the complex setting within which the Mercer County Farmland Preservation Program operates, allows us to posit correlations, and, perhaps most importantly, provides a framework within which Mercer County can assess its current and future objectives as related to Farmland Preservation tactics. Broadly speaking, when comparing these current trends with those that emerged during preparation of the 2009 Farmland Preservation Plan, the following summary appears to have solid footing:

Continued pressure on active agricultural land from residential or otherwise ‘urban’ development (including commercial developments such as warehouses and light industry) is evident, leading to a more or less steady rate of conversion of agriculture lands to other uses, which underlines the need for continued efforts at preserving land in active agricultural use in Mercer County.

a. Land Use

As is the case in any analysis of land use over time, causal links are difficult to identify and support with clear data. This reality is exacerbated by the existence of multiple data sources relating directly or indirectly to land use trends – such as NJ DEP and DVRPC Land Use GIS data layers (derived from analysis of digital aerial imagery), Census of Agriculture survey results, and data on land that is assessed as “Farmland” by municipal tax officials. The best one can hope is to identify correlations and attempt to develop potential narratives that help explain apparent changes in land use. What follows is an attempt to do just that, while objectively accepting the limitations of such an effort.

According to NJ DEP state data, the trend from 1986 to 2012 in New Jersey as a whole was that agriculturally active acreage went from 14% of the State land in 1986, down to 10% by 2012. At this time scale, the situation in Mercer has been even more dramatic, going from 37,587 acres in 1986 (25.7% of land in County), to 20,588 acres in 2012 (14.1% of land in County). More recently, there appears to be some evidence pointing to the idea that Mercer County may be bucking that trend. As stated in the Census of Agriculture Mercer County Profile, from 2012 to 2017, the County has had a very positive trend of more farms (+19%), and larger farms (average size = +8%), leading to a +28% of total acres in agricultural production. Additionally, the NJ DEP 2015 Land Use update GIS data layer shows that Mercer County only “lost” roughly 300 acres of agricultural land between 2012 and 2015 – a much lower amount per year than in any period since 1986. However, as shown by the following data analysis, such positive indications, as hopeful and positive as they are, may be the result of changing land use determination methodologies, greater aerial imagery resolution available, the fluidity of land use when analyzed during a short period of economic fluctuations, and even the somewhat subjective ‘semantics’ of land use categorization.

A comparison of the U.S. Census of Agriculture (Volume 1, Part 30, Chapter 2, Table 1, “County Summary Highlights: 2017”) with the New Jersey Department of Environmental Protection 2015 Land Use/Land Cover data (Table 9b) claim significantly different acreage of land in farms in Mercer County (25,230 acres, and 20,289 acres, respectively). The difference is most likely attributable to the different methodologies employed – the US Census of Agriculture collects participant citizens’ survey answers as its source data, while the NJ DEP Land Use GIS coverage is derived from analyses of aerial photography. It is interesting to note that the 2015 DVRPC Land Use/Land Cover GIS data does more closely match the 2017 Census of Agriculture, defining 23,918 acres as “Agricultural” in Mercer County. As is true with any such analysis, the actual figures should be treated as estimates; one can often gather a clearer picture of something as dynamic as land use by basing said analysis on a consistent data source, and looking at change over time. With respect to that, we will use the NJ DEP Land Use/Land Cover data from 2002, 2007, 2012, and 2015 in order to ascertain trends.



Within this decade-plus worth of data, a few interesting trends emerge, both across the entire span, and when comparing the 2002-2007 period with 2007-2015. As illustrated by the DEP data in Table 9c, the largest change in land use in Mercer County between 2002 and 2015 occurred through the conversion of farmland to urban lands. Total land in farms decreased by 4,391 acres (18%) during that time, while urban land use increased by 5,871 acres (9%). This conversion of farmland since 2002, usually into single-family residential, is further illustrated by Figure 8 (unshaded areas of the map are predominantly preserved open space, wooded or wet areas, and farmland – preserved and unpreserved).

Comparing the 2002-2007 and 2007-2015 time periods is interesting, because the “Great Recession” occurred during the transition period, roughly 2007-2009. One might expect to notice a dramatic effect from this recession in the data, but as Tables 9a-c illustrate, the latter period after the recession took hold evinces only small changes in ‘loss’ of agricultural land (0.5% less acres converted), loss of forest land and wetlands (2.3% and 0.55% less acres converted, respectively) and expansion of ‘urban’ land use (2.2% less growth in urban land cover). Indeed, as noted in the 2016 Rutgers University report “Changing Landscapes in the Garden State: Land Use Change in NJ 1986 to 2012,” due to factors such as the data being derived from estimates based on aerial imagery ‘snapshots,’ and the availability of ever-better resolution imagery, changes in land usage from any one period to another should only be considered significant if they are greater than or equal to 5%

(https://crssa.rutgers.edu/projects/lc/download/NJ_Urb_Growth_III_executive_summary_2012_LathropHasse.pdf).

Using this +/- 5% threshold of significance, one may not be surprised to note that in the 2002-2007 timeframe, the overall story is one of agricultural land and barren land being converted to ‘urban.’ Indeed, looking at the 2002-2015 timeframe as a whole (Table 9c), supports this overall trend in land use conversion (along with a 3% loss of wetlands, which, although less than 5%, is important to note given the vital ecological services they provide).

Breaking down the 2007-2015 land use change into two separate periods, 2007-2012 and 2012-2015, there appear to be some nuanced correlations worth considering, especially as related to the impacts on land use by greater economic forces such as downturns or recessions. While this data at first appears to offer a healthy amount of ‘good news’ for farmland preservation in Mercer County, and even, perhaps, the recent success of the Mercer County Farmland Preservation Plan itself, as the following narrative illustrates, it may be too soon to confirm such good news, at least empirically.

The 2002-2007 time period saw an increase in urban land cover (3,461 acres) that matches up more or less with the loss in sum of agricultural land, barren land, forest, and wetlands (3,478 acres), so we can reasonably conclude that these acres were converted to development. However, during the (post-recession) 2007-2015 period, while ‘urban’ land use increased by 2,128 acres, more than 500 more acres (2,691) were converted to another use from agriculture, barren land, or wetlands, and forest acreage actually increased by 165 acres. As mentioned, it is difficult to draw straight causal lines from this data, However, this reading of the data may at least shed light on the fluid nature of land use, perhaps as it pertains to apparent changes in use of agricultural land on either side of an economic downturn.

Indeed, when one separates the 2007-2015 timeframe into two periods, 2007-2012 and 2012-2015, and compares land use changes, the following nuances emerge:

- From 2007 to 2012, 1,578 acres of agricultural land was ‘lost,’ but the ‘urban’ land use only claimed 987 of those acres. The remainder appears to be accounted for by an increase in barren land (241 acres) and forest land (577 acres), and a reduction in the loss of wetlands (only 110 acres, compared to 357 acres from 2002-2007). This increased barren and forest acreage may have been land that developers bought, but then let sit idle for a few years while the construction



industry slowed down. It is also possible that some of these acres were land that farmers did not farm at the time due to economic challenges from the recession.

- From 2012-2015, while urban land use increased by 1,141 acres, only 299 of these acres appear to have been converted from agriculture. The rest appears to have been converted to 'urban' use from barren (575 acres), forest (412 acres) and wetlands (370 acres). These "losses" actually total almost 500 more acres than the 'urban' category claimed. This may be accounted for by a more efficient attributing of land use based on higher resolution imagery, as some of the 440 acres of "water" that were converted may have been water bodies on farmland that were not attributed as 'urban' when developed, but rather 'water.'
- Putting this all together, as best as one can, it may point to the idea that, during economically challenging times, some agricultural land is 'under-utilized' to the point that it appears as 'barren,' 'forest,' or 'wetlands,' but when the pressure for development rebounds, this newly-categorized land is likewise converted to 'urban' development. When looked at within a long enough data window, these nuances may find an equilibrium of sorts, as seen by the overall 2002-2015 land use trends.

Table 9a. Change in Mercer County Land Use, 2002 to 2007.

	NJDEP 2002 (acres)	NJDEP 2007 (acres)	Change 2002-2007 (acres)	% Change
Agriculture	24,679	22,465	-2,214	-8.97%
Barren Land	1,847	1,420	-427	-23.12%
Forest	26,788	26,309	-479	-1.79%
Urban Land	66,345	69,806	3,461	5.22%
Water	3,357	3,372	15	0.45%
Wetlands	23,313	22,956	-357	-1.53%

Table 9b. Change in Mercer County Land Use 2007 to 2015.

	NJDEP 2007	NJDEP 2012	NJDEP 2015	Change 2007-2015	% Change
Agriculture	22,166	20,588	20,289	-1,877	-8.47%
Barren Land	1,422	1,663	1,088	-334	-23.49%
Forest	26,628	27,205	26,793	165	0.62%
Urban Land	70,088	71,075	72,216	2,128	3.04%
Water	3,982	3,893	3,453	-529	-13.28%
Wetlands	23,072	22,962	22,592	-480	-2.08%

*Note: The 2007 values are revised to match the 2012 imagery and will differ slightly when compared to the 2002-2007 and 2002-2015 data analyses.



Table 9c. Change in Mercer County Land Use, 2002 to 2015

	Change 2002-2015 (acres)	% Change
Agriculture	-4,391	-17.79%
Barren Land	-759	-41.09%
Forest	5	0.02%
Urban Land	5,871	8.85%
Water	96	2.86%
Wetlands	-721	-3.09%

Source: NJDEP Land Use/Land Cover GIS datasets for 2002, 2007, 2012, 2015
(<https://gisdata-njdep.opendata.arcgis.com/>)



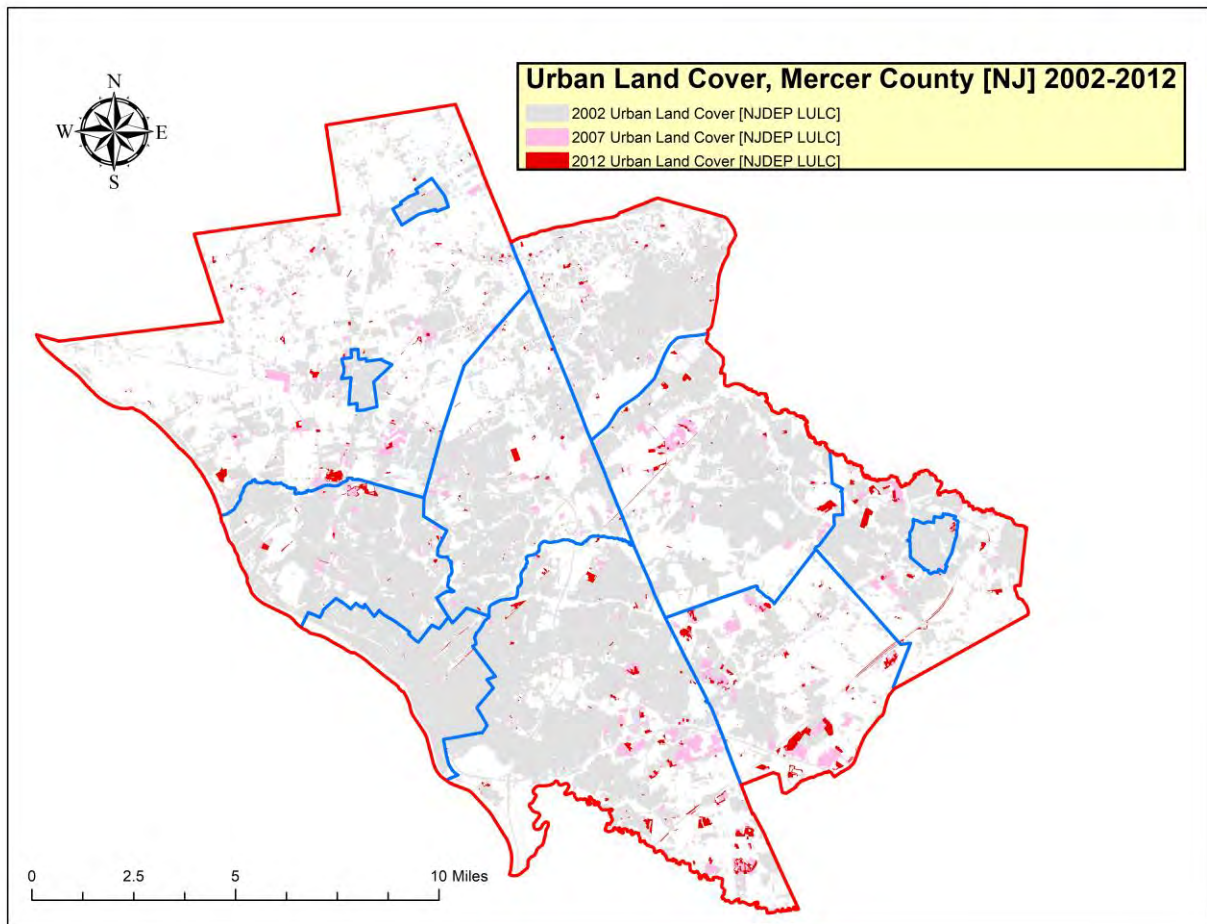


Figure 8. Mercer County over Time (Urban Land Cover highlighted).

b. Development Pressure: Trends in Population and New Building Permits

This analysis now turns to data on population (2000-2019) and the issuance of new building permits over time (2000-2018) to seek a fuller understanding of the forces that continue to lead to the conversion of active agricultural land to other uses in Mercer County.

Population Trends

The 2009 Plan posited a direct correlation between the loss of agricultural land in the County from 1986-2002 (34%), and a considerable uptick in population in the suburban (agricultural) townships of West Windsor, Hopewell, Lawrence, and Robbinsville between 1980 and 2000 (a 79% increase). During the time frames this plan update considers, the agricultural land loss stands at roughly half of the 1986-2002 loss (18%), while the population in these same areas increased by about one quarter of the previous rate (21%). This makes it clear that the population growth in these areas continues, but at a slower rate. Indeed, as we update this plan it makes sense to add another municipality to the “Top 5” growth municipalities list, East Windsor Township. However, East Windsor’s rate of growth in this time frame, 9.5%, is only roughly half of what it was between 1980 and 2000 (which, at the time, placed it in only 7th place out of 13 municipalities in terms of population growth).

It may appear, at first glance, that there is less of an impact in terms of agricultural acreage converted to other uses based on booming populations in agricultural areas. Indeed, this would be expected, as the more land that is developed, the less there is available to develop, and therefore smaller population increases can be supported in these areas. To this point, the following statement can be made in 2020, as it was in 2009: the two agricultural areas in Mercer County with the fastest growing populations are Robbinsville and West Windsor townships, which are both growing between three and four times as fast as Hopewell and Lawrence townships.

However, it is interesting to note that the much-reduced population growth (about 1/4 of that seen previously) has still been enough to cause about half of the agricultural acreage loss. This may be explained by less dense housing being developed on previously-farmed land, as well as said land being converted to uses other than residential, such as the many commercial warehouse and light industrial uses that compete for large lots of land near transportation interchanges. Further analysis would be required to determine the validity of these potential explanations.

Whether it is coming from residential or commercial development, the data analyses performed in preparation of this plan makes it clear that there continues to be considerable pressure on agricultural land from development interests within Mercer County.



Table 10. Mercer County Population Change, 2000 to 2010 to 2019.

Municipality (with Regional Subtotals)	2000 Population	2010 Population	% Increase 2000-2010	2019 Population (Estimate)	% Increase 2010-2019	% Increase 2000-2019
East Windsor Township	24,919	27,190	9%	27,288	0.4%	9.51%
Hightstown Borough	5,216	5,494	5%	5,304	-3.6%	1.69%
Robbinsville Township	10,275	13,642	33%	14,543	6.2%	41.54%
Rt 130 Area Subtotal	40,410	46,326	15%	47,135	1.7%	16.64%
Ewing Township	35,707	35,790	0%	36,303	1.4%	1.67%
Hamilton Township	87,109	88,464	2%	87,065	-1.6%	-0.05%
Lawrence Township	29,159	33,472	15%	32,435	-3.2%	11.23%
Inner Suburbs Subtotal	151,975	157,726	4%	155,803	-1.2%	2.52%
Hopewell Borough	2,035	1,922	-6%	1,906	-0.8%	-6.34%
Hopewell Township	15,105	17,304	14.6%	17,725	2.4%	10.06%
Pennington Borough	2,696	2,585	-4%	2,576	-0.3%	-4.45%
Hopewell Valley Subtotal	20,836	21,811	5%	22,207	1.8%	6.58%
¹ Princeton	30,230	28,572	-5%	31,187	8.4%	3.17%
West Windsor Township	21,907	27,165	24%	27,895	2.6%	27.33%
Princeton Area Subtotal	52,137	55,737	7%	59,082	5.7%	13.32%
Trenton	85,403	84,913	-1%	83,203	-2.1%	-2.58%
Mercer County Total	350,761	366,513	4%	367,430	0.2%	4.75%
New Jersey Total	8,414,347	8,791,978	4%	8,882,190	1.0%	5.56%

¹ Since the adoption of the 2009 Mercer County Farmland Preservation Plan, the former Princeton Borough and Princeton Township have joined to form the Municipality of Princeton.



New Building Permits as an Indicator of Development Pressure

Other factors contributing to the slowed residential growth in Mercer County more recently may be economic in nature. Broadly, one can perhaps point to the Great Recession (2007-2009) and its lingering effects on the housing market, and development in general. We can gain more specific insights by analyzing the trend line of new residential building permits issued by municipalities since 2000 (Table 11). One striking element of this data is that between 2000-2008, six of the seven municipalities with the most permits issued were those that are more agriculturally active (Hamilton, West Windsor, Lawrence, Robbinsville, East Windsor, Hopewell Township). By 2018, this trend had inverted. All of the more agriculturally vigorous municipalities showed a decrease in new residential building permits issued per year between 2009 and 2018 (with all but West Windsor showing a reduction of 50% or more) and five of the top six municipalities in terms of new buildings permitted were those that can be considered less agriculturally-based (Pennington, Princeton, Trenton, Hopewell Borough and Ewing Township).

This data seems to support the idea that there is decreased pressure overall in agriculture areas from residential development. However, as mentioned above, further research could indicate that those permits that are issued may be for developments that convert the land use of larger lots of land in ways that do not lead to commensurate increases in population, such as large lot single-family residential developments, or warehouses and other commercial developments. Recent work compiled by the NJ Department of Community Affairs (<https://www.nj.gov/dca/divisions/codes/reporter/>) seems to lend some credence to this idea. For example, in 2018 Robbinsville Township issued commercial development permits for almost 900,000 square feet of commercial development – an amount 10 times the average for Mercer County municipalities. This could help explain how this township continues to lose agricultural land at a rate about twice what one might expect based on new residential permits.



Table 11. Trends in Residential Building Permits Issued by Municipality, Mercer County.

Municipality	# Permits 2000-2008	Avg per year ¹	# Permits 2009- 2018	Avg per year ¹	Percentage of new permits issued per year in 2009-2018 compared to 2000-2008
East Windsor Twp	1091	121.2	351	35.1	29.0%
Ewing Twp	946	105.1	538	53.8	51.2%
Hamilton Twp	2649	294.3	987	98.7	33.5%
Hightstown Boro	110	12.2	46	4.6	37.6%
Hopewell Boro	12	1.3	7	0.7	52.5%
Hopewell Twp	790	87.8	201	20.1	22.9%
Lawrence Twp	1155	128.3	208	20.8	16.2%
Pennington Boro	19	2.1	49	4.9	232.1%
Princeton	478	53.1	1154	115.4	217.3%
Trenton City	205	22.8	316	31.6	138.7%
Robbinsville Twp	1115	123.9	610	61	49.2%
West Windsor Twp	1793	199.2	1271	127.1	63.8%

¹ "Average per year" is used to normalize the data, since the first timeframe (2000 to 2008) is nine years, while the latter is 10 yrs.

Source: NJ Dept. of Labor and Workforce Development
(https://nj.gov/labor/lpa/industry/bp/bp_index.html).

E. Sewer Service Areas / Public Water Supply Areas

1. Sewer Service Areas

Sewer service areas identify planning areas for wastewater management, they are not illustrative of existing sewer pipes. It is important to note that where the ADA overlaps sewer service areas (predominantly in north Lawrence Twp.), the County of Mercer, through the State Development and Redevelopment Guide Plan Cross-Acceptance process with local municipalities, has identified where sewer lines are not in the ground. In north Lawrence Township's largely preserved agricultural area, there are no pipes servicing existing development either now or for the foreseeable future. We also note that throughout the County's ADA, given an ever increasingly stringent State regulatory environment, current zoning practices, and public sentiment, it is unlikely that new pipes will be laid anytime in the foreseeable future. In addition, as part of its role as a Designated Water Quality Management Agency, Mercer County maintains and amends Sewer Service Area (SSA) mapping through site specific amendments, and comprehensive planning. Through these tools, Mercer County has amended SSA mapping to reflect that areas of ADA are not consistent with the growth the connections to sewer allows; this has occurred especially within those portions of Lawrence Township that are designated as ADA land.



Mercer County submitted an update to its adopted Wastewater Management Plan to NJ DEP in 2019. Preserved farms, agricultural conservation easements, Farmland Preservation Project Areas, and the Agricultural Development Area were utilized to identify possible conflicts with agricultural preservation goals; no such conflicts became evident through said analysis.

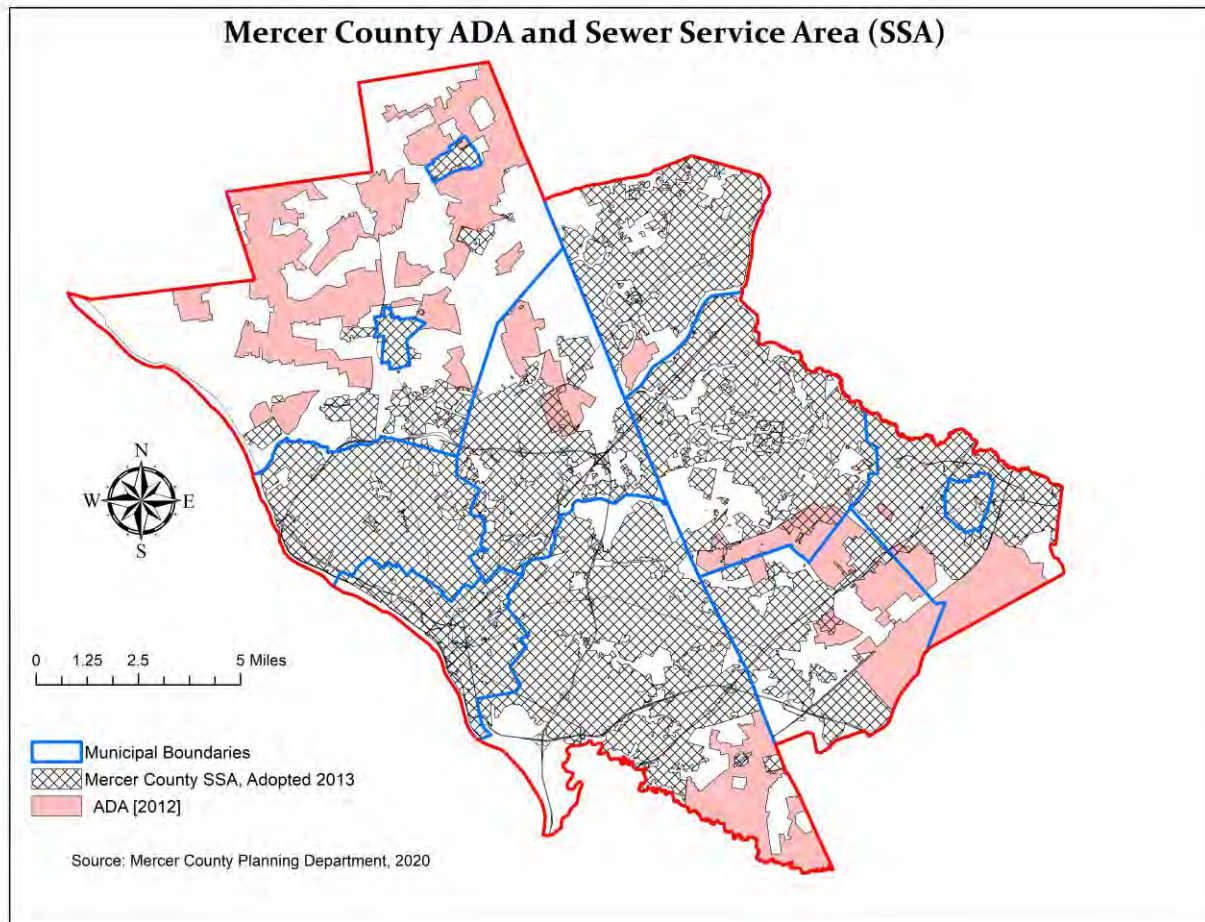


Figure 9. Mercer County Sewer Service Area and Mercer ADA.

2. Public Water Supply Areas

Trenton Water Works supplies water from the Delaware River to the majority of residents in Mercer County – serving Trenton, plus parts of Ewing, Lawrence, and Hopewell and Hamilton townships (RPP EnvElementMercerMP12 08 05.doc chapter 7.1.3).

Pennington, Hightstown, and Hopewell Boroughs have their own water companies and provide water almost exclusively to residents only. Additional companies providing water to much of Mercer County are: New Jersey American Water; East Windsor MUA; and Aqua New Jersey. Although no County-wide map exists of these companies' water supply pipes, they are seldom found in the agricultural preservation Project areas that have been targeted by the County, and, the likelihood that they will be extended is remote – especially given the amount of existing preserved farms within those Project areas and for reasons similar to those expressed in the preceding sewer service area section.

F. Municipal Master Plans and Zoning Overview

Because only six of Mercer County's 12 municipalities have significant farmland acreage (97% of all tax qualified farmland), only those municipal Zoning Ordinances and Master Plans were reviewed. The six municipalities are: East Windsor, Hamilton, Hopewell, Lawrence, Robbinsville, and West Windsor Townships.

1. Master Plan Overview

The six municipal Master Plan (MP) reviews in this "Overview" all express a desire to balance historical agricultural activity with social, economic and physical characteristics of each municipality.

East Windsor MP

Identifies as a "Local Economy Goal and Objective", the continuation of farming as part of an agriculturally related economic base. This goal has been reaffirmed in the East Windsor Township's Master Plan Re-Examination Report (2019), with additional policy emphasis on promoting cluster developments, and considering value of agricultural land when reviewing applications for "solar farms."

Hamilton MP

Identifies the following goals related to farmland preservation: To "acquire lands for environmental protection and to satisfy open space objectives such as farmland and/ or rural preservation," and to "target acquisition of farmland properties, via purchase and/or easement, to those within the Mercer County Agricultural Development Area (ADA) for Hamilton Township."

Hopewell Township MP

Identifies six specific agricultural objectives under the Goal of Resource Conservation and Protection. These are also found within the Master Plan Farmland Preservation Element, along with the following overarching vision statement: "(Hopewell) Township recognizes the value of the agricultural soils found in most of the Township ... the long-term utility and viability of this resource is enhanced if critical masses of agricultural lands and soils are maintained wherever they currently exist. The combination of prime soils, access to densely populated markets and the Township's regional location all combine to assure an agricultural future, so long as the farmland base can be preserved."

Lawrence MP

Identifies the following Land Use Goal objectives: "To promote the establishment of appropriate population densities and concentrations that will contribute to the well-being of persons, neighborhoods, communities and regions and preservation of the environment," and "To preserve remaining farmland and rural areas."

Robbinsville MP

Robbinsville Township's newly adopted (June 2020) Master Plan references two broad land use policies found in Municipal Land Use Law (MLUL) which tangentially relate to farmland preservation: "(To) promote the establishment of appropriate population densities and concentrations that will contribute to the well-being of persons, neighborhoods, communities and regions and preservation of the environment," and "(To) provide sufficient space in appropriate locations for a variety of agricultural, residential, recreational, commercial and industrial uses and open space ... in order to meet the needs of all New Jersey citizens."

More specifically, this Master Plan includes a *Farmland Preservation Policy*, which "recognizes that much of Robbinsville's heritage as a rural, farming community remains in the form of large and small tracts of agricultural lands located throughout the Township, but that the development pressures detailed



throughout this Master Plan Update threaten to reduce the number and size of the farms from the municipality’s inventory.” This policy includes the following strategies: “(To) provide a land use environment where those who wish to farm may do so and preserve these agricultural lands and activities,” and “(To) establish a Township initiative to acquire lands where the owners of agricultural properties wish to sell; thereby accommodating their needs while protecting against overdevelopment and sprawl.”

West Windsor MP

West Windsor Township’s newly updated and revised (2020) Master Plan identifies a goal of “Preserving remaining open space, farmland and natural areas in the Township through all practical means, including, but not limited to the fee simple acquisition of lands, development rights purchase, dedication and greenbelt protection measures.” Like Hopewell Township, West Windsor includes an Agricultural Preservation Plan Element in its Master Plan, and hosts an Agricultural Advisory Committee.

2. Zoning Overview

a. General Lot Size Categories and Distribution by Municipality

The County of Mercer does not have a county-wide zoning database that can identify the size and distribution of municipal zoning. However, the County Planning Department can state that using the general lot size categories identified in the SADC farm plan guidelines, most local zoning in these six municipalities are either:

- “Small” lot (less than 1 acre lots with water and sewer), or
- “Medium” lot (greater than 1 acre but less than 5 acres with septic and well).

There are two exceptions to this county-wide generalization. Hamilton and Hopewell Townships in addition to “small” and “medium” lot zoning also have “large” and “very large” lot zoning. They are:

- “Large” lot (between 5 and 10 acre) zoning in Hopewell Township’s VRC Zone, and Hamilton’s RRC zone, and
- “Very Large” lot (over 10 acre) zoning in Hopewell Township’s MRC zone.

The following table illustrates the area of these “large” and “very large” lot zones within each municipality while the maps in Figures 10 and 11 illustrate the ADA as it relates to these zones.

Table 12. “Large” and “Very Large” Lots, Mercer County.

Municipality	Zone	Minimum Lot Size [Acres per D.U.]	Area of Zone (acres)	Percentage of Municipality
Hamilton Twp	RRC	6	5,021	19.7%
Hopewell Twp	VRC	5.88	16,437	44.0%
Hopewell Twp	MRC	13.33	13,011	34.8%



[illegible]

Figure 10. Hopewell Township Large-Lot Zoning and ADA.

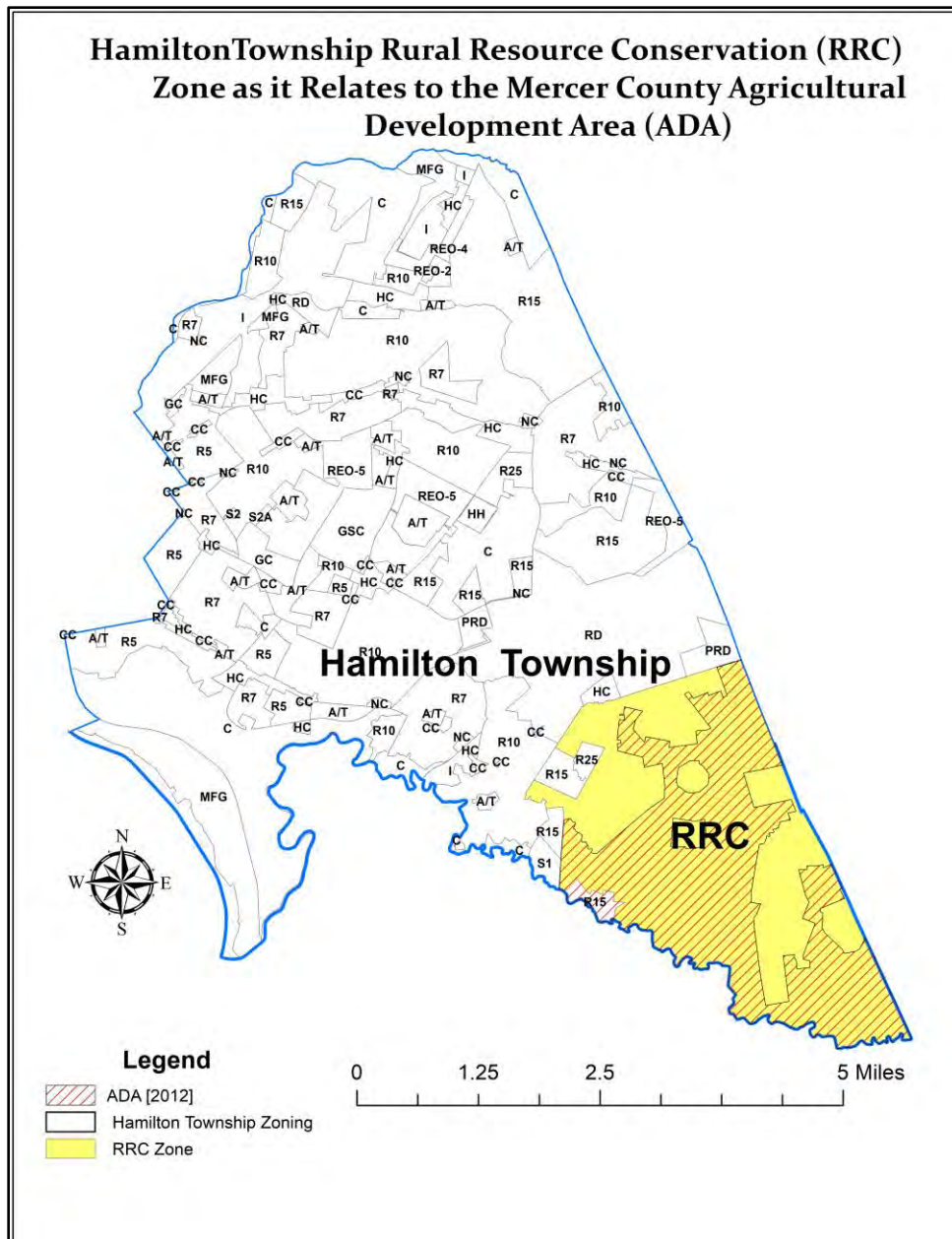


Figure 11. Hamilton Township Large-Lot Zoning and ADA.

b. Innovative Planning Techniques

Table 13 on the next page identifies techniques that are enabled by ordinances in Mercer’s six municipalities with significant farmland. They include:

Cluster Zoning – Residential cluster development is a form of land development in which principal buildings and structures are grouped together on a site, thus saving the remaining land area for common open space, conservation, agriculture, recreation, and public and semipublic uses. Cluster development has a number of distinct advantages over conventional subdivision development. A well-planned cluster

development concentrates dwelling units on the most buildable portion of the site and preserves natural drainage systems, vegetation, open space, and other significant natural features that help control stormwater runoff and soil erosion. Later savings can be realized in street and utility maintenance (less surface area that needs repaving and fewer feet of water and sewer line to maintain). Clustering also enhances the sense of community, allowing for example, parents better supervision of children playing in common areas and promoting social interaction among neighbors.

Non-Contiguous Cluster Zoning – Noncontiguous parcel clustering is a planning technique under New Jersey’s Municipal Land Use Law (MLUL) that allows one parcel to be preserved while its density is transferred and developed instead on a different, noncontiguous parcel. This technique, first authorized in 1996, allows a municipality to approve “planned developments” consisting of two different parcels, where the “sending area” parcel is preserved, for example, as farmland or open space, and the “receiving area” parcel is developed at a higher than otherwise normally permitted density. The development rights from the “sending area” parcel are transferred to and combined with the existing development rights at the “receiving area” parcel. The different parcels may be miles apart. Amendments to the MLUL from 2013 now allow municipalities to permit noncontiguous clustering in conventional development applications, as well as planned developments. Noncontiguous parcel clustering is potentially simpler than TDR programs, as balancing between the transferable development potential of a multiple-owner sending area or areas and the available density that may be accepted in a multiple-owner receiving area or areas is not required. Instead, the density transfer under this technique is a comparatively simpler transaction involving only a few, or as little as two, parcels.

Transfer of Development Rights - Transfer of Development Rights (TDR) is a municipal planning and preservation tool offering communities a way to protect agricultural, historic or environmental resources while accommodating the needs for growth. TDR is a realty transfer mechanism permitting owners of “sending area” land to separate the development rights of their property from the property itself and sell them for use elsewhere. Developers who purchase these “development credits” may then develop “receiving areas” deemed appropriate for growth at densities higher than otherwise permitted. Once the development rights of a property are sold the land will be permanently restricted from further development. TDR is also an equity protection mechanism that, unlike traditional zoning, enables “sending area” landowners to potentially be compensated for reductions in development potential. When well-designed, TDR can provide benefits to landowners, developers, and municipalities. With TDR, towns preserve their open lands at far less cost than outright purchase. Growth is directed to places where it can enrich community and regional growth (www.nj.gov/dep/opsc/docs/Compact_Development.pdf). See also: <https://www.nj.gov/agriculture/sadc/tdr/>.

Lot Size Averaging - Lot size averaging is a simple method to permit flexibility in lot size on a parcel of land. This is an effective technique for smaller parcels (10-20 acres) that are proposed for subdivision where flexibility in lot size may help to preserve resources. The overall density remains the same-only the lot sizes vary (<http://www.state.nj.us/agriculture/innovativeconservationplanning.pdf>).



Table 13. Innovative Planning Techniques, Mercer County.

	East Windsor Township	Hamilton Township	Hopewell Township	Lawrence Township	West Windsor Township	Robbinsville Township
Cluster	X	X	X	X	X	X
Non-Contiguous Cluster	-	-	X ¹	X ²	X ³	X ⁴
Lot Size Averaging	X	X	X	X	X	X
TDR	-	-	-	-	- ⁵	-
Mandatory vs. Voluntary	Voluntary	Voluntary	Voluntary	Voluntary	Voluntary	Voluntary

¹ Allows increase of development potential within municipally-identified hamlets in the VRC or VRC-HLI Districts by transfer of development potential from the MRC and VRC Districts.

² Allows transfer of development potential from EP-1 and EP-2 agricultural zones to Regional Commercial Zone for increased commercial density. Referred to as “TDR” but does not meet State TDR Act requirements (40:55D-137).

³ Allows the transfer of development potential from District R-5 to R-3, but is designed to preserve land for parks, wetlands and stormwater management, not for agricultural uses.

⁴ Allows non-contiguous clustering by transfer of development potential from the Rural Residential (RR) District to the Town Center by way of Planned Unit Residential Development (PURD) transfer program.

⁵ “Goals and Policies” section of Zoning Code includes discussion of potential for TDR mechanism to help preserve Sarnoff Woods, but not for agricultural use. Referred to as “TDR” but does not meet State TDR Act requirements (40:55D-137).

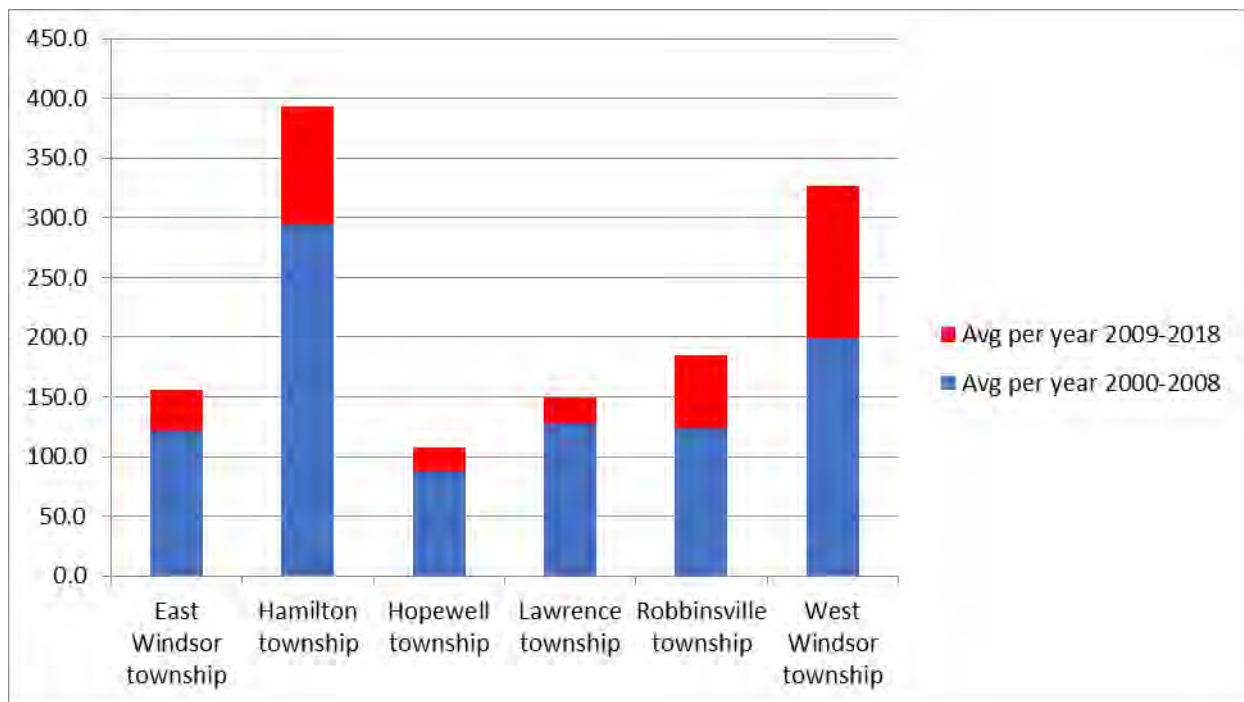
3. Development Pressures and Land Value Trends

In part “D” of this chapter, we analyzed some aspects of how development pressures have affected the County’s six farming municipalities since adoption of the previous Farmland Preservation Plan (2009) in terms of changes evident from NJDEP Land Use data. Here we look at similar correlations, but rely on data for acreage that is “Farmland Assessed” as reported by municipal tax offices.

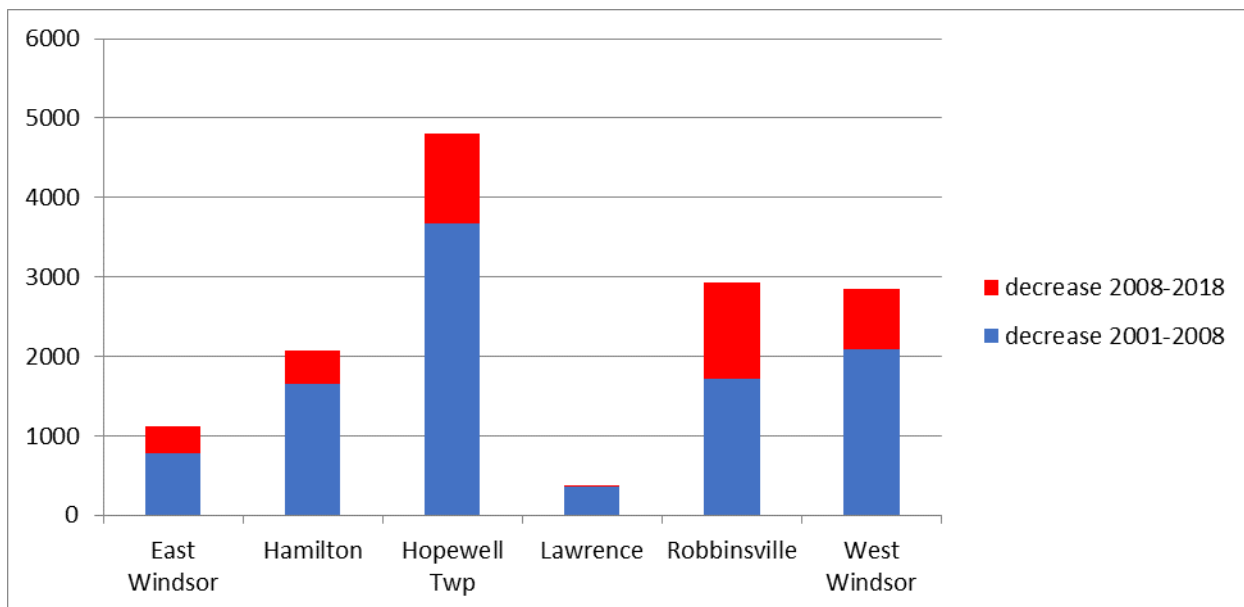
When taken as a whole, as depicted in Figure 8 (this chapter), and Tables 5 & 6 (Chapter 1) it is clear that development continues to steer the arc of land usage toward the ‘urban’ in Mercer County, and away from the agricultural. The following two graphs serve to illustrate a couple of trends that support the overall summary that this arc toward the urban is largely accomplished at the cost of farmland.



Graph A. Annual average number of new residential permits issued, comparing 2001-2008 and 2008-2018 (derived from Table 11, this chapter).



Graph B. Acres of Assessed Farmland lost in Mercer County, comparing 2001-2008 and 2008-2018 (derived from Table 6, Chapter 1).



The clearest overall trend when looking at these graphs is that since 2008/2009, across the County the rate of residential development has slowed, as has the rate at which land assessed as “farmland” has been



otherwise assessed. None of the six municipalities had as many residential building permits issued in 2009-2018 as they did in 2000-2008 (calculated per year, in order to normalize the data), and likewise none of these municipalities had as much land re-assessed as other than farmland in 2009-2018 as they did in 2000-2008. However, the rate at which municipalities lost land assessed as “Farmland” is fairly consistent with the rate at which they issued new residential building permits. Two municipalities that are somewhat outliers in this respect are West Windsor and Lawrence, which appear to show a slower rate of agricultural loss in the current time frame than one might expect based on the rate of new building permits. It is only once we dive into the municipal level data, and further, do we see that these two municipalities are almost unique in this time period in that a majority of the building permits that were issued were for multi-unit developments, which should in theory result in less acreage of “farmland assessed” property lost to other uses.

G. Discussion of Municipal and Regional TDR Opportunities

1. Municipal TDR Opportunities

As identified in Table 13, ‘Innovative Planning Techniques,’ no Mercer County Townships have TDR programs that meet State TDR Act requirements (40:55D-137). However, Lawrence Township does have a specific program referred to in their zoning code as “TDR”, which is designed to preserve agricultural acreage. West Windsor Township’s zoning code mentions “TDR” as a method by which the Sarnoff Woods may be preserved, this is not specified for agricultural use. Non-contiguous clustering options can serve very similar purposes and have similar outcomes as TDR programs. Of those indicated in Table 13, Hopewell and Robbinsville Townships have the most potential to assist in the preservation of agricultural land.

Hopewell Township

Has a process for transferring density from the VRC and MRC zones to village centers in the VRC zone as a non-contiguous cluster option. As of this date, this tool has not been used.

Lawrence Township

Has a process for transferring density from a rural agricultural zone (Environmental Protection 1 and EP 2) to increase floor area ratios within the Regional Commercial zone (Quakerbridge Mall area).

Robbinsville Township

Has a process for transferring development rights from a rural zone (Rural-Agriculture) to an existing Town Center zone. As far as we are aware, this tool has been used only once by the Township and development rights on 143 acres were transferred. However, although the sending area land was, and continues to be, farmed, the municipality has not restricted it to agricultural use and indeed, is considering some of the land for playing fields. Interestingly, the procedures as followed by the Township were determined to be a misuse of the State’s TDR enabling legislation.

2. Regional TDR Opportunities

Within Mercer County, the Sourlands Conservation and Open Space Plan may identify areas as potential TDR sending zones while areas along a proposed Rt. 1 Bus Rapid Transit line could provide receiving zones (RPP EnvElementMercerMP12 08 05.doc Chapter 10.2.5).



Chapter IV: Mercer County Farmland Preservation Program- An Overview

- | A. Agricultural Development Area (ADA)**
- | B. Farmland Preserved to Date by Program and Municipality**
- / C. Term Farmland Preservation Programs - Eight Year Programs**
- | D. Coordination with Open Space Initiatives**
- | E. Farmland Preservation Program Funding Expended to Date by Source**
- | F. Monitoring of Preserved Farmland**
- | G. Coordination with TDR Programs**



Chapter IV: Mercer County Farmland Preservation Program – An Overview

Mercer County preserves farmland through fee and easement purchase using funds from the County's Open Space Trust Fund and the State Agriculture Development Committee's (SADC) Planning Incentive Grant (PIG) program. Participation in the SADC's program requires the development of a comprehensive farmland preservation plan to identify priority areas for preservation through the designation of Agricultural Development Areas (ADAs), Project Areas and Targeted Farms. The program also requires the formation of a County Agricultural Development Board (CADB), made up of farmers and members of the public, which is overseen by the County's Planning Department staff. The County's preservation efforts and the SADC's program are described in more detail below.



Gallo/Sciarotta Preserved Farm, Hopewell Twp.; Dan Pace

A. Agricultural Development Area (ADA)

1. Designation Criteria

ADAs serve as the general focus for the County's preservation efforts. They are areas in which agriculture is the preferred land use. With just a few exceptions, farms must be in an ADA to be eligible for the SADC's PIG program. In addition, any public body or public utility which intends to exercise the power of eminent domain for the acquisition of land within an ADA, or which intends to advance a grant, loan, interest subsidy or other funds within an ADA for the construction of facilities serving non-farm structures, must file a notice of intent with the CADB and the SADC at least 30 days prior to the initiation of this action. This notice must contain a statement of the reasons for the action and an evaluation of alternatives which would not include action in the ADA.

According to statutory guidelines, ADAs must encompass productive lands, not conflict with municipal zoning ordinances, be free of commercial or suburban development, and comprise no more than ninety percent of a county's agricultural land base. Agriculture must be considered a permitted use or a non-conforming permitted use in the local zoning code for land within ADAs. In addition, each county can also define its own more specific criteria. (See Appendix: CADB Policies/ "ADA Criteria" and MCADB Resolution 2007-06: Application Ranking)

Following the adopted criteria, Mercer County's first ADA map was adopted in 1985. The map was revised in 1990 and again in 2006 (using the "Exception" provision of Mercer County's ADA Criteria)



for the purpose of preserving two farms important to the County.

In 2007, as part of its first Comprehensive Farmland Preservation Plan, the Mercer CADB completely revised the 1985 map and developed a new map that accurately reflected the current agricultural conditions within the County and the areas with potential for agricultural development.

The 2007 ADA map excluded:

- SDRP Planning Areas 1 and 2;
- Most Sewer Service Areas;
- Developed Areas;
- Significant woodlands;
- Significant Green Acres Open Spaces; and
- Areas not zoned for farming (except where allowed as a non-conforming use)

In addition, in keeping with the regulations governing ADAs, no more than 90% of the agricultural land mass of the County was included within the ADA. Using Farmland Assessment (FA-1 Form) Acreage as that indicator, the 2007 ADA encompassed 30,259 acres – or 87% of the Total FA-1 Form acres.

In 2009, the Comprehensive Farmland Preservation Plan was again revised to reflect the most current U.S. Census of Agriculture and New Jersey Farmland Assessment data. 2008 Tax Year data revealed a County-wide decrease in Total FA-1 acres to 33,459 acres. Thus, pursuant to the 90% regulation identified above, the ADA could only encompass 30,113 acres and a revision of the ADA was required. The MCADB proceeded to revise the ADA accordingly with a draft map dated September 2009 resulting in the mapping of 25,954 acres.

For this 2020 update, the most current New Jersey farmland assessment data are again being used and 2019 Tax Year data in ArcGIS show Total FA-1 acres to be 27,959, which means that no more than 25,163 (90%) of the County's agricultural acres can be in the ADA. Again, using the 2019 Tax Year data, approximately 18,877 acres within the 25,954-acre ADA are farmland assessed, well below the 90% threshold. For comparison, we also looked at the 2012 NJDEP Land Use/Land Cover data, which shows 24,266 acres of agricultural land in Mercer County, 16,676 of which are within our ADA.

The County's Project Areas and Targeted Farms will continue to be updated annually as part of the County's application to the SADC's PIG program, mentioned above and explained in more detail in the next section. The ADA map with Project Areas and Targeted Farms is shown on the next page and in the Appendix.



2. GIS Mapping / Current Location Map

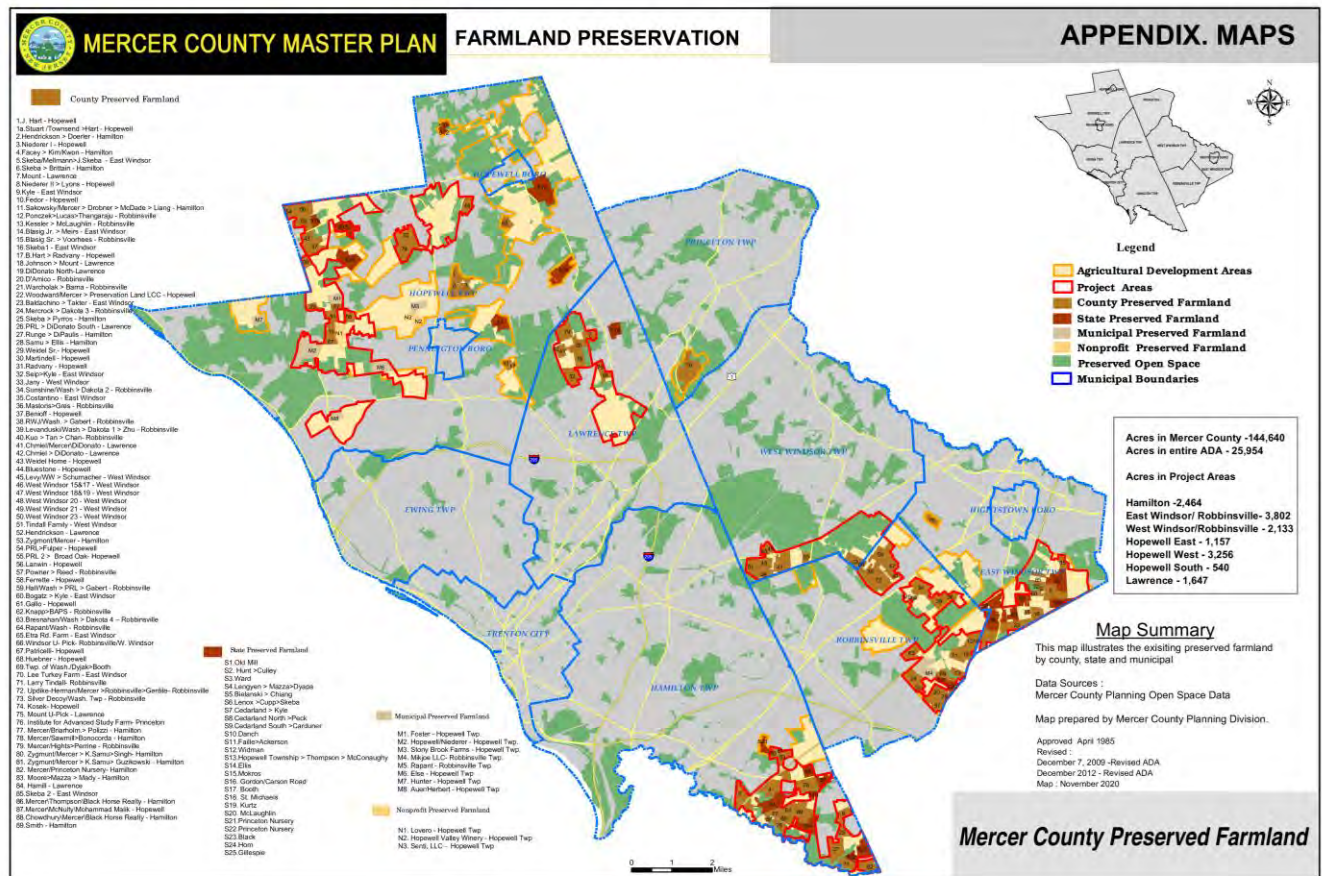


Figure 12. Mercer County Farmland Preservation Map, 2020. See Appendix for larger version and separate Project Area maps.

B. Farmland Preserved to Date by Program and Municipality

1. County Easement and Fee Purchase for Farmland Preservation

For a farmland preservation easement purchase, the County pays a landowner for the value of the development rights on a property, as determined by appraisals. The landowner retains ownership and an agricultural easement is placed on the property. This permanent deed restriction ensures the land will not undergo non-agricultural development in the future. The cost to purchase the easement is shared by the State and County and can include financial participation by the municipality, non-profit groups and the private sector.

In the case of a farmland preservation fee purchase, the County purchases a property outright from a landowner and then places an agricultural easement on the property after ownership is transferred. The County may retain ownership for a number of years, while leasing the property to a farmer. When possible, the County retains the farmer present at the time of purchase. When feasible, the County then sells the property at public auction with the easement in place. This returns the property to private ownership and ensures that the property is preserved for agricultural use. The value of the property is much less with the agricultural easement in place because most of the development rights have been extinguished. Thus, these auctions are an affordable way for farmers to purchase land in Mercer



County.

In 1988, Mercer County's first farm – the 142-acre Hendrickson farm in Hamilton Township – was preserved through the Mercer County Farmland Preservation Program. As of this writing, Mercer County has preserved 5,443 acres of farmland on 89 properties (See Appendix).

2. County Planning Incentive Grants (PIG)

The SADC's annual County PIG program is intended to protect and preserve large areas of contiguous farmland through the purchase of development easements. As mentioned above, in order to qualify for a PIG, the County must create an agricultural advisory board (the CADB serves this role) and must also maintain a dedicated funding source to purchase farmland easements. This Farmland Plan is also one of the requirements for PIG program participation; through this Plan, the County must designate an ADA, with Project Areas and Targeted Farms within it. Targeted farms are the County's priority list for preservation based on their size, location, tillable acreage and soil quality.

Prior to the 2007 establishment of new rules and regulations by the SADC governing the agricultural easement purchase cost-share program, the County chose not to participate in the Planning Incentive Grant program, thus, there are no County preserved farms under the old PIG program. The County now participates in the PIG program and preserves priority farmland as opportunities become available. The current PIG program typically provides the County with up to 60% of the cost of a property's fee or easement acquisition, as determined by two appraisals. Per 2:76-6.11, the state cost-share can be more or less than 60% depending on the cost per acre.

3. Municipal Planning Incentive Grants (PIG)

The Municipal Planning Incentive Grant Program has similar requirements to the County PIG program. Municipal PIGs require the adoption of a Farmland Preservation Plan, an Agricultural Advisory Board, a Right to Farm ordinance consistent with the SADC model and a standing commitment for preserving farmland. Grants for a municipal PIG are provided by the SADC to purchase development easements. There is one municipality in Mercer County – Hopewell Township – that has a SADC-approved Planning Incentive Grant. At this time, the Township has approximately 512 acres preserved through their PIG program. Township and County staff work together to preserve farmland – either through partnering on projects or referring interested landowners to the appropriate program. The County takes the lead on its Targeted Farms, while the Township focuses on its own priority farms. Figure 13 shows the Township's Project Area and Targeted Farms.



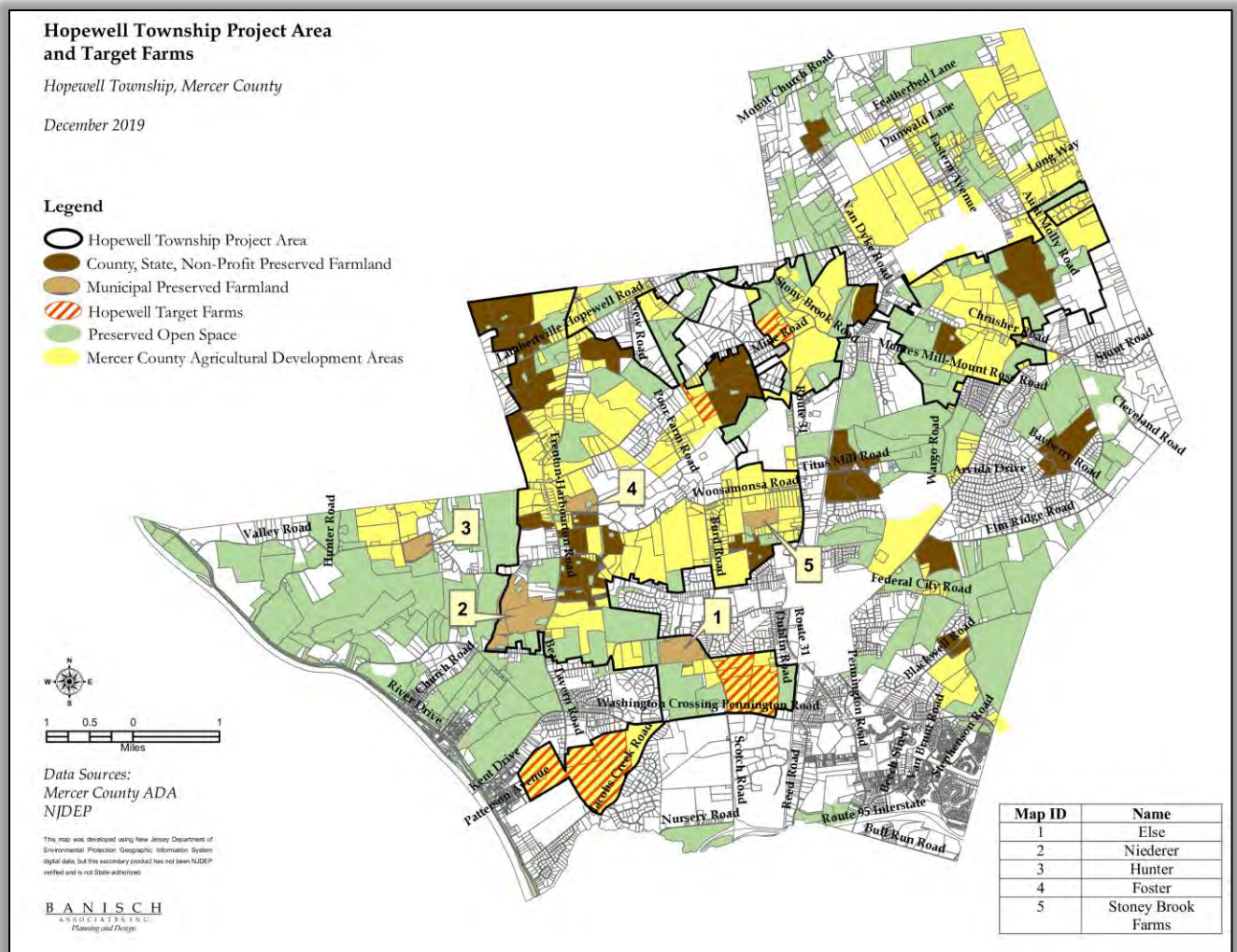


Figure 13. Hopewell Township Project Areas and Targeted Farms.

4. and 5. SADC Direct Easement and Fee Simple Purchases

Other options for farmland preservation are the SADC Direct Easement and Fee Simple Programs.

The SADC can purchase farms and development easements directly from landowners. Landowners do not have to be within an ADA if they are making an application directly to the State. The Direct Easement is similar to a County or municipal easement purchase, but the SADC fee simple acquisition program involves the purchase of a property outright by the state.

In this way, a landowner sells all of their ownership interest instead of placing an easement on the property. The SADC negotiates a purchase price subject to recommendations of two independent appraisers and review by a state review appraiser. Once owned by the State, an easement is put in place so that the land is permanently preserved for agriculture. In this type of acquisition, the landowner does not retain any rights and like the County's fee purchases of farmland, the property is resold by the SADC at auction for agricultural use.

The SADC has been active in Mercer County. As shown in Figure 12 and in the Appendix, 25 farms



(approximately 1,925 acres) have SADC easements.

In addition, the New Jersey Department of Corrections' Division of Operations "AgriIndustries" operates six dairy and crop farms as well as three food processing plants statewide. These supply Corrections, Human Services, Distribution Center, and Agriculture with milk, beef, turkey, pork and vegetable products. Two of these farms (Jones and Knight Farms) totaling nearly 630 acres are located in Ewing Township, Mercer County and are deed restricted by the State of New Jersey. Given the nature of these "farms" however, they were not included in the ADA or in the State preserved farm table.

6. Non-profits

Non-profit organizations have also been able to help achieve farmland preservation goals. Grants can be obtained from the SADC to fund up to 50% of the fee simple or development easement values on farms. As with the State Direct, County and Municipal farmland programs, SADC non-profit grants are obtained through an application process in which the land is valued by independent appraisers. SADC-funded non-profit farmland easements have the same restrictions and use the same model as State, County and Municipal farmland easements. Non-profits in Mercer County focus more on open space fee acquisitions and conservation easements than farmland preservation. Depending on the nature of the property to be preserved and the desired public access objectives, non-profits in Mercer County sometimes utilize conservation easements which permit continued agricultural use, but which do not require it.

Mercer County is fortunate to have a large number of local non-profit land preservation organizations operating within its boundaries. They include: Friends of Hopewell Valley Open Space (FOHVOS); Friends of Princeton Open Space; Friends of West Windsor Open Space, and Lawrence Township Conservation Foundation. All of these groups have preserved open space in cooperation with their respective municipalities and with Mercer County. At least one, FOHVOS also permits agriculture on their preserved land. For example, Honey Brook Farm in Hopewell Township is leasing land that was purchased in fee, then deed restricted by FOHVOS as open space. Although farming is being allowed by FOHVOS, the land is not solely dedicated to agriculture use as with an agricultural deed of easement.

The D&R Greenway Land Trust, one of the premier land conservancies in the state, is the largest land preservation non-profit located in Mercer County and the County works closely with D&R on farmland and open space preservation projects. D&R Greenway has assisted on several County farm preservation projects by, most notably, acting under contract to the County to negotiate with landowners who are sometimes wary of governmental officials.

The County and D&R Greenway (as well as the State, Hopewell Township and Hopewell Borough) also worked cooperatively on preservation of the 400-acre St. Michaels Orphanage property in Hopewell Township in 2010, now known as the St. Michaels Farm Preserve. St. Michaels includes a farmland preservation component through the State Direct Easement Purchase Program. Other non-profit land conservation organizations operating regularly in Mercer County are the New Jersey Conservation Foundation (NJCF) and The Watershed Institute.

7. Transfer of Development Rights

The transfer of development rights (TDR) is a growth management tool that transfers development rights from one location, a preservation area, to another, an identified growth/receiving area. The transferred development rights allow for development at a higher density than what the previous zoning of the receiving area allowed.



Mercer County does not utilize a TDR program. The only Mercer municipality that has utilized TDR is Robbinsville Township and it has done so on only one farm property. (See Chapter III, Paragraph G for additional information)

8. Other Programs and Partnerships

Two Mercer municipalities, West Windsor and Robbinsville Townships, have been very active in preserving farmland through the purchase of development rights or fee-simple acquisitions and then selling their agricultural easements to the County. Table 14 identifies farmland that Mercer municipalities have preserved in fee or by easement purchase and then have sought cost-sharing for through the County farmland preservation program.

In addition, the County, municipalities, and non-profits have preserved farms by partnering with each other, the SADC, or the state's Green Acres program in creative ways. One example is the 71-acre Ruggieri farm in Hopewell Borough and Hopewell Township whose preservation was initiated by the Friends of Hopewell Valley Open Space and then completed by the execution of a Mercer County conservation easement which, "purpose is to assure that the property will be retained forever in its natural and undisturbed condition and for agricultural purposes...". Ruggieri is one of only two County-owned conservation easements (the other is Jusick in Lawrence) with farming specifically allowed.

Table 14. Municipally Preserved Farms with Easements Later Sold to Mercer County.

Township	Name	Block and Lot	Address	Acreage	Year
East Windsor	Thompson	B. 31, L. 10	Etra Rd.	38.95	2005
Robbinsville	Booth (Dyjak)	B. 44, L. 20	New Street	47.99	2006
Robbinsville	Dakota 1 (Levandowski)	B. 19, L. 6	300 Perrineville Rd.	78.83	2001
Robbinsville	Dakota 2 (Sunshine)	B. 20, L. 14	279 Perrineville Rd	100.57	1999
Robbinsville	Dakota 3 (Mercrock)	B. 42, L. 1; B. 43, L. 1	Gordon Rd, Washington	83.37	1999
Robbinsville	Dakota 4 (Bresnahan)	B. 22, L. 4	Bresnahan Rd.	75.85	2005
Robbinsville	Gabert (Robert Wood Johnson)	B. 10, L. 56.01	169 Edinburg-Windsor Rd.	50.96	2001
Robbinsville	Rapant	B. 19, L. 2.02	Perrineville Rd.	9.76	2005
West Windsor	Jany	B. 32, L. 2, 22, 23, 24	Windsor Rd.	54.44	2000
West Windsor	Schumacher	B. 29, L. 7, 11	1393 Old Trenton Rd.	27.68	2003
West Windsor	Thompson	B. 29, L. 3, 2.01	37 Rear Cubberley Rd.	76.42	2003
West Windsor	Thompson	B. 30, L. 4, 5	1627 Old Trenton Rd	112.59	2003
West Windsor	Thompson	B. 23, L. 42	1500 Old Trenton Rd.	25.35	2003
West Windsor	Thompson	B. 23, L. 40, 57, 63	1550 Old Trenton Rd.	25.73	2003

C. Term Farmland Preservation Programs - Eight Year Programs

There are two types of eight-year farmland preservation programs available, both of which involve an agreement with the landowner to keep the farm in active agriculture for a period of at least eight years. Both programs are voluntary and neither results in any payment to the landowner or permanent restriction on the use of the land. In return, the landowner is eligible to receive 50% cost-sharing on soil and water conservation projects approved by the State Soil Conservation Committee. The "Eight-Year Program" is a restrictive covenant, placed on the land for a period of eight years. The landowner is eligible to apply for the aforementioned soil and water conservation funding and is eligible for other benefits and protections of the Farmland Preservation Program. The second program is termed the "Municipally Approved Eight-Year Program", which requires a municipal ordinance endorsing the landowners' enrollment in the program, and provides greater protection from eminent domain takings, zoning changes, and emergency



fuel and water rationing. It is important to note that an owner who wants to sell the farm while enrolled in an eight-year program must provide the SADC with an executed contract of sale for the property. The SADC then has the first right and option to match the conditions of that contract and purchase the property itself.

At this time, the County has no farms enrolled in term preservation. The most recent enrollment was an 8-year municipally approved program on Cherry Grove Farm, a 280-acre farm in Lawrence Township. This farm is within a Project Area and is also targeted by the County for preservation.

D. Coordination with Open Space Initiatives

The same County Planning Department staff work on the County's Open Space and Farmland Preservation programs. Thus, the programs are integrally linked together. While the protection of natural resources, and ecologically sensitive land, such as wetlands, wildlife habitat, waterways, slopes, mature woodlands, large stands of forests and ridge lines in their natural state is the primary goal of the Mercer County Open Space and Recreation Plan, when properties preserved for open space have portions that are actively farmed, the county continues to allow farming where feasible. Farm leases are permitted strategically on open space parcels, with the County's short and long-range ecological and recreational needs in mind. As of this writing, there are 11 active farm leases on 479 acres. The open space program also places a priority on the preservation of lands along stream corridors to create green connections that protect natural resources and provide passive recreational opportunities. To create greenways, the open space program often works with the farmland preservation program to preserve stream corridors that are adjacent to farmland while allowing the farmer access to the water for farmland irrigation.

One out of five acres (or over 28,000 acres) in Mercer County have been preserved through the coordination and partnership of state, municipal and non-profit farmland and open space initiatives. While much of the funding for these preservation efforts has been through the County Open Space Trust Fund, the County has worked closely with its partners to maximize the leveraging of Garden State Preservation Trust Funds (SADC and Green Acres funding) by often combining municipal and non-profit funding sources to facilitate a single acquisition. Examples of this type of preservation include large natural lands such as Baldpate Mountain, Curlis Lake Woods, and land in the Abbott Marshlands. These properties are preserved for predominantly ecological and recreational resources and do not contain significant agricultural land.

Figure 12 in this Chapter illustrates all preserved farmland and open space in Mercer County.

E. Farmland Preservation Program Funding Expended to Date by Source

The Mercer County Open Space, Recreation, and Farmland and Historic Preservation Trust Fund was initially established by voter referendum in 1989 and set at one cent per \$100 of equalized assessed valuation. Again by public referendum, the Trust Fund was increased to two cents in 1998 and to three cents in 2004, though the County has never collected more than two-and one-half cents. Up to 70% of the Trust Fund may be utilized for open space and farmland preservation, 20% for park development and historic preservation, and 10% for land stewardship. There is no annual allocation between open space and farmland preservation acquisitions. As noted in Chapter V, the County's Trust Fund is currently generating in excess of \$11 million a year.

As of September 2020, Mercer County has expended approximately \$81,000,000.00 on 89 farm projects totaling approximately 5,443 acres. Cost-share funding from the SADC exceeds \$41,000,000 (see Appendix). The County does not require local contributions and in the very few situations where they



have occurred, the amounts are insignificant. There have also been only two farms with federal preservation funding received through the SADC and that too is insignificant to the overall funding picture. In total, funding from other sources (not County, not SADC) has been 1% of the total expenditures.

F. Monitoring of Preserved Farmland

CADB members and staff conduct annual monitoring of farms on which the County holds the Agricultural Deed of Easement as required both statutorily and by the Easement. The purpose of monitoring is to prevent violations of Deed of Easement restrictions and to remedy any violations. This on-site visit also provides an important opportunity to meet with the farmer and/or landowner, gather information about plans for the farm and share information about resources available to assist the farmer/landowner.

The SADC and non-profit organizations monitor farms on which they hold the Agricultural Deed of Easement. There are currently no municipally held agricultural easements.

The restrictions on areas covered by the agricultural deed of easement (the “Premises”) typically are:

Any development of the Premises for nonagricultural purposes is expressly prohibited.

The Premises shall be retained for agricultural use and production in compliance with N.J.S.A. 4:1C-11 et seq., P.L. 1983, c.32, and all other rules promulgated by the State Agriculture Development Committee, (hereinafter Committee). Agricultural use shall mean the use of the Premises for common farmsite activities including, but not limited to: production, harvesting, storage, grading, packaging, processing and the wholesale and retail marketing of crops, plants, animals and other related commodities and the use and application of techniques and methods of soil preparation and management, fertilization, weed, disease and pest control, disposal of farm waste, irrigation, drainage and water management and grazing.

No sand, gravel, loam, rock, or other minerals shall be deposited on or removed from the Premises excepting only those materials required for the agricultural purpose for which the land is being used.

No dumping or placing of trash or waste material shall be permitted on the Premises unless expressly recommended by the Committee as an agricultural management practice.

No activity shall be permitted on the Premises which would be detrimental to drainage, flood control, water conservation, erosion control, or soil conservation, nor shall any other activity be permitted which would be detrimental to the continued agricultural use of the Premises.

The construction of any new buildings for agricultural purposes is permitted. The construction of any new buildings for residential use, regardless of its purpose, shall be prohibited except to provide structures for housing of agricultural labor employed on the Premises or to construct a single-family residential building anywhere on the Premises in order to replace any single-family residential building in existence at the time of conveyance of this Deed of Easement.

No historic building or structure located on the Premises may be demolished by the grantor or any other person without the prior approval of the State Agriculture Development Committee. Historic building or structure is a building or structure that, as of the date of this Deed of



Easement, has been included in the New Jersey Register of Historic Places established pursuant to N.J.S.A. 13:1B-15.128 et seq.

G. Coordination with TDR Programs

The State of New Jersey facilitates the implementation of Transfer of Development Rights (TDR) programs in many ways. The New Jersey State TDR Bank offers Planning Assistance Grants to municipalities looking to establish municipal TDR programs, and directly funds some purchases of development credits. The State TDR Bank also provides financial backing on loans secured using development credits as collateral, and keeps records of all development credit transfers within the State.

The New Jersey Office for Planning Advocacy (previously the Office of Smart Growth) had offered Smart Future Planning Grants to municipalities in order to help them plan for and implement TDR programs. Robbinsville Township was the recipient of one of these grants and TDR was used on one occasion within the Township when credits were purchased from one landowner and transferred to a Town Center. However, as noted in Chapter III, this TDR was found to not be representative of the State's TDR program objectives.



Chapter V: Future Farmland Preservation

- | **A. Preservation Goals**
- | **B. Project Areas**
- | **C. Minimum Eligibility Criteria**
- | **D. County Ranking Criteria**
- | **E. County Policies Related to Farmland Preservation Applications**
- | **F. Funding Plan**
- | **G. Farmland Preservation Program/CADB Administrative Resources**
- | **H. Factors Limiting Farmland Preservation Implementation**



Chapter V: Future Farmland Preservation

A. Preservation Goals

The County of Mercer has preserved 5,443 acres of Farmland as of December 2020.

In its 2007 Comprehensive Farmland Preservation Plan, the County proposed goals of:

One year: 100 acres

Five years: 500 acres

Ten years: 1,000 acres

This 2020 Plan retains those goals.

Mercer County is 144,640 acres in size. In tax year 2018, total farm assessed land (FA-1 Form, Table 1) was **29,227 acres**. This is the “agricultural base” used by the County for determining its ADA. To determine a “pool” for possible farmland preservation, **7,880 acres** of farmland preserved by the State, County and Hopewell Township (1,925 State, 5,443 County and 512 Hopewell) are subtracted from the “agricultural base” leaving approximately **21,347 acres** of available farmland. However, it is important to note that this “pool” of farmland is not entirely suitable for preservation. For example, size of parcel, tillable acreage, soils, and development restrictions through local zoning all have an effect on preservation potential. Thus, given these constraints plus limited financial resources at the State and County levels, **the County of Mercer will pursue the preservation of 2,396 acres of Targeted Farms utilizing its adopted criteria and standards for application solicitation, review, and funding.**

Preserving these Targeted Farms would represent an approximately 40% increase in the amount of farmland Mercer County has already preserved. This Plan’s annual goal reflects the program’s lifetime average of 170 acres per year (the first farm in the County program was preserved in 1988), less the realities identified throughout the Plan such as: 1) an agricultural base that has lost over 17,000 acres over the past 30 years – a rate that could result in the specter of “build-out” less than 20 years from now; 2) median farm size decreasing (now 18 acres) making fewer farms suitable for preservation because of County and State criteria – especially where local zoning limits residential developability and value by creating large minimum lot sizes (e.g., the Hopewell MRC zone with 14-acre lots); and, 3) economic constraints.

As this Plan notes, historically cooperative efforts between the County, State, non-profits and municipalities will likely result in additional farm preservation (e.g., the former St. Michael’s orphanage in Hopewell Township with approximately 400 acres of open space and farmland). As of this writing, the County is under contract to preserve an additional 460 acres of farmland in Hopewell Township.

B. Project Areas

The Mercer CADB has identified seven distinct Project Areas within the County’s Agricultural Development Area. These Project Areas are identified in the “Project Area Maps” found in the Appendix of this Plan. There are 14,999 acres of land within Project Areas and naturally, not all are appropriate for farming or preservation.

Project Areas contain Targeted Farms. As defined by N.J.A.C. 2:76-17.2 – County Planning Incentive Grant Definitions, a Targeted Farm is “a specific property contained within an approved Project Area that a county may seek to solicit for preservation through the county planning incentive program.” There are 2,396 acres of Targeted Farms identified in this Plan.



Each Project Area conforms to the statutory requirements of the ADA and to the statutory definition (N.J.A.C. 2:76-17.2) so that each Project Area “consists of the following lands and lands that are within one mile of any of the following lands”:

- Targeted farms located within an ADA;
- Lands from which an application for the sale of a development easement has been granted final approval by the municipality, county and/or SADC;
- Lands from which development easements have already been purchased;
- Other land permanently deed-restricted for agricultural use;
- Lands enrolled in an eight-year farmland preservation program or municipally approved farmland preservation programs; or
- Other permanently preserved lands dedicated for open space purposes that are compatible with agriculture.

In addition to these statutory requirements, Project Areas were also demarcated using aerial photography showing tillable and non-tillable lands, farmland assessment data and Board members’ knowledge of the land. It is important to note that the ADA criteria identified in Chapter IV further restricts the land eligible for identification as a Project Area.

The seven project areas in Mercer County are: Hamilton, East Windsor/Robbinsville, West Windsor/Robbinsville, Lawrence, Hopewell East, Hopewell West and Hopewell South (see Appendix).

C. Minimum Eligibility Criteria

Amended Minimum Eligibility Criteria for Targeted Farm preservation State Cost-Share grants were adopted by the CADB on October 1, 2007 based upon the SADC’s newly adopted rules for farmland preservation and project eligibility. So, in addition to the CADB’s original criteria of:

- 1) Site location within the ADA, and
- 2) Minimum 25 acres of land, unless adjacent to a preserved farm and farmland assessed,

Each targeted farm must also 3) be developable, have soils capable of supporting agricultural or horticultural production, and meet minimum tillable land standards, all as per N.J.A.C. 2:76-6.20. See Policy 2 in the Appendix.

For all lands less than or equal to 10 acres:

- The land must produce at least \$2,500 worth of agricultural or horticultural products annually;
- At least 75% or a minimum of 5 acres of the land (whichever is less) must be tillable;
- At least 75% or a minimum of 5 acres of the land (whichever is less) must consist of soils capable of supporting agriculture or horticulture; and
- The land in question must exhibit development potential as defined by the SADC (based upon zoning, ability to be subdivided, less than 80% wetlands, less than 80% slopes greater than 15%), OR, the land must be eligible for allocation of development credits pursuant to a Transfer of Development (TDR) credits program.

For lands greater than 10 acres:

- At least 50% or a minimum of 25 acres of land (whichever is less) must be tillable;
- At least 50% or a minimum of 25 acres of land (whichever is less) must have soils capable of



- supporting agriculture or horticulture; and
- The land in question must exhibit development potential as defined by the SADC (based upon zoning, ability to be subdivided, less than 80% wetlands, less than 80% slopes greater than 15%), OR, the land must be eligible for allocation of development credits pursuant to a Transfer of Development (TDR) credits program.

In addition, the application also is subject to qualification as an “eligible farm” if SADC funds are requested (N.J.A.C. 2:76-17.2). Eligibility is determined by averaging individual farm application “quality scores” (determined through SADC Policy P14-E) over the previous three years of applications, then requiring each new application to be at least 70% of that average. Counties can request a waiver of this minimum standard.

It is important to note that these Minimum Eligibility Standards must be met in order for the State to provide matching funds on a farmland preservation project. The County may proceed without State funding on projects that do not meet these Minimum Eligibility Standards.

D. County Ranking Criteria

There is no independent Mercer CADB policy regarding ranking for County Easement Purchase Cost-Share Applications; however, as required by 2:76-17.4(b)5, the Mercer CADB did adopt by resolution #2007-06 the state’s ranking criteria found in N.J.A.C. 2:76-6.16 as the basis for calculating individual farm rankings and SADC “eligible farm” qualification. The CADB also utilizes its ability through 2:76-6.16(h) of assigning the top rank (and 10 extra quality score points) to a farm application it “recognizes as encouraging the survivability of the program in productive agriculture” in order to enhance that application’s cost-share funding competitiveness when more than one application is being evaluated.

E. County Policies Related to Farmland Preservation Applications

The Mercer CADB follows the SADC’s policies regarding housing opportunities, division of premises and exception areas and has adopted Policies on its own that either supplement SADC Policy or implement new ones. The CADB Policies are:

1. Approval of Housing Opportunities

a. Agricultural Labor Housing – This housing must be approved by both the SADC and CADB. The CADB is guided by the Deed of Easement (see Appendix: Adopted CADB Policies: Deed of Easement Housing Section) and has also promulgated a labor housing policy (same section Appendix). The SADC does not have a policy but recognizes the importance of labor housing and does have an application form that the CADB also utilizes. The SADC is guided by its staff review of the request.

b. House Replacement – Replacement housing must be approved by both the SADC and CADB. The CADB is guided by Deed of Easement paragraphs 13a and 14 and also its House Size Policy (See Appendix: as above). The CADB considers the impact of a relocated replacement house on the agricultural operation in the course of evaluating an application. The CADB’s House Size Policy is also applicable to new house requests. The SADC is guided by its staff review of a house replacement request.

c. RDSO allocation – Residual Dwelling Site Opportunities (RDSO’s) are potential housing prospects located within a deed-restricted farm. These prospective residential units can only be allocated to parcels that are at least 100 acres in size. An RDSO, if allocated, is not firmly located until such time as the landowner applies to exercise it. The CADB, municipality, and SADC each have a role in the process of



locating an RDSO. The residential unit must be for agricultural purposes and “at least one person residing in the residential unit shall be regularly engaged in common farm site practices.” The Mercer CADB does not encourage the use of RDSO’s and the simple fact is that with a median farm size of 18 acres, there are few opportunities in Mercer County to use this tool. The SADC has a policy that provides a basis for reviewing a request to exercise a residual dwelling site opportunity and ensures that the construction and use of the residential unit is for agricultural purposes.

d. House Size – The SADC does not have a specific house size policy but has utilized house size restrictions in its recent auctions of deed-restricted farms with housing opportunities. The Mercer CADB initiated a policy in 2001 and incorporated special language in the Deed of Easement to enforce it. (See Appendix for the CADB Policy.)

2. Division of Premises

A landowner who wishes to divide a permanently preserved farm may apply to the CADB for a division of the premises. The division must meet criteria set forth in the SADC's policy and the resulting parcels must be agriculturally viable and have an agricultural purpose. The request must be approved by both the CADB and the SADC. The CADB utilizes SADC policy as well as the SADC Division of Premises application for its review. The CADB focuses on the agricultural viability and purpose of the resulting parcels. The SADC Policy can be found at: <http://www.state.nj.us/agriculture/sadc/farmpreserve/postpres/>.

3. Approval of Exceptions

Exceptions are defined by the SADC as “acres within a farm being preserved” which are “not subject to the terms of the deed of easement.” When an exception is made, the landowner does not receive any compensation for the excepted area. The Mercer CADB strongly encourages the use of Exceptions for residential use and for farm markets. Staff spends time with each landowner discussing exceptions, reviewing their future plans, particularly as they may relate to family housing needs. There are two types of exceptions that can occur: severable and non-severable.

Severable: A severable exception is defined by the SADC as an “area which is part of an existing Block and Lot owned by the applicant which will be excluded from the restrictions of the Deed of Easement and may be sold as a separate lot in the future.” A severable exception is made “if a landowner wants to be able to sell the excepted area separate from the deed-restricted farm.” The Mercer CADB allows severable Exceptions but encourages the landowner to separate the lot before deed restricting the Premises. Mercer County has utilized severable exceptions for stream corridor open space preservation purposes.

Non-severable: Non-severable exceptions are defined by the SADC as “area which is part of an existing Block and Lot owned by the application that will not be subject to the restrictions of the Deed of Easement but cannot be sold separately from the remaining premises.” Unlike a severable exception, a non-severable exception is “always attached to the protected farm.” The Mercer CADB strongly encourages the use of non-severable exceptions for residential use and for farm markets. The CADB requires that the applicant perform septic suitability tests on the exception prior to preservation and as stated earlier, places house size restrictions on houses to be located within residential exceptions. The County will limit the number of exceptions by taking into account the individual application conditions. The location and configuration of each exception, as well as proposed access to each exception, are also given considerable attention in the application phase. For all exceptions, severable and non-severable, the CADB considers the impact on the remaining agricultural lands, particularly ensuring that areas are not “orphaned” from the larger fields.



The Mercer CADB follows SADC policy with regard to access to exception areas. For example, access exclusively for non-agricultural purposes to a non-severable exception must be included within the exception. Activities within exception areas are also governed by applicable local, state and federal regulations.

4. Mowing

The Mercer CADB has been concerned about the interpretation of and implementation of the Deed Restriction (DOE Paragraph 2) which reads, “The Premises shall be retained for agricultural use and production...” The CADB recognizes that there is nothing in the deed which requires that the property be actively farmed, but further recognizes that a farm that lies fallow will eventually be overtaken by invasive species and, later, succumb to forest succession. In order to maintain the land base for agricultural use and protect the public’s investment in farmland preservation, the CADB adopted a policy on February 6, 2006 entitled, “Mowing to Manage Non-Agricultural Woody Species or Second Growth Invasion on Preserved Farms.” This policy is two pronged – it establishes a Restrictive Covenant to be recorded concurrently with every successive Deed of Easement which calls for annual mowing. It also establishes an annual mowing policy which applies retroactively to every farm preserved by Mercer County. The Policy is found in the Appendix under Adopted CADB Policies.

5. Conservation Plan Release

Paragraph 7 of the Deed of Easement provides one year within which a landowner must obtain a farm conservation plan approved by the local soil conservation district. In the past, when the Mercer CADB tried to get copies of these plans, it found that the plans are held as confidential by the Soil Conservation District and NRCS. In order to obtain copies of the plans, both from the landowner and, if necessary, from the Soil Conservation District, Mercer County has developed an “Authorization to Obtain and Release of Soil Conservation Plan” release form. This document is executed by the landowner concurrently with the Deed of Easement. A sample release form is found in the Appendix.

6. Easement Violation

In June 2020, the Mercer CADB adopted a policy outlining the steps it would take if and when an easement violation is identified. Staff will first contact the landowner by telephone and then send a letter to memorialize the conversation. The landowner then has 10 days to provide an explanation for the violation. If the violation is not a temporary situation that can be summarily remedied to the satisfaction of the CADB, then further action will be taken. A certified letter will be mailed notifying the landowner of all violations that require remediation. The owner will then have 30 days from receipt of the letter to remedy or remove the violation. At the end of the 30 days, the CADB or staff will inspect the site. If any violations remain, the local zoning officer or other appropriate local official will be notified, along with state and/or federal officials if appropriate. If necessary, the CADB will exercise its power under Paragraph 16 of the Deed of Easement to institute a court action. A copy of the policy can be found in the Appendix.

F. Funding Plan

1. Description of County Funding Sources

Prior to the establishment of the dedicated Trust Fund in 1989, Mercer County funded farmland preservation through overall Capital Projects bonding.

Five farms were funded, in whole or in part, through this bonding (Hendrickson, 1988; Hart and



Townsend, 1991; Niederer, 1992 and a portion of Facey, 1994) for a total bonded amount of \$1,197,065. The Niederer acquisition was the first use of installment purchase in the State of New Jersey and it resulted in statutory changes to make installment purchase the valuable option that it is for New Jersey counties and local government today. The Niederer acquisition represented two other firsts for Mercer County – neighboring Mobil Corporation donated \$250,000 towards the purchase and the County acquired public access easements along the Stony Brook, enabling the County to achieve farmland preservation, stream protection and recreation goals in one acquisition.

Since the 1990 tax year, residents of Mercer County have contributed \$211,109,063 towards the County Open Space, Recreation, Farmland, and Historic Preservation Trust Fund. As is its practice, the County leverages these tax dollars by selling bonds to fund open space and farmland acquisitions. The “Open Space” tax receipts pay the debt service on those bonds

As of this writing, Mercer County’s 89 farm easement purchases, totaling approximately 5,400 acres, exceed \$81 million, with approximately \$41 million received in State cost-share grants.

The following graph (Figure 14) summarizes the collection of open space tax by the County of Mercer. The tax rate was \$0.01 per \$100 of equalized assessed value in 1991 and was increased in 1999 to \$0.02 and in 2005 to \$0.03 by voter referendum, although the County has never collected more than \$0.025 to date.

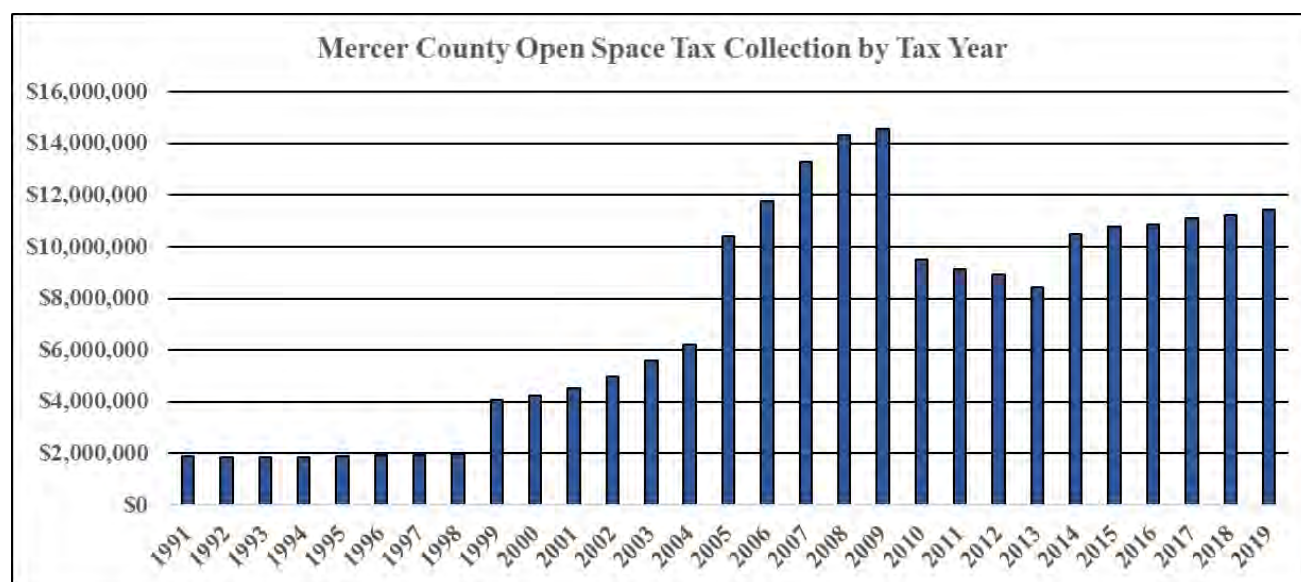


Figure 14. Mercer County Open Space Tax Collection by Tax Year. (Source: County Tax Levy Apportionment Analysis, County Board of Taxation webpage)

Up to 70% of the Trust Fund may be utilized for open space and farmland preservation acquisitions; there is no annual allocation between open space and farmland. In addition, up to 20% of the Trust Fund may be utilized for historic preservation and recreational development, and up to 10% may be utilized for land stewardship.

2. Financial Policies Related to Local Cost-Share

Mercer County does not require its farmland preservation partners or applicants to contribute funds towards farm preservation. Likewise, Mercer County has not contributed to the one Municipal PIG program in



the County — Hopewell Township's. The County believes that Hopewell's PIG program provides the municipality with the opportunity to acquire properties of local importance that are not otherwise identified by the County.

To its credit, Hopewell Township regularly convenes discussion groups to coordinate and strategize on all types of preservation acquisitions in the Hopewell Valley – farmland and open space. The County is an active and regular participant in these meetings.

As early as 1995, the County was pre-purchasing easements and farmland in fee, in anticipation of, but without a guarantee of, State cost-share reimbursement. Although State cost-share always materialized, the County has acquired easements without State funds in the past and may continue to do so in the future.

As indicated above, Mercer County was the first in the State to utilize the innovative technique of installment purchase, resulting in amendments to State law that significantly simplified the process for everyone that followed. Nonetheless, the County has only made four purchases in this way (Niederer, 1994; Sakowsky, 1995; Johnson, 1998 and Lee Turkey Farm, 2006). At one time, every applicant for easement purchase in Mercer County was offered the option of installment purchase, but few found the benefits compelling enough to agree. Where installment purchase is beneficial, few options can compare. For example, the benefits to one landowner were significant enough for them to pay in excess of \$100,000 in set-up costs to achieve that first installment purchase agreement. Unless installment purchase is institutionalized by the County as the preferred or required purchase method, the associated set-up costs for implementation on a case-by-case basis are significant. Another farm acquisition, valued at \$9,838,800, was only possible as an installment purchase. Not only did the landowner see installment purchase as the only method by which they could keep the farm from a tax perspective, but the set-up costs were very small as a percentage of the overall acquisition. The County will entertain the idea of installment purchase on a case-by-case basis, but does not actively promote it to all applicants.

3. Cost-Projections and Funding Plan Associated with 1, 5, and 10 Year Goals

Between 2007 and 2019, Mercer County preserved 16 farms totaling approximately 702 acres. Easement cost varied widely by farm. In 2013, one farm was preserved for approximately \$13,500 per acre, while in 2016, two farms were preserved for approximately \$9,000 per acre and in 2018, two farms were preserved for approximately \$10,000 per acre. In contrast, other easement prices during this time period varied from \$26,000 to \$114,000 per acre. Easement appraisals obtained in the last two years have ranged from \$8,500 to \$12,400 per acre, for a current average of \$10,450 per acre. We believe this average is more useful to predict prices going forward than an average of the last 10 years because of the wide variability of prices and relatively few data points (i.e., preserved farms) per year. It is also important to note that there is a lot of variation in land and home values between municipalities in Mercer County, so individual values may differ significantly from the average and there is a lot of variability in the development potential of individual properties.

The SADC typically provides a cost-share with the County at an approximate 60% State to 40% County ratio. The ratio can change with very high or low per acre values, per 2:76-6.11. Impermanent funding sources made the availability of state preservation grants uncertain in the past. However, new legislation in 2019 made the funding source for New Jersey's Garden State Preservation Trust permanent, allocating funds for open space (Green Acres), farmland (SADC) and historic preservation from a corporate business tax. The SADC's County PIG program provides base grants and once they are spent, counties can apply for competitive funding. As of this writing, Mercer County has a base grant of \$1,243,861 and available competitive funding is as follows: Fiscal Year 2017, \$3.7 million; Fiscal Year 2018, \$7 million; and Fiscal Year 2020, \$10 million. For FY 2017 funds, the maximum grant award is \$5 million (although



only \$3.7 million is actually available), and for FYs 2018 and 2020, the maximum grant amount is \$2 million. It is critical to note that funding levels may be lower for the foreseeable future because of the Covid-19 public health crisis.

Assuming that SADC cost-share funding will continue at 60% and following the goals identified at the beginning of this Chapter, Table 15 estimates future acquisition costs using a 10% annual increase in per acre values from the current average easement value of \$10,400 per acre. It may be that land values will stabilize or decrease in the future following Covid-19 or due to other factors, but we believe a 10% increase is a useful conservative number for planning purposes.

Table 15. Easement Acquisition Cost Projections, Mercer County.

Year	Preserved Acreage Goal	Projected Avg Easement Cost/Acre	Projected Total Cost	40% County Share	60% State Share
2021	100	\$11,440.00	\$1,144,000	\$457,600	\$686,400
2022	100	\$12,584.00	\$1,258,400	\$503,360	\$755,040
2023	100	\$13,842.40	\$1,384,240	\$553,696	\$830,544
2024	100	\$15,226.64	\$1,522,664	\$609,066	\$913,598
2025	100	\$16,749.30	\$1,674,930	\$669,972	\$1,004,958
2026	100	\$18,424.23	\$1,842,423	\$736,969	\$1,105,454
2027	100	\$20,266.66	\$2,026,666	\$810,666	\$1,215,999
2028	100	\$22,293.32	\$2,229,332	\$891,733	\$1,337,599
2029	100	\$24,522.66	\$2,452,266	\$980,906	\$1,471,359
2030	100	\$26,974.92	\$2,697,492	\$1,078,997	\$1,618,495
Total	1000		\$18,232,414	\$7,292,965	\$10,939,448

4. Other

Eight of Mercer's twelve municipalities have open space trust funds (see Table 16). Hamilton and East Windsor do not have a dedicated tax but strive to set aside a portion of their property tax for open space. It is interesting to note that even Pennington Borough, with no farmland or appreciable open space within its one square mile border, has contributed from its fund to 70-acre (Hanson) and a 39-acre (Wright) agricultural and open space easements purchased by the D&R Greenway Land Trust in adjacent Hopewell Township.



Table 16. Locally Funded Open Space/Farmland Preservation Trust Fund Programs, Mercer County.

	2019 Tax ¹	Year Approved	2019 Revenue
Mercer County ²	\$0.03	1989/90=.01; 1998=.02; 2004=.03	\$11,449,709
East Windsor ³	N/A	N/A	N/A
Hamilton ⁴	N/A	N/A	N/A
Hopewell Boro	\$0.01	2000	\$31,690
Hopewell Twp	\$0.02	1998=.02; 2002=.03; 2004=.04; 2008=.02	\$1,189,431
Lawrence	\$0.03	1999=.01; 2001=.03	\$1,387,769
Pennington Boro	\$0.01	1998	\$50,387
Princeton	\$0.02	1997=.01; 2000=.02	\$1,214,106
West Windsor	\$0.02	1993=.01; 1995=.02; 1998=.07; 2005=.05; 2008=.03	\$1,198,435
Robbinsville	\$0.065	1998=.01; 2000=.05; 2016=.065	\$1,690,450
Total			\$18,211,977

Source: County of Mercer Taxation Division webpage: “2019 Monies and Ratable Synopsis”

¹ \$ per \$100 assessed property value dedicated to open space

² Mercer County currently collects \$0.025, although \$0.03 was approved by voter referendum

³ East Windsor Township dedicates a portion of its property tax revenue to open space but does not have a voter-approved tax levy. No revenue information is readily available.

⁴ Hamilton Township dedicates a portion of its property tax revenue to open space but does not have a voter-approved tax levy. No revenue information is readily available.

G. Farmland Preservation Program / CADB Administrative Resources

1. Staff Resources

The Mercer County Planning Department oversees Mercer County’s open space and farmland preservation programs. The farmland program is overseen by one staff planner, with assistance from the Planning Director and GIS staff.

2. Legal Support

Legal support for the farmland and open space preservation programs is provided primarily through the Department’s contract with the law firm of Parker McCay. At times, legal support is also provided by the County Counsel’s office.

3. Database Development

The Mercer County Planning Department maps all farmland preservation projects in ArcGIS. Project Area maps are updated annually for the County’s SADC Planning Incentive Grant (PIG) application. Acreage and acquisition cost information for every preserved farm is maintained in an Excel database. Baseline and monitoring photos, beginning in 2004, are taken and kept digitally.

4. GIS Capacity and Staff Resources

The Mercer County Planning Department has one full-time staff person devoted to GIS and several



planners who are proficient in GIS applications and techniques. The Department is the primary provider of Geographic Information System (GIS) mapping for the County.

H. Factors Limiting Farmland Preservation Implementation

1. Funding

The rate of farmland preservation by Mercer County is directly related to the availability of State funds and the financial ability of the County to leverage those funds. New legislation in 2019 made the funding source for New Jersey's Garden State Preservation Trust permanent, allocating funds for open space (Green Acres), farmland (SADC) and historic preservation from a corporate business tax. Mercer County's Open Space Preservation Trust Fund tax is the source of funds that the County uses for open space and farmland preservation, park development, historic preservation and land stewardship. Assuming that both the State and County funding sources remain stable, funding is not a limiting factor for the County's preservation program. It is critical to note that funding levels may be lower in the foreseeable future due to the Covid-19 public health crisis.

2. Projected Costs

As the amount of available developable land steadily decreases in the County, land values are likely to increase. Therefore, when combined with the potential challenge of decreased funding levels due to Covid-19, cost may be a limiting factor for the County's farmland preservation program in the future. However, it has not been a limiting factor in the past.

3. Land Supply

As illustrated in Chapter I, Table 5, the amount of farmland in Mercer County has been rapidly decreasing – and continues to do so. As the pool of farms decreases, so does the pool of possible farmland preservation acquisitions.

4. Landowner Interest

Applications are decreasing as the number of available unpreserved farms diminishes in Mercer County, but, interest within that diminished pool of farms is still relatively strong due in large part to relatively high easement values.

5. Administrative Resources

One staff planner is assigned to administer the farmland preservation program and its related responsibilities with assistance from the Planning Director and GIS staff. Administrative resources are not a limiting factor for farmland preservation in Mercer County.



Chapter VI: Economic Development

| **A. Consistency with N.J. Department of Agriculture Economic Development Strategies**

/ **B. Agricultural Industry Retention, Expansion and Recruitment Strategies**



Chapter VI: Economic Development

A. Consistency with N.J. Department of Agriculture Economic Development Strategies



Trenton Farmers Market Web Site Image

The New Jersey Department of Agriculture's 2007 Economic Development Strategies (<https://www.nj.gov/agriculture/conventions/2007/strategies.html>) identifies and proposes methods to expand and enhance various sectors of the agriculture industry in New Jersey, including produce, horticulture, dairy, livestock and poultry, field crops, organic, equine, wine, and agritourism.

The County of Mercer supports these strategies. Although not all sectors are found in Mercer County, those that are prevalent: produce, horticulture, field crops, organic, equine, wine, and agritourism, are important to the agricultural industry of Mercer County.

1. Produce

As illustrated in Chapter II, Table 8, the acreage in fruits and vegetables for Mercer's agriculturally assessed lands has remained relatively constant over the past 20 years and continues to be an important agricultural sector in the County. Local produce is very popular with consumers, as evidenced by the large numbers of farmer's markets and CSAs in the area. The Trenton Farmer's Market, open year-round, has been serving as an outlet for local farmers at its same location since the mid-20th century. For a look at its history, including photos, see their website at: <http://www.thetrentonfarmersmarket.com/>. This large market is supplemented by many other local community farmer's markets as described later in this chapter. The County also has other local markets operated by single producers, such as Terhune Orchards, Windsor Farm and Market, Little Acres Farm Market and Blue Moon Acres. And, numerous seasonal farm stands can be found along roads throughout the County's farming municipalities.

Strategies for strengthening the produce sector include:

- Encourage traditional field crop farmers, whose acreages have been declining, to venture into this growing field with the assistance of Rutgers Cooperative Extension Service resources.

2. Horticulture

Nurseries continue to be an important agricultural sector for the County (Chapter II, Table 8). This is also reflected in County preserved farmland where 17 of 89 preserved farms (nearly 20%) are predominantly involved in nursery, sod, or greenhouse operations.



Strategies for strengthening the horticulture sector include:

- Explore the feasibility of more farmers diversifying a portion of their output into this sector, including ways to deal with the challenges of irrigation needs/expenses, wildlife management, and increased labor demand. Utilize the resources of the Rutgers Cooperative Extension Service.
- Promote the State-sponsored deer fencing program to help protect product in the field.

3. Field Crops

Field crops of corn for grain and soybeans, although still by far the largest acreage of assessed farmland in Mercer County, have been steadily declining since the 1980s. However, this sector continues to have the greatest number of preserved farms (50%) and the greatest acreage.

Strategies for strengthening the field crops sector include:

- Encourage diversification of crops to meet new markets.
- Continue to expand the County's deer management programs on County-owned parks and open space, and support deer management by farmers leasing County open space.

4. Organic

Mercer County is the home of several organic farms including the reputed largest membership Community Supported Agriculture (CSA) farm in the country – Honey Brook Organic Farm.

CSA's and organic farming are very popular among consumers in and around Mercer County. In addition, there are two preserved farms, Cherry Grove Farm in Lawrence and Beech Tree Farm in Hopewell, advertising grass-fed animals and selling to the general public. The Local Harvest website at <http://www.localharvest.org/csa/> can provide further information about these farms.

Strategies for strengthening the organic sector include:

- Educate growers about organic and natural regulatory and certification requirements and about the availability of federal funds to help offset certification costs. NOFA-NJ and Rutgers Cooperative Extension are important resources.
- Support membership growth and expansion of Community Supported Agriculture.

5. Equine

Equine is a growing sector in Mercer County's agricultural economy (Table 8). Although farmland assessment data in Chapters I and II indicates that the acres devoted to equine in the County are relatively low, by definition, these farmland assessed acres are dedicated solely for "boarding, rehabilitating or training livestock". More representative figures for equine related farm acreage come from a 2007 study by the Equine Science Center at Rutgers. In it, Mercer County is identified as having 2,300 equine related acres – far greater than the 116 acres reported in 2008 and the 278 farmland assessed acres in 2007. Indeed, just within the County's farmland preservation program, four farms totaling approximately 350 acres are breeding facilities while several hundred more acres on other preserved farms have equine as ancillary to other agriculture production.

Strategies for strengthening the equine sector include:



- Promote and create general awareness of the development of the Equine AMP (Agricultural Management Practices), which was adopted by the State Agriculture Development Committee in 2008, to allow for increased right to farm protection for New Jersey's equine industry.

6. Wine

Mercer County is the home of three of the State's 60 wineries: Working Dog Winery in Robbinsville Township, Hopewell Valley Vineyards in Hopewell Township and Terhune Orchards in Lawrence Township. All three wineries are well known throughout the State's wine circuit and produce award-winning wines. Working Dog and Terhune Orchards are preserved through the County's program.

Strategies for strengthening the wine sector include:

- Encourage additional operators to diversify into grape growing to provide product to existing wineries.
- Encourage the use of winery facilities for hosting small events through the County Economic Opportunity Office.
- Explore expansion of re-sale marketing.

7. Agritourism

Agritourism is alive and well in Mercer County. The County's Howell Living History Farm in Hopewell Township is a destination for residents of central New Jersey, nearby Pennsylvania, and points beyond. Many other farms throughout the County provide:

- Fall activities like hay rides, pumpkin picking, and apple festivals;
- Wine festivals;
- School visitations;
- Equine activities like horseback riding and stabling; and,
- Pick-your-own fruits and vegetables, roadside stands, and Christmas trees

Strategies for strengthening the Agritourism sector include:

- Promoting the state's Agricultural Management Practice (AMP) for on-farm direct marketing facilities, activities and events.
- Marketing Agritourism through the hospitality sector.

One strategy to promote economic development in all sectors will be to educate producers and municipalities about the State's Special Occasion Events (SOE) proposal that may allow non-agriculture related events, such as weddings, on preserved farms to supplement farm income. As of this writing, the proposal has not been formally adopted. Check the SADC's website for the latest information.

Covid-19

It should be noted that farmers in Mercer County and across the country (and globally) are facing serious economic challenges that began, in New Jersey, in March of 2020 because of the Covid-19 public health crisis. Farming was declared an essential service in New Jersey, so spring planting was able to occur, but there have been numerous challenges for farmers during the 2020 season. Farms that rely on migrant and/or seasonal workers have faced obstacles finding the workers they need. Grain prices have fluctuated and hay/straw sales to racetracks have slowed as those facilities were closed.



Necessary physical distancing guidelines and retail store closings have impacted sales at farms that rely on agritourism through public events and on-farm stores. However, public interest in local farm products has remained strong during the crisis and local farmers have worked hard to adapt their retail models to accommodate the health guidelines. For example, Terhune Orchards increased the diversity of products offered, created an online store and home delivery option, and created a system for “curbside” pick-up at their farm store. Honey Brook Organic Farm created a home delivery service for their own and other local farm products for local residents. Chickadee Creek Farm created an online ordering system for their farmer’s markets – and all farms with a presence at farmer’s markets have had to adapt to new guidelines to keep themselves and their customers safe. Some farmers have reported record-breaking sales, but there is uncertainty going into the colder months when outdoor events and markets will be less feasible.

B. Agricultural Industry Retention, Expansion, and Recruitment Strategies

1. Institutional

a. Farmer Support – Mercer CADB staff are available to lend assistance to existing and prospective farmers. Staff promotes the resources of the Department of Agriculture’s website to those in search of information (e.g. Farm Link, RTF, deer fencing, commercial farm buildings, and farmland assessment) and also directs inquiries to the local Rutgers Cooperative Extension office (e.g. agricultural water use permits and farm vehicle license plates). Specific requests regarding organic farming are directed to the Northeast Organic Farming Association (NOFA). When pertinent electronically sent information is received by staff, it is forwarded to farmers with email addresses on file.

b. Marketing / Public Relation Support – The Mercer CADB supports the State’s efforts in this regard and staff guides inquiries to the various Department of Agriculture websites. In particular, The Department’s website at <https://findjerseyfresh.com/> for *Jersey Fresh* and *Jersey Grown* labels is very useful. The website identifies listings for community markets, roadside markets and pick-your-owns as well as Jersey Fresh recipes and tips for choosing produce. In addition, these important branding programs work closely with the industry to market *Jersey Fresh* produce to the hotel, restaurant, educational, supermarket, and institutional food service industries.

c. Community Farmer’s Markets – Community farmer’s markets enable farmers to sell their products directly to the public. The NJ Department of Agriculture maintains a website at <https://findjerseyfresh.com/> which provides statewide information on a number of markets.

- The Trenton Farmers Market: As mentioned in Chapter II and at the beginning of this Chapter, the Trenton Farmer’s Market is the granddaddy of markets having been in operation at the same location on Spruce Street since the 1930’s and open all year long.
- Local and Seasonal Farmer’s Markets: There are local and seasonal farmers markets, large and small, spread throughout the County nearly every day of the week during the growing season and aside from fresh products, many of the vendors offer value-added items such as baked goods and jams. The largest community markets are in Hopewell Borough, Lawrenceville, Princeton, West Windsor, Trenton and Pennington. West Windsor also has a winter market and Robbinsville has a new hydroponic farm operation offering greens and herbs for sale.

d. Community Supported Agriculture (CSA): With a CSA, the consumer pre-pays for a season’s “share” and receives a weekly supply of produce. A list of CSA’s operating in and near Mercer County can be found on the Local Harvest website (<https://www.localharvest.org/>). The largest CSAs in the County are Honey Brook Farm and Chickadee Creek Farm in Hopewell, and Cherry Grove Organic Farm in Lawrence. Honey Brook, founded in 1991, is by far the largest, with 3,200 members and is the oldest



and largest certified organic CSA in New Jersey.

e. Agricultural Education and Market Research Coordination: The Mercer County office of the Rutgers Cooperative Extension is a sponsor of workshops and a very helpful resource for local farmers. There is a full-time Agriculture and Natural Resources County Extension Agent and the Mercer office's programming focuses on commercial agriculture and horticulture, environmental and resource management issues, farm business development and marketing, pesticide safety and training, integrated pest management (IPM), farm food safety and farm risk management. The Mercer CADB and Agent work closely together to monitor the farms in the County's preservation program and answer questions from the farming community.

2. Businesses

a. Input Suppliers and Services – Within Mercer County, there are few support services for the agricultural industry. When asked where they get agricultural inputs (seed, fertilizer, chemicals, etc.) local farmers indicate that they go to Grow Mark in Burlington County, Farmers Brokerage and Supply in Monmouth County, and the Plant Food Company in Middlesex County.

Rutgers Cooperative Extension of Salem County had a very good website for farmers to find suppliers, services and many other resources at <http://salem.rutgers.edu/greenpages/index.html>. As of this writing, this website no longer exists, but an update is in progress.

b. Product Distributors and Processors – When asked where they bring their agricultural products, growers of the vastly predominant field crops (see Table 9) like corn for grain, soybeans, and wheat indicate that they go to Perdue in Salem and Cumberland Counties and also into Pennsylvania. Vegetable farmers, of which sweet corn and pumpkins are the dominant products, sell direct to the consumer from their farms, or to Hunts Point Market in New York, and also to local supermarkets and roadside stands. Tri County Auction in East Windsor, a traditional auction house that hosts a produce auction three nights a week, is the only existing wholesale market support for the industry in Mercer County. In addition, the Trenton Farmers Market provides a daily year-round direct marketing outlet for farmers – as it has been doing since the 1930's. However, the number of participating farmers is limited by the Market's member's rules.

In 2008, a Lawrence Township entrepreneur, Mikey Azarra, (formerly with Northeast Organic Farming Association) initiated a small business called Zone 7 that on a weekly basis, links farmers who have product to sell—typically herbs, fruits, and vegetables—with restaurant chefs who desire such products.

Finally, there are several farm operators in the county that process their own product. For example: DiPaola farm and Lee Farm grow and process turkeys; Terhune Orchards manufactures cider and baked goods from their farm product; several horticultural nurseries do direct sales to consumers; and the wineries process their own grapes.

3. Anticipated Agricultural Trends

a. Market Location: Mercer County is centrally located in a large metropolitan area and has a substantial home-owning, mobile, affluent, and well-educated population. As identified earlier in this Chapter, many farmers take advantage of this population by marketing directly to the consumer either from CSAs, on-site farm stands or from local seasonal markets (for descriptions of these farm markets, see the beginning of this Chapter). Organic and grass-fed animal farms also take advantage of this population. Some sweet corn growers sell direct to local supermarkets while farmers growing Asian products transport their product to the north Jersey/New York City area.



b. Product Demand: As evidenced in Chapter II, Table 8, the fruit and vegetable sectors continue to be strong in the County. The grape sector grew in the last 10 years, reflecting the success of the three wineries in the County. This reflects a market described above that is well suited to various forms of niche farming (e.g. wineries), roadside produce stands, and organic farming/CSAs. Equine boarding and riding operations increased over the last 10 years and while nursery acreage decreased somewhat, the sector has remained relatively stable over time. Although traditional field crops continue to decline, equine operations (need for hay and straw) and the continuing strong market for field corn and soybeans aid that sector.

4. Agricultural Support Needs

a. Agricultural Facilities and Infrastructure: Support for the agricultural industry is important to Mercer County. However, at this time the County does not intend to play a lead role in new agricultural facilities and infrastructure. Other counties do so to some extent (especially south of Mercer) and we would also encourage the State of New Jersey to do so.

b. Flexible Land Use Regulations: Mercer County's six municipalities with substantial farmland (East Windsor, Hamilton, Hopewell Twp., Lawrence, Robbinsville, and West Windsor) all have Right to Farm Ordinances and all but West Windsor require a subdivision approval notification clause that runs with the land stating that farming is adjacent and a protected use. However, there are other areas where municipal sensitivity to the land use needs of agriculture can be helpful. They are:

- Setting specific buffering standards for non-farm development adjacent to working farms that help to limit trespassing and littering and also protect the residential landowner from dust and spray materials spread during farming activities, thus minimizing potential Right to Farm conflicts;
- Exemptions for certain farm structures from building height restrictions;
- Allowing additional principal dwelling units on farms in order to meet the needs of farmers for additional housing for their children or for farm managers;
- Exemptions from setback requirements when farmers seek to expand an existing nonconforming structure;
- Flexible fencing ordinances that make allowances for types of fencing on farms that might not be desirable in residential zones, in consideration of the farmers' need to prevent wildlife damage; and
- Permit fee reduction for agricultural buildings.

c. Agriculture Representation in Economic Development Organizations: We are not aware of any specific representation by the agricultural industry in any local economic development organizations.

5. Agricultural Support Implementation

The County of Mercer supports its agricultural industry primarily through farmland preservation and Right to Farm laws. As mentioned previously, the County also leases some preserved open space to farmers and has a growing deer management program on its parkland. While it recognizes that infrastructure support is important, the County does not have the resources to comprehensively pursue this.



Chapter VII: Natural Resource Conservation

- | **A. Natural Resource Protection Coordination**
- | **B. Natural Resource Protection Programs**
- | **C. Water Resources**
- | **D. Waste Management Planning**
- | **E. Energy Conservation Planning**
- | **F. Outreach and Incentives**



Chapter VII: Natural Resource Protection



Google Images; Stream Corridor

A. Natural Resource Protection Coordination

The Mercer County Agriculture Development Board recognizes that conservation of natural resources is a necessary part of farming and farmland preservation. Annual Deed of Easement Monitoring visits are utilized as an opportunity to talk to individual farmers and landowners about their Conservation Plans and resources and programs available from Rutgers Cooperative Extension, NJDA, NRCS, FSA, and other related agencies. Materials are enclosed with pre-monitoring letters and as monitoring handouts. The CADB also provides information to landowners via e-mail where possible.

The following organizations are valuable resources for coordinating natural resource protection in Mercer County:

1. Natural Resources Conservation Service (NRCS) and the Farm Service Agency (FSA)

These two agencies of the federal government are two of the most important organizations serving the local agricultural community. With offices in neighboring Monmouth County, staff from these agencies provide invaluable assistance and funding to Mercer's agricultural community towards protecting and conserving agricultural resources. There are numerous programs supported by these agencies and they are both promoted and well received throughout the agricultural community.

The NRCS, "provides assistance to private landowners (including farmers) in the conservation and management of their soil, water, and other natural resources. Local, state, and federal agencies and policymakers also rely on (its) expertise." The NRCS provides technical assistance suited to the natural resource issues that are specific to a farmer's needs, with ample opportunity for cost shares and financial incentives (<http://www.nj.nrcs.usda.gov>).

The local NRCS and FSA offices serving Mercer County are located at the Monmouth Agriculture Building, 4000 Kozloski Road, Suite D, Freehold, NJ. Mercer County farmers may utilize this local NRCS office for assistance. NRCS will also reach out directly to landowners if they know of a farmer who is in need of technical assistance, or can use the guidance of the NRCS staff.



The local NRCS office also helps to prepare Conservation Plans for Mercer County farmers. These Conservation Plans include strategies to conserve soil and water, and may also include conservation practices for flora, fauna, and clean air. If all five elements are included, they are referred to as Resource Management Plans.

Within one year of selling their development easement, owners of preserved farms are required to enter into a Conservation Plan. The Plans are also a prerequisite to apply for natural resource conservation program grants such as the Wildlife Habitat Incentive Program (WHIP) and Environmental Quality Incentive Program (EQIP).

The local NRCS office administers these conservation program grants, which offer financial incentives to support conservation projects, including stream riparian buffers and wildlife habitat.

Administration of these grant programs includes field visits to prepare the Conservation Plans, preparation of grant program contracts, assistance with installation of contract conservation practices, and inspection of farms to verify contract conservation practices are implemented and maintained. It should be noted that the Mercer County Soil Conservation District gives final approval on all Conservation Plans and program contracts, and the USDA, Farm Service Agency (FSA) assists NRCS in administration of an additional natural resource conservation program entitled Conservation Reserve Enhancement Program (CREP).

The phone number for the local NRCS office is (732) 462-0075, and the District Conservationist is Clare Flanagan. Ms. Flanagan and her staff can be contacted by Mercer County farmers for assistance and for more information on the availability of NRCS programs in the County (<http://www.nj.nrcs.usda.gov/>).

An additional resource for Mercer County farmers is the “*Field Office Technical Guide*” (Guide), which is published by NRCS. It contains technical information about the development and implementation of soil, water, air, flora, and fauna resource conservation practices, and is used to develop Conservation Plans. Each state has its own Guide, which lists and discusses conservation practices particular to a state. These conservation practices improve water and soil quality, improve plant condition, and in some instances can improve air quality.

2. The Mercer County Soil Conservation District

This is another valuable resource to the agricultural community. The district reviews and approves natural resource conservation and assistance program grants. It also assists in agricultural conservation planning, agricultural conservation cost-sharing program grants, application of organic materials on agricultural land, agricultural water supply and management, soil erosion and sediment control, storm water discharge authorization, and soil surveys.

The District is one of 15 local soil conservation districts which are coordinated and supported by the State Soil Conservation Committee. Their programs “provide engineering services and regulatory guidance to soil conservation districts, homeowners, engineers, planners and virtually all development activities. The Division provides technical standards applicable to construction and mining sites regulated by the Soil Erosion and Sediment Control Act program ...” (<http://www.state.nj.us/agriculture/divisions/anr/nrc/soil.html>).

The Mercer County SCD office is located at 508 Hughes Drive, Hamilton Square, NJ and the District Director is Paul Schiariti. He and his staff are available to provide assistance to farmers. The phone number is (609) 586-9603. The Mercer County SCD is involved in review of Conservation Plans and



grant program contracts, and must give final approval to both (<http://mercercsd.org/>).

3. Rutgers University

The Rutgers Cooperative Extension (RCE) provides both field and technical research which is focused on best management practices for farmers, to ensure that the natural resources upon which it is based are protected.

Relative to natural resource conservation, the RCE offers the Agriculture and Natural Resource Management program. This education program provides “non-biased, research based educational programs and services for both homeowners and commercial producers. Services offered by extension personnel include soil testing, insect identification, plant disease diagnosis, and pest management recommendations for agricultural operations”, as well as “educational publications covering a wide range of agricultural topics”. Mercer RCE employs a full-time Agriculture and Natural Resources County Agent, Meredith Melendez. Ms. Melendez provides technical assistance to farmers and farm employees. Mercer RCE also employs a full-time Horticulturist, Margaret Pickoff. Ms. Pickoff provides science-based information to homeowners and coordinates the Mercer County Environmental Stewards Program. All of the resources of RCE, including the Agricultural and Natural Resources Extension Agents, can be accessed by contacting RCE of Mercer County. The RCE of Mercer County is located at 1440 Parkside Avenue, Ewing, NJ. The office can be reached at (609) 989-6830 and the website is: <https://mercercnjaes.rutgers.edu/>.

B. Natural Resource Protection Programs

1. SADC Soil and Water Conservation Grant Program

The New Jersey Department of Agriculture, State Agriculture Development Committee (SADC) provides these cost-share grants to farms that are permanently preserved, or are enrolled in a term eight-year or 16-year preservation program, with funding priority given to preserved farms and then to farms in the 16 and eight-year programs. The purpose of the grants and program is to provide funds for soil and water conservation practices and the SADC provides up to a 50% cost-share

The types of soil and water conservation projects funded by SADC include soil erosion and sediment control systems (terrace systems), control of farmland pollution (stream protection; sediment retention, erosion or water control systems; animal waste control facilities; and agri-chemical handling facilities), the impoundment, storage and management of water for agricultural purposes (diversions; water impoundment reservoirs; irrigation systems; and, drainage systems), and management of land to achieve maximum agricultural productivity (land shaping or grading).

Landowners initially apply to the Mercer County Soil Conservation District and then applications are forwarded to the NJ State Soil Conservation Committee for approval and recommendation to the SADC, who provides final approval. Many of the County’s eligible farms have availed themselves of this program. The latest details about the grant program can be found on the SADC’s website at: <https://www.nj.gov/agriculture/sadc/farmpreserve/postpres/>.

2. SADC Deer Fencing Grant Program

The SADC’s Deer Fencing Grant Program provides 50% matching grants, up to \$200 per acre or a maximum of \$20,000, for deer fencing on permanently preserved farms to protect against crop losses. The grants cover materials and installation and require participants to attend a training session or watch a training video on proper installation, as well as use SADC-approved materials. The fencing must be



maintained for a minimum of 10 years. Applications are accepted on a rolling basis. The latest details about the grant program can be found on the SADC's website at:

<https://www.nj.gov/agriculture/sadc/farmpreserve/postpres/>.

3. Federal Conservation Programs

Agriculture Improvement Act of 2018

The 2018 Farm Bill directs U.S. farm and food policy through 2023 and continues to provide funding for all previously authorized federal agricultural conservation programs, albeit with some changes. For example, it reauthorizes the Environmental Quality Incentives Program (EQIP) and the Conservation Stewardship Program (CSP), the two largest working lands programs, with amendments and with less funding than the previous Farm Bill. It also reauthorizes and expands the Conservation Reserve Program (CRP), the largest land retirement program. These and some of the other commonly used programs are described in more detail below. All programs are voluntary and are designed to provide farmers with financial incentives for practices that protect soil and water resources. They are administered by the local NRCS office and Soil Conservation District. More information and application instructions can be found by consulting the NRCS website at

<https://www.nrcs.usda.gov/wps/portal/nrcs/main/national/programs/farmbill/>.

Working Lands Programs: EQIP and CSP

These two programs account for more than half of all conservation program funding in the 2018 bill. EQIP is a conservation program in which farmers receive financial and technical assistance with structural, vegetative and land management conservation practices that address soil, water, and grazing land concerns. As of this writing, the Wildlife Habitat Incentives Program (WHIP) no longer exists, but elements of it were rolled into the EQIP program. CSP provides technical and financial assistance to farmers to maintain and improve existing conservation systems. The 2018 authorization includes a new grassland conservation initiative.

The Conservation Innovation Grant (CIG) program is a subprogram under EQIP. The aim of the CIG program is to stimulate the development and adoption of conservation approaches and technologies which are innovative, in conjunction with agricultural production. Funds are awarded as competitive match grants.

Land Retirement and Easement Programs: CRP, CREP and ACEP

Through the CRP and one of its subprograms, the Conservation Reserve Enhancement Program (CREP), agricultural producers voluntarily retire land to protect environmentally sensitive areas, decrease soil erosion, provide and restore wildlife habitat, and protect ground and surface water. Examples of conservation practices include riparian buffers and filter strips for water quality, and contour buffer strips to reduce soil erosion. These programs provide annual rental payments to farmers for the land taken out of production.

The Agricultural Conservation Easement Program (ACEP) is the replacement for the Farm and Ranch Lands Protection Program (FRPP), Wetlands Reserve Program (WRP) and Grassland Reserve Program (GRP). ACEP provides financial and technical assistance through agricultural land easements (ALE) that limit non-agricultural uses or wetland reserve easements (WRE) that protect and restore wetlands. ACEP ALE easements are the federal equivalent of New Jersey's SADC easements and can be used to match SADC funding. See the NRCS website for more information at:

<https://www.nrcs.usda.gov/wps/portal/nrcs/main/nj/programs/easements/acep/>.



(Source: Congressional Research Service report titled, “The 2018 Farm Bill (P.L. 115-334): Summary and Side-by-Side Comparison”, available at: <https://crsreports.congress.gov/product/pdf/R/R45525>)

4. New Jersey’s Landowner Incentive Program (LIP)

The NJ LIP was a federal grant program created by Congress in 2002; according to the state’s website, the last appropriation was in FY 2007 and funds had to be expended by 2015 (https://www.njfishandwildlife.com/ensp/lip_prog.htm). LIP provided technical and financial assistance to private landowners interested in conserving threatened and endangered plant and animal species on their property. Project examples included vernal pool restoration, prescribed burns, and stream fencing. The State was particularly focused on grassland within regional priority areas and lands adjacent to Wildlife Management Areas and other permanently protected areas.

C. Water Resources

1. Supply Characteristics

Bedrock geology and soil types determine groundwater yields, surface and aquifer recharge capabilities, septic suitability and agricultural suitability. To the north of Route 1, the County is largely located within the rolling hills of the Piedmont Physiographic Province (dominated by shale and sandstone). South of Route 1, the County falls into the flatter Coastal Plain (composed of gravel, sand, silt and clay). The soil types in the County generally are level, gently rolling, well-drained loamy and shale soils underlain by red shale. The soils have been historically well-suited for field crops, hay, pasture for livestock, and vegetables and fruits in areas with adequate water holding capacity.

Groundwater supplies streams with base-flow to keep them flowing during normal periods without rain. In Mercer County there are eight main aquifer formations supplying wells and stream base-flows. Significant streams that are or can be sources of water supply for farms within Mercer County’s existing farm areas are: the Stony Brook and Jacobs Creek in Hopewell Township; Crosswicks Creek and Doctors Creek in Hamilton; Assunpink Creek in Robbinsville and West Windsor; and Cedar Swamp Brook in East Windsor.

2. Agricultural Demand and Supply Limitations

The dominant field crops in Mercer County are corn, soybean and hay. These crops rely on rain and some groundwater for water needs. However, the sectors of nursery and greenhouse, sod, and vegetable farming are more dependent upon reliable surface and ground water sources. As non-agricultural water demands increase in a suburban county such as Mercer, the negative impact on groundwater levels intensify. Many of the streams identified above undergo very low flow conditions in late summer and although wells on farms do not as yet seem adversely impacted, it may be just a matter of time given suburban growth and climate change.

Mercer County Extension Service has indicated that farmers are not having difficulty with obtaining water allocation permits issued by the Bureau of Water Allocation, Division of Water Supply, NJDEP. This Bureau is responsible for ensuring that surface and ground water diversions do not exceed the sustainable yield of available water resources and do not adversely impact existing users of that resource.

3. Conservation and Allocation Strategies

Water conservation strategies should be maximized where possible. Many of Mercer’s nursery farmers already implement conservation strategies such as drip irrigation. Some other possible strategies are



watering crops in the cooler parts of the day and reusing rain water from roofs - something that is being explored by at least one greenhouse operator in the County. At least one of Mercer's several cattle operators (a preserved farm owner) utilizes automatic watering troughs.

D. Waste Management Planning

Some of Mercer's equine and livestock owners already work with the NRCS to develop manure management plans, while others have put in place their own reasonably effective means of waste management. During its annual monitoring visits to preserved farms with animal operations, the CADB inquires about and observes the way waste is handled. In addition, the New Jersey Department of Agriculture has animal waste regulations and farms that meet the minimum animal weight and manure criteria must prepare formal plans for the NJDA. More information can be found at:

<https://www.nj.gov/agriculture/divisions/anr/agriassist/animalwaste.html>.

The County's recycling program, under the direction of the Mercer County Improvement Authority, does not accept agriculture related products (nursery plastics, plastic mulch, tires, etc.) for recycling at this time. However, nursery and greenhouse film can be recycled at the Occupational Training Center in Mount Holly, Burlington County.

The NJDA has an Agricultural Recycling Program. More information is available at their website,

<https://www.nj.gov/agriculture/divisions/anr/nrc/recycling.html>.

E. Energy Conservation Planning

The SADC has a formal policy, adopted in 2010, for energy generation on farms, available on their website at: <https://www.nj.gov/agriculture/sadc/farmpreserve/postpres/#8>. It regulates the installation of biomass, wind and solar energy generation systems on preserved farms and sets criteria for farmland assessment and Right to Farm protection for preserved and unpreserved farms related to these energy systems. Preserved farms can install these systems if they do not interfere with the agricultural use of the property and are used to provide energy for the farm or reduce its energy bill. Landowners must get SADC permission before installing systems. See the SADC's website for the application and more details.

1. Solar Energy

Solar energy can be harnessed via the installation of solar panels. This harnessed or stored energy can then be used to create electricity and provide heat. If excess electricity is generated, it can be sold back to the electric grid for a profit. The overall use of solar panels has greatly increased in New Jersey. EQIP does provide some funding for solar panels, and farmers interested in using this alternate energy source can contact the local NRCS office for more information.

At least two of Mercer County's farmers have installed solar power systems on barn roofs to make electricity. Note that per SADC regulations, preserved farmland cannot be used for commercial solar farms.

Other programs available to help agricultural producers take advantage of this technology include U.S. Department of Energy, "Solar Energy Technology Program", <https://www.energy.gov/eere/solar/solar-energy-technologies-office> and the "Solar Energy for New Jersey Agriculture" work and information sheet at <http://www.state.nj.us/agriculture/pdf/solarenergyguide.pdf>. Solar energy is one of the fastest



growing sectors in the alternative energy market, and more Mercer County farmers should take advantage of this energy and money saving technology.

2. Wind Energy

The power of a strong, consistent wind can be captured by turbines or windmills, turning such power into electricity. Expanding and evolving technology is making this option more attractive to farmers as a way to cut energy costs. As far as we are aware, there are no farms with electricity generating wind turbines in Mercer County, although the County has ample and consistent enough wind power to make turbine energy feasible. One possible roadblock to use of wind turbines is that few, if any, municipal ordinances allow the use of wind turbines. If this is indeed the case then the Mercer County CADB should work with the County Planning Department, and local towns, to study and approve wind turbines as an allowed use.

3. Ethanol & Biodiesel

Ethanol is a renewable fuel made by distilling the starch and sugar in a variety of plants. It can then be blended into gasoline as an “oxygenate”, reducing air pollution. Its use may also reduce dependence on foreign oil, and the harmful environmental effects of oil drilling. Also, unlike the gasoline additive MTBE, ethanol will not contaminate groundwater.

Petroleum diesel is an emitter of sulfur emissions, a major air pollutant. Biodiesel, made from the oils of soybeans, is an alternative to petroleum diesel. This organic fuel can be blended and used in diesel engines without modification. The result is a significant reduction of the harmful fumes produced by pure petroleum diesel. The dominance of field crops in the County could position Mercer farmers to financially capitalize on ethanol-blended fuels and biodiesel.

F. Outreach and Incentives

The NJ Department of Agriculture (NJDA) provides the following information on renewable energy grant programs, which can help encourage the use of these energy sources. More information is available on the NJDA’s website at: <https://www.nj.gov/agriculture/grants/energy.html>.

New Jersey’s Clean Energy Program: Administered by the New Jersey Board of Public Utilities, this program provides financial incentives to install clean energy systems, including fuel cells, solar energy, small wind and sustainable biomass equipment. Financial incentives are in the form of rebates for 30% – 70% of system costs.

Renewable Energy Systems and Energy Efficiency Improvements Program: This is a grant and loan guarantee program for agricultural producers and rural small businesses. It provides funds to purchase renewable energy systems and make energy efficiency improvements.

Biomass Research and Development Initiative Grants: The United States Departments of Agriculture and Energy support development of biomass energy. Grants are available for research, development, and demonstrations on bio-based products, bio-energy, biofuels, bio-power and additional related processes. In the recent past, grants have focused on development and demonstration projects that lead to greater commercialization.

New Jersey SmartStart Building: Through this program, utilities pay up to 50% of the cost of an energy audit up to \$10,000, with the goal of reducing energy costs through building renovations or incorporating energy savings into a new building project from its inception



Chapter VIII: Agricultural Industry Sustainability, Retention and Promotion

| A. Existing Agricultural Industry Support

/ B. Other Strategies



Chapter VIII: Agricultural Industry Sustainability, Retention and Promotion



Lee Acres Preserved Farm, East Windsor; Dan Pace



SADC Image



Terhune Orchards Preserved Farm, Lawrence (website)

A. Existing Agricultural Industry Support

1. Right to Farm and Agricultural Mediation Programs

a. Right to Farm Law

The Right to Farm law protects farmers from nearby residents who complain about normal farming operations such as noise, odors, and dust. It also protects farmers from unnecessary municipal ordinances or regulations that may restrict farming operations, as long as the operations are conducted in accordance with best management practices. The State of New Jersey adopted the Right to Farm Act in 1983 and amended it in 1998. The Act protects, “commercial farm operations from nuisance action, where recognized methods and techniques of agricultural production are applied, while, at the same time,” acknowledges, “the need to provide a proper balance among the varied and sometimes conflicting



interests of all lawful activities in New Jersey.” The Act stipulates the types of activities a farm may engage in as well as the steps for various agencies to follow in reviewing disputes regarding any farm activity. See the SADC’s model Right to Farm ordinance in Appendix V.

The SADC works to maximize protections for commercial farmers under the Right to Farm Act by developing best management practices for agricultural activities, called Agricultural Management Practices (AMPs), tracking Right to Farm cases, offering a conflict resolution process, and reviewing rules proposed by other state agencies for the impact they may have on agriculture. As of this writing, the SADC has 12 AMPs specifying standards for apiary, poultry manure, food processing by-product application, commercial vegetable and tree fruit production, natural resource conservation, on-farm compost operations, fencing installation for wildlife control, equine activities, aquaculture, solar energy and on-farm direct marketing. The Mercer CADB believes it would be beneficial for the SADC to adopt an animal processing AMP. There is a need for more facilities in the County and it is a land use that may be controversial. The CADB also believes that an AMP for value-added products would be useful, as County farmers often process the output of a different farm and then sell it. In addition, it will be important for the State to provide clear guidance about the rules for hemp and marijuana production and processing. A New Jersey Hemp Farming Act was adopted in 2019 and it is possible that marijuana may be legalized in the state soon.

In order to qualify for Right to Farm protection a farm must meet the definition of a “commercial farm” in the Right to Farm Act; be operated in conformance with federal and state law; comply with AMPs recommended by the SADC, or Site Specific AMPs (SSAMPs) developed by the local CADB at the request of a commercial farmer; must not be a direct threat to public health and safety; and, must be located in an area where agriculture was a permitted use under municipal zoning ordinances as of December 31, 1997, or thereafter; or, must have been an operating farm as of December 31, 1997.

All Right to Farm complaints or issues that can be brought before the CADB are first handled with fact finding, and efforts to resolve differences between the parties. The mediation can be informal or, if the parties agree, the SADC will provide mediation or conflict resolution at no cost to the participants through its Agricultural Mediation Program. If a formal complaint is filed with the CADB, a determination as to whether the farm falls within the parameters established by the Act for Right to Farm protection is made. Once eligibility is determined, additional fact finding and technical review occurs and the issue is given a public, quasi-judicial hearing at the county level. After all information has been considered, the CADB will make a determination as to whether the agricultural activity is protected by the Right to Farm Act or whether changes to the operation will be required. If the issue is not resolved by the CADB determination, either party in the dispute may take the matter for a subsequent appeal and determination to the New Jersey Office of Administrative Law.

The following table identifies the six municipalities which have Right to Farm ordinances. No other municipality in Mercer County has significant farmland or a Right to Farm ordinance.



Table 17. Right to Farm Ordinances, Mercer County. (Source: Municipal websites)

	Notification Clause*	Adoption Year	Ordinance Number/Section
East Windsor	Y	rev. 1996	Sect. 26-1
Hamilton	Y	1991	Ord. 91-007, Sect. 550-136
Hopewell Township	Y	1993	Ord. 93-957, Sect. 22-1
Lawrence	Y	1983, rev. 1986	Ord. 1046-86, Sect. 152-1
Robbinsville	Y	1985, rev. 1999	Ord. 99-14, Sect. 98-1
West Windsor	N	1982, rev. 1999, 2006	Ord. 82-52, Sect. 200-146

*Right to Farm notification imposed and running with the land on new subdivision lots adjacent to existing farms.

All the ordinances identified above, except for West Windsor Township, are nearly identical and appear to follow a model ordinance circa 1985. West Windsor’s ordinance generally reflects the same rights to certain farming activities as the other ordinances but does so in an abbreviated way. This early model ordinance is generally consistent with, but not as comprehensive, as the current State Model Ordinance, which is available on the SADC’s website at: <https://www.nj.gov/agriculture/sadc/rtfprogram/>. Municipalities should continue to update their ordinances as new guidance is available from the state. The County plans to host a Right to Farm workshop for its municipalities to ensure that local officials understand its implementation.

b. Site Specific Agricultural Management Practices (SSAMP)

In addition to AMP’s promulgated by the SADC as described above, the Right to Farm law allows CADB’s to promulgate SSAMP’s for individual farming operations. Pursuant to N.J.A.C. 2:76-2, “Site specific agricultural management practice” means a specific operation or practice which has been recommended by the appropriate board, or in a county where no board exists, the Committee, to constitute a generally accepted agricultural operation or practice.”

A SSAMP provides additional protection to a farm operation by preemptively protecting the operation from nuisance complaints. In addition, New Jersey courts have ruled that under certain conditions, a SSAMP can also preempt local land use law:

Initial Decision (2007 N.J. AGEN LEXIS 239) adopted, which affirmed a county agriculture development board’s approval of construction of a barn where the permit applicant, who operated a commercial farm pursuant to the requirements of N.J.S.A. 4:1C-9, was engaged in an accepted agricultural operation or practice and consequently had a legitimate agriculturally based reason under the Right to Farm Act for preemption of municipal land use authority. Application of the municipal ordinance would have entirely precluded applicant’s ability to construct the barn, not merely restrict it, and moreover no testimony was offered to remotely suggest that fire or other emergency vehicles would be unable to reach the applicant’s property, as access to the property was identical whether or not a barn would be built. In re Petty (Appeal of Resolution Issued by Warren County Agric. Dev. Bd.), OAL Dkt. No. ADC 05370-06, Final Decision (June 28, 2007).



c. The Agricultural Mediation Program

As described on the SADC website (see <http://www.state.nj.us/agriculture/sadc/rtfprogram/>), the State's Right to Farm Program has established an informal conflict resolution by mediation process in recognition of the following:

- That the formal process can sometimes seem adversarial and leave relationships strained, and
- That there are benefits to resolving conflicts in a less formal fashion, such as forging better relationships and preventing additional conflicts in the future.

To use the mediation program, both parties must voluntarily request mediation. Each mediation session is facilitated by a trained, impartial mediator whose job is not to impose a solution but to rather facilitate discussion. The mediator helps disputing parties examine their mutual problems, identify and consider options, and determine if they can agree on a solution. Because the mediator has no decision-making authority, successful mediation is based on the voluntary participation and cooperation of all the parties.

d. Farmland Assessment

Farmland Assessment is a tax incentive which reduces local property taxes on actively farmed land. This tax incentive is made possible by the Farmland Assessment Act of 1964, N.J.S.A. 54:4-23.1 et seq.

As of this writing, the most significant elements of the law are:

- Land must consist of at least five contiguous farmed and/or woodland management plan acres;
- Land under or adjoining a farmhouse is not counted towards the minimum five acres;
- Except for land managed under a Woodland Management Plan, gross sales of products from the land must average at least \$1,000 per year for the first five acres, plus an average of \$5.00 per acre for each acre over five. Farms under a Woodland Management Plan must average at least \$500 per year for the first five acres, plus \$0.50 per acre for each acre over five;
- The land must be actively farmed for the two years preceding the tax year being applied for; and
- Homes, barns and other farm structures are not farmland assessed.

As illustrated in Chapter I, Table 2 (Municipal acreage column) and Table 6 (total acres ag use row), the six municipalities in Mercer County (East Windsor, Hamilton, Hopewell, Lawrence, Robbinsville, and West Windsor) with significant farmland have a total municipal acreage of 116,800 acres, of which, 26,291 acres, or 22.5%, are Farmland Assessed. Again, it is important to note that these six municipalities have **97%** of all farmland assessed land in Mercer County.

B. Other Strategies

1. Agricultural Vehicle Movements / Routes

Mercer County farmers need to move heavy, slow moving agricultural equipment over local, county and sometimes state roads to access unconnected fields and barns. It is their usual practice to do this very early in the morning to avoid conflicts with other vehicles as much as possible. The County and municipalities could consider posting more agricultural vehicle signage at key locations along roads and at bridge crossings.



2. Agricultural Labor Housing and Training

a. Labor Housing

Many sectors of the agricultural industry that are important in Mercer County are those in which an adequate or specialized labor supply is integral to the operation, namely fruit and vegetables, equine, wineries and nursery. The CADB has acted on several labor housing requests for these sectors and has been guided during its review by the Deed of Easement and its own policy for agricultural labor housing (see Appendix: CADB Policies). As with a replacement housing request on the farm Premises, the CADB considers, among other things, the size, number and type of laborers to be housed, and impact on the agricultural operation. After the CADB acts, the request is forwarded to the SADC whose staff then reviews the request using their criteria.

b. Training

One special educational source for training Mercer County agricultural land owners and operators is the Rutgers Cooperative Extension. Its programs and outreach efforts focus on commercial agriculture and horticulture, fisheries and aquaculture, environmental and resource management issues, farm business development and marketing, pesticide safety and training, integrated pest management (IPM), and other related subjects.

3. Wildlife Management Strategies

Wildlife management is very important for the retention of agriculture. Crop losses to birds, deer and other animals can be significant. Netting, fencing, hunting, air cannons and other techniques are all employed by Mercer County farmers to deter crop depredation. The Mercer County Park Commission runs a deer management program on Baldpate Mountain, Mercer Meadows and Mercer County Park. Their goals are to improve the ecological health of the parks, reduce deer pressure for farmers and improve community health by reducing car-deer collisions and tick populations. All three parks are in close proximity to preserved and unpreserved farmland and the hundreds of deer taken by hunters in the parks over the past few years has been beneficial to these farms. During the 2018-19 season, hunters removed 298 deer from the parks. The Park Commission also performs spotlight deer surveys, trail camera studies and forest health vegetation monitoring annually to track the deer population in the County. Data from 2019 indicate the population continues to be very high: results from the Mercer County Park spotlight survey were 50-74 deer per square mile compared to the 10-25 deer per square mile benchmark for ecological health. Mercer County also allows farmers who lease land from the County to hunt during the regular state deer season and obtain state depredation permits to reduce the pressure on their crops. As of this writing, there are 11 leases on 479 acres of land.

4. Agriculture Education and Promotion

Farmland preservation must go beyond the purchase of development easements and make the effort to ensure that the agricultural industry remains not only a viable component of the County's economy, but a major part of the County's character and lifestyle.

Education and training for farmers promotes a more efficient and productive business environment. Rutgers Cooperative Extension Offices in Mercer County, and throughout the State, are actively doing just that.

The County of Mercer supports the New Jersey Department of Agriculture's commitment to promoting agritourism through the New Jersey Office of Travel and Tourism, the *Jersey Fresh* website, the



distribution of printed materials, and other forms of advertisement.

Mercer County farmers are very active in the “Farmers Against Hunger” food rescue program to distribute produce to organizations dedicated to helping people who are hungry.

Several Mercer County farmers open their farms to elementary and middle school student groups to educate them about agriculture.

The Mercer County 4H has a growing group of young people interested in equine activities. They meet in Hopewell Township at Howell Living History Farm – a popular County facility dedicated to its donor’s vision of:

“a (turn of the century) Living History Farm, where the way of living in its early days could not only be seen but actually tried by the public, especially children - milking a cow, gathering eggs in a homemade basket- helping to shear sheep, carding wool, spinning and weaving...”

More information about Howell Living History Farm can be found at: <http://www.howellfarm.org/>.



Howell Farm, Hopewell; Dan Pace

APPENDICES

- | **I.** **Farms with Agricultural Easements Held by County of Mercer**
- | **II.** **Farms with Agricultural Easements Held by State of New Jersey**
- | **III.** **Preserved Farm Acreage by Municipality: County and State-held Easements**
- | **IV.** **Adopted CADB Policies**
- | **V.** **Model Right to Farm Ordinance**
- | **VI.** **Mercer County Farmland Preservation and Project Area Maps**



Appendix I. Farms with Agricultural Easements Held by County of Mercer

Name	Municipality	Easement Acres	Exception Acres	Year Preserved	Easement Purchase Price ¹		State Cost-Share ²
Doerler (Hendrickson)	Hamilton	121.82	0.00	1988	\$926,242.40		\$463,121.20
Hart, Jr.	Hopewell	15.01	0.00	1990	\$1,289,065.88		\$1,031,252.70
Hart, Jr. (Stuart)	Hopewell	58.82	0.00	1990			
Lyons (Niederer)	Hopewell	63.22	0.00	1991	\$1,360,872.00		\$777,610.00
Niederer	Hopewell	80.09	0.00	1991			
Kim (Facey)	Hamilton	142.43	0.00	1994	\$566,420.40		\$368,173.26
Skeba (Skeba-Mellman)	East Windsor	106.26	0.00	1994	\$329,406.00		\$214,113.90
Liang (Sakowsky)	Hamilton	62.48	0.00	1995	\$294,798.10	*	\$201,872.34
Mount	Lawrence	52.36	1.30	1995	\$471,204.00		\$282,722.40
McLaughlin (Kessler)	Robbinsville	38.78	0.00	1996	\$190,022.00		\$129,519.00
Thangaraju (Ponczek)	Robbinsville	55.62	0.00	1996	\$137,278.75		\$105,567.36
DiDonato (PRL)	Lawrence	65.66	2.00	1997	\$798,786.73		\$443,861.60
Institute for Advanced Study	Princeton	223.00	0.00	1997			
Meirs (Blasig, Jr.)	East Windsor and Robbinsville	136.95	0.00	1997	\$484,578.49		\$328,495.76



Name	Municipality	Easement Acres	Exception Acres	Year Preserved	Easement Purchase Price ¹		State Cost-Share ²
Voorhees (Blasig, Sr.)	Robbinsville	43.13	0.00	1997	\$222,813.09		\$149,822.59
Mallesch (Warcholak)	Robbinsville	31.15	2.00	1998	\$189,365.25		\$122,708.68
D'Amico	Robbinsville	87.88	2.00	1998	\$458,739.34		\$308,456.33
DiDonato	Lawrence	83.57	3.45	1998	\$822,002.75		\$534,301.66
Kosek (County of Mercer)	Hopewell	132.94	2.88	1998			
McBride (County of Mercer)	Hopewell	91.62	2.00	1998	\$2,053,936.25	*	\$1,335,058.56
Mount (Johnson)	Lawrence	65.34	0.19	1998	\$637,067.93		\$414,094.15
Skeba	East Windsor	57.59	2.00	1998	\$410,307.38		\$256,981.99
Brittain (Skeba)	Hamilton	52.54	2.00	1999			
DePaulis (Runge)	Hamilton	118.52	2.00	1999	\$647,614.12		\$430,274.82
Ellis (Samu)	Hamilton	100.64	0.00	1999	\$599,939.64		\$389,900.77
Pyrros (Skeba)	Hamilton	39.59	2.00	1999	\$584,054.72		\$374,846.32
Radvany	Hopewell	23.18	0.00	1999	\$392,296.48		\$254,992.71
Takter (Baldochino)	East Windsor	96.81	2.00	1999	\$698,837.63		\$454,244.46



Name	Municipality	Easement Acres	Exception Acres	Year Preserved	Easement Purchase Price ¹		State Cost-Share ²
Weidel	Hopewell	36.64	0.00	1999	\$322,542.00		\$225,779.40
Wojcik (Twp of Washington)	Robbinsville	81.37	2.00	1999	\$406,850.00		\$276,658.00
Wojcik (Twp of Washington)	Robbinsville	99.57	1.00	1999	\$1,115,056.00		\$669,033.00
Ginsberg/Kutzer-Rice (Constantino)	East Windsor	9.00	0.50	2000	\$81,000.00		\$29,763.00
Gris (Mastoris)	Robbinsville	37.89	2.00	2000	\$207,988.65		\$138,083.66
Jany (Twp of West Windsor)	West Windsor	54.44	0.00	2000	\$631,640.10		\$410,566.07
Jingoli (Martindell)	Hopewell	42.85	0.00	2000	\$478,228.32		\$286,936.99
Kyle (Seip)	East Windsor	17.55	1.00	2000	\$105,145.80		\$68,344.77
Radvany	Hopewell	17.40	0.00	2000	\$192,295.20		\$115,377.12
Benioff	Hopewell	99.91	0.15	2001	\$932,631.10		\$568,718.44
Chan (Kuo)	Robbinsville	39.01	2.00	2001	\$218,447.60		\$144,328.33
DiDonato (Mercer Chmiel)	Lawrence	29.40	0.00	2001	\$1,200,000.00	*	\$476,721.00
DiDonato (Chmiel)	Lawrence	12.57	6.00	2001			
Gabert (Twp of Washington)	Robbinsville	50.96	2.44	2001	\$222,764.52		\$154,041.67



Name	Municipality	Easement Acres	Exception Acres	Year Preserved	Easement Purchase Price ¹		State Cost-Share ²
Zheng and Zhu	Robbinsville	78.83	0.00	2001	\$414,211.70		\$278,060.31
Fedor	Hopewell	57.63	1.50	2002	\$409,837.05		\$245,902.23
Kyle	East Windsor	21.00	0.00	2002	\$107,640.00		\$72,450.00
County of Mercer/Zygmunt	Hamilton	56.12	0.00	2003	\$1,014,075.50	*	
Hendrickson	Lawrence	95.57	0.00	2003	\$889,270.73		\$578,026.45
Schumacher (Levy)	West Windsor	25.68	2.00	2003	\$346,653.00		\$207,991.80
Skolnick (Bluestone Farms)	Hopewell	61.82	0.00	2003	\$871,645.08		\$522,987.05
Township of West Windsor	West Windsor	112.59	0.00	2003	\$2,251,880.00		\$1,351,128.00
Township of West Windsor	West Windsor	76.42	0.00	2003	\$1,520,777.90		\$912,466.74
Township of West Windsor	West Windsor	31.08	0.00	2003	\$612,216.90		\$367,330.14
Township of West Windsor	West Windsor	25.73	0.00	2003	\$591,951.00		\$355,170.60
Township of West Windsor	West Windsor	25.35	0.00	2003	\$501,989.40		\$301,193.64
Tindall	West Windsor	79.72	3.00	2003	\$2,779,108.90		\$1,667,465.35
Weidel, Jr.	Hopewell	57.84	3.00	2003	\$435,707.91		\$261,424.75



Name	Municipality	Easement Acres	Exception Acres	Year Preserved	Easement Purchase Price ¹	State Cost-Share ²
Fulper II (PRL)	Hopewell	46.71	3.31	2004	\$317,613.04	\$200,843.54
Gabert (Twp of Washington)	Robbinsville	107.22	2.00	2004	\$525,386.82	\$358,120.81
Kyle (Bogatz)	East Windsor	25.24	0.00	2004	\$148,940.19	\$97,189.79
MacQueen (Ferrette)	Hopewell	40.61	2.00	2004	\$511,644.42	\$306,986.65
McBride (Lanwin)	Hopewell	107.06	2.00	2004	\$728,039.96	\$460,378.21
Reed (D&R Greenway)	Robbinsville	49.53	2.00	2004	\$725,089.94	\$361,462.50
Sciarrotta (Gallo)	Hopewell	46.89	1.00	2004	\$691,218.00	\$414,730.53
Solanki, Patel, Joshi (Knapp)	Robbinsville	68.13	0.39	2004	\$211,188.12	\$153,962.95
Weidel, Jr. (PRL)	Hopewell	80.58	4.00	2004	\$652,732.02	\$398,891.79
East Windsor Twp.	East Windsor	38.95	0.00	2005	\$409,837.05	\$245,902.23
Kalinowski and Keris (Windsor Farm)	W. Windsor and Robb.	49.13	3.00	2005	\$2,600,000.00	\$1,498,759.78
(Twp of Washington)	Robbinsville	9.76	0.00	2005	\$144,580.43	\$86,748.27
Wojcik (Twp of Washington)	Robbinsville	71.84	2.00	2005	\$359,200.00	\$244,256.00
Booth (Dyjak)	Robbinsville	47.99	2.19	2006	\$724,395.51	\$434,637.50



Name	Municipality	Easement Acres	Exception Acres	Year Preserved	Easement Purchase Price ¹		State Cost-Share ²
Huebner	Hopewell	55.30	2.04	2006	\$821,249.55		\$492,749.73
Lee	East Windsor	53.51	0.08	2006	\$9,838,800.00		\$3,319,456.79
Patricelli	Hopewell	25.69	1.30	2006	\$518,958.20		\$311,374.92
Tindall	Robbinsville	56.90	1.00	2006	\$2,548,000.00		\$786,268.50
Gentile (County of Mercer)	Robbinsville	141.74	1.50	2008	\$10,900,000.00	*	\$4,516,048.45
Mount	Lawrence	26.12	1.50	2009	\$701,585.00		\$420,950.70
Working Dog Winery (Perrine and McIntyre)	Robbinsville	12.00	4.27	2010	\$390,000.00		\$234,000.00
Perrine (County of Mercer)	Robbinsville	26.86	2.00	2010	\$2,550,000.00	*	\$1,121,162.23
Polizzi (County of Mercer)	Hamilton	29.80	2.00	2010	\$3,400,000.00	*	\$1,473,182.43
Bonacorda	Hamilton	44.60	2.00	2011	\$3,250,070.40	*	\$1,607,433.45
Guzikowski (County of Mercer)	Hamilton	11.58	2.25	2011		*	
Singh (County of Mercer)	Hamilton	28.98	2.00	2011		*	
Mady (Moore)	Hamilton	48.02	3.04	2013	\$645,909.35		\$328,477.32
Hamill	Lawrence	33.53	2.00	2014	\$301,806.00		\$181,083.60



Name	Municipality	Easement Acres	Exception Acres	Year Preserved	Easement Purchase Price ¹		State Cost-Share ²
Skeba	East Windsor	18.57	2.00	2014	\$168,987.00		\$92,850.60
Mady (Mercer PRL)	Hamilton	147.62	1.00	2016	\$2,503,369.00		\$1,102,208.82
Malik (Mercer McNulty)	Hopewell Twp.	27.57	2.10	2017	\$720,000.00	*	\$264,643.20
DiDonato (Mercer Chmiel 3)	Lawrence	29.40	6.00	2018			
Mady (Mercer Chowdhury)	Hamilton	31.55	0.00	2018	\$321,779.40	*	\$193,067.64
Smith	Hamilton	15.33	1.73	2018	\$156,345.60		\$93,807.36
Totals (89 easements)		5,335.25	113.67		\$81,913,928.69		\$41,859,577.36

*Indicates fee price.

¹Blank easement purchase price means a property was subdivided after preservation and purchase price is included in another row.

²Blank state cost-share means either state funding was not sought or a property was subdivided after preservation and cost-share is included in another row.



Appendix II. Farms with Agricultural Easements Held by State of New Jersey

Property Name	Municipality	Acres
Batog	East Windsor	24.71
Bielanski	East Windsor	48.86
Black	East Windsor	62.43
Cedarland /Krystal	East Windsor	77.60
Cedarland1	East Windsor	73.75
Cedarland2	East Windsor	96.95
Holzman	East Windsor	65.16
Lenox/Cedarland	East Windsor	123.98
Princeton Nursery	East Windsor	116.41
Ward	East Windsor	71.86
Danch	Hamilton	21.33
Ellis	Hamilton	91.94
Hunt	Hamilton	43.06
Lengyen	Hamilton	130.01
Faille	Hopewell	39.65
Gillespie State Farm	Hopewell	130.17
Hopewell/Martin	Hopewell	161.80
Kurtz State Farm	Hopewell	32.69
Mokros	Hopewell	91.73
Old Mill Road	Hopewell	92.72
St. Michaels	Hopewell	221.51
Widman	Hopewell	11.97
Gordon	Lawrence	66.40
McLaughlin	Robbinsville	29.02
Total		1925.71



Appendix III. Preserved Farm Acreage by Municipality: County and State-held* Easements

*State-held easements are shaded gray

Name	Municipality	Easement Acres
Skeba (Skeba-Mellman)	East Windsor	106.26
Skeba	East Windsor	57.59
Takter (Baldochino)	East Windsor	96.81
Ginsberg/Kutzer-Rice (Constantino)	East Windsor	9.00
Kyle (Seip)	East Windsor	17.55
Kyle	East Windsor	21.00
Kyle (Bogatz)	East Windsor	25.24
East Windsor Twp.	East Windsor	38.95
Lee	East Windsor	53.51
Skeba	East Windsor	18.57
Meirs (Blasig, Jr.)	East Windsor and Robbinsville	136.95
Batog	East Windsor	24.71
Bielanski	East Windsor	48.86
Black	East Windsor	62.43
Cedarland /Krystal	East Windsor	77.60
Cedarland1	East Windsor	73.75
Cedarland2	East Windsor	96.95
Holzman	East Windsor	65.16
Lenox/Cedarland	East Windsor	123.98
Princeton Nursery	East Windsor	116.41
Ward	East Windsor	71.86
	TOTAL	1,343.14
Doerler (Hendrickson)	Hamilton	121.82
Kim (Facey)	Hamilton	142.43
Liang (Sakowsky)	Hamilton	62.48
Brittain (Skeba)	Hamilton	52.54
DePaulis (Runge)	Hamilton	118.52
Ellis (Samu)	Hamilton	100.64
Pyrros (Skeba)	Hamilton	39.59
County of Mercer/Zygmunt	Hamilton	56.12
Polizzi (County of Mercer)	Hamilton	29.80
Bonacorda	Hamilton	44.60
Guzikowski (County of Mercer)	Hamilton	11.58



Name	Municipality	Easement Acres
Singh (County of Mercer)	Hamilton	28.98
Mady (Moore)	Hamilton	48.02
Mady (Mercer PRL)	Hamilton	147.62
Mady (Mercer Chowdhury)	Hamilton	31.55
Smith	Hamilton	15.33
Danch	Hamilton	21.33
Ellis	Hamilton	91.94
Hunt	Hamilton	43.06
Lengyen	Hamilton	130.01
	TOTAL	1,337.96
Hart, Jr.	Hopewell	15.01
Hart, Jr. (Stuart)	Hopewell	58.82
Lyons (Niederer)	Hopewell	63.22
Niederer	Hopewell	80.09
Kosek (County of Mercer)	Hopewell	132.94
McBride (County of Mercer)	Hopewell	91.62
Radvany	Hopewell	23.18
Weidel	Hopewell	36.64
Jingoli (Martindell)	Hopewell	42.85
Radvany	Hopewell	17.40
Benioff	Hopewell	99.91
Fedor	Hopewell	57.63
Skolnick (Bluestone Farms)	Hopewell	61.82
Weidel, Jr.	Hopewell	57.84
Fulper II (PRL)	Hopewell	46.71
MacQueen (Ferrette)	Hopewell	40.61
McBride (Lanwin)	Hopewell	107.06
Sciarrotta (Gallo)	Hopewell	46.89
Weidel, Jr. (PRL)	Hopewell	80.58
Huebner	Hopewell	55.30
Patricelli	Hopewell	25.69
Malik (Mercer McNulty)	Hopewell	27.57
Faille	Hopewell	39.65
Gillespie State Farm	Hopewell	130.17
Hopewell/Martin	Hopewell	161.80
Kurtz State Farm	Hopewell	32.69
Mokros	Hopewell	91.73



Name	Municipality	Easement Acres
Old Mill Road	Hopewell	92.72
St. Michaels	Hopewell	221.51
Widman	Hopewell	11.97
	TOTAL	2,051.62
Mount	Lawrence	52.36
DiDonato (PRL)	Lawrence	65.66
DiDonato	Lawrence	83.57
Mount (Johnson)	Lawrence	65.34
DiDonato (Mercer Chmiel)	Lawrence	29.40
DiDonato (Chmiel)	Lawrence	12.57
Hendrickson	Lawrence	95.57
Mount	Lawrence	26.12
Hamill	Lawrence	33.53
DiDonato (Mercer Chmiel 3)	Lawrence	29.40
Gordon	Lawrence	66.40
	TOTAL	559.92
Institute for Advanced Study	Princeton	223.00
McLaughlin (Kessler)	Robbinsville	38.78
Thangaraju (Ponczek)	Robbinsville	55.62
Voorhees (Blasig, Sr.)	Robbinsville	43.13
Mallesh (Warcholak)	Robbinsville	31.15
D'Amico	Robbinsville	87.88
Wojcik (Twp of Washington)	Robbinsville	81.37
Wojcik (Twp of Washington)	Robbinsville	99.57
Gris (Mastoris)	Robbinsville	37.89
Chan (Kuo)	Robbinsville	39.01
Gabert (Twp of Washington)	Robbinsville	50.96
Zheng and Zhu	Robbinsville	78.83
Gabert (Twp of Washington)	Robbinsville	107.22
Reed (D&R Greenway)	Robbinsville	49.53
Solanki, Patel, Joshi (Knapp)	Robbinsville	68.13
(Twp of Washington)	Robbinsville	9.76
Wojcik (Twp of Washington)	Robbinsville	71.84
Booth (Dyjak)	Robbinsville	47.99



Name	Municipality	Easement Acres
Tindall	Robbinsville	56.90
Gentile (County of Mercer)	Robbinsville	141.74
Working Dog Winery (Perrine and McIntyre)	Robbinsville	12.00
Perrine (County of Mercer)	Robbinsville	26.86
McLaughlin	Robbinsville	29.02
	TOTAL	1,265.18
Kalinowski and Keris (Windsor Farm)	West Windsor and Robbinsville	49.13
Jany (Twp of West Windsor)	West Windsor	54.44
Schumacher (Levy)	West Windsor	25.68
Township of West Windsor	West Windsor	112.59
Township of West Windsor	West Windsor	76.42
Township of West Windsor	West Windsor	31.08
Township of West Windsor	West Windsor	25.73
Township of West Windsor	West Windsor	25.35
Tindall	West Windsor	79.72
	TOTAL	480.15
	OVERALL TOTAL	7,260.96



Appendix IV. Adopted CADB Policies

Policy 1:

AGRICULTURAL DEVELOPMENT AREA (ADA) CRITERIA

For an area to be considered part of an Agricultural Development Area (ADA) it must meet all of the following Criteria:

1. Shall satisfy the statutory criteria established by the State Agricultural Development Committee (SADC) as follows:
 - a. Encompasses productive agricultural lands which are currently in production or have a strong potential for future production in agriculture and in which agriculture is a permitted use under the current municipal zoning ordinance or in which agriculture is permitted as a non-conforming use;
 - b. Is reasonably free of conflicting residential, commercial or industrial development;
 - c. Compromises not greater than 90 percent of the agricultural land mass of the County.
2. Shall be located within MCADB's established boundaries as defined on the proposed Mercer County ADA map.
3. Should be designated as agricultural, open space, or limited growth areas on comprehensive and special purpose County plans, which are recognized as requiring interpretation regarding specific area boundaries.
4. Shall be eligible for Farmland Assessment in accordance with the New Jersey "Farmland Assessment Act" (L.1964, c.48).
5. Shall be consistent with current local ordinances and regulations.

Exceptions

In instances where lands have been excluded from the defined ADA, yet may contribute to the success of agricultural preservation in Mercer County, a special review by the Mercer County Agricultural Development Board may be requested for its consideration and inclusion into the ADA as an exception. Said areas must meet points 1, 4, and 5 of the stated ADA criteria and in addition must meet all the following criteria:

- a. Shall have landowner signup.
- b. Shall currently be a commercial farm as defined in the New Jersey "Right to Farm" Act (L.1983, c.31).
- c. Shall be free of pending non-agricultural development.

Jamie DiIorio
Secretary

ADOPTED: April 10, 1985



Policy 2:

Res. No. 2007-06

MERCER COUNTY AGRICULTURAL DEVELOPMENT BOARD RESOLUTION

FARMLAND PRESERVATION ELIBIBILITY AND RANKING CRITERIA

WHEREAS, the State Agriculture Development Committee (SADC) adopted new rules that became effective July 2, 2007, and which required the Mercer County Agricultural Development Board (MCADB) to select the type of farmland preservation cost-sharing program it would participate in, and

WHEREAS, the MCADB selected the County Planning Incentive Grant (PIG) Program, and

WHEREAS, the new PIG rules at N.J.A.C. 2:76-17.4 require adoption of minimum eligibility criteria for the county to solicit and approve farmland preservation applications, and

WHEREAS, the new PIG rules at N.J.A.C. 2:76-17.4 require adoption of ranking criteria that the county will use to prioritize farms for county farmland preservation funding, and

NOW THEREFORE BE IT RESOLVED that the MCADB adopts the following application eligibility criteria:

1. Application must be within the County Agricultural Development Area
2. Application must be of land with farmland assessment
3. Application must be of at least 25 farm acres – lesser acreage acceptable if adjacent to a preserved farm
4. Application must meet minimum requirements of N.J.A.C. 2:76-6.20
5. Application also subject to qualification as an “eligible farm” if SADC funds are requested, and

BE IT FURTHER RESOLVED that the MCADB adopts the criteria at N.J.A.C. 2:76-6.16 for use as its ranking criteria that the county will use to prioritize farms for county farmland preservation funding.

Date adopted: October 1, 2007

MCADB Secretary: Daniel Pace



Policy 3:

AGRICULTURAL LABOR HOUSING POLICY

Purpose:

To establish procedures for the approval of agricultural labor housing on permanently preserved farmland.

Policy:

1. The landowner may construct any new buildings for housing of agricultural labor employed by the agricultural operation, but only with the approval of the Mercer CADB, and the SADC (if SADC funding was used to purchase the development easement).
2. The agricultural labor housing shall be subject to municipal and other governmental approvals as applicable.
3. All agricultural labor housing units shall be utilized for laborers employed by the agricultural operation. The agricultural labor housing unit shall not be used as a rental property.
4. Pursuant to N.J.A.C. 2:76-6.15(a)14i, Agricultural labor housing “shall not be used as a residence for Grantor, the Grantor’s spouse, the Grantor’s parents, the Grantor’s lineal descendants, adopted or natural, the Grantor’s spouse’s parents, the Grantor’s spouse’s lineal descendants, adopted or natural.

Adopted:	Effective:	Revision #:	Last Revised:
04-01-02	04-02-02		



Policy 4:

HOUSE SIZE LIMITATIONS ON PRESERVED FARM POLICY

Purpose:

To establish procedures for the review and approval of new, reconstructed, replaced, or modified non-labor housing on farmland permanently preserved through the Mercer County Agricultural Development Board (MCADB).

Background:

On May 7, 2001, the MCADB adopted a policy to restrict new houses built on Exceptions to 4000 square feet of livable space. In the case of an existing house that exceeded 4000 square feet and needed reconstruction due to fire or other disaster, the MCADB would review the request and approve or deny it. This policy only affected farms preserved from the 2002 Round forward (see Attachment A) and the policy would be reviewed every three years. It was not made retroactive. “Livable Space” was defined as all areas of the house commonly lived in. This would not include an unfinished attic, porch, basement, garage or other ancillary structures (sheds, pool, tennis court, etc.).

Residential Dwelling Site Opportunity (RDSO):

Although there are three preserved farms in Mercer County with RDSO’s, the MCADB does not normally utilize this form of housing opportunity. These three farms are not subject to this policy; however, should a future preserved farm utilize an RDSO, that landowner must also adhere to the size restrictions of this policy.

Policy:

In an Exception on a preserved farm, where the Exception contains a residential structure or the right to construct such a structure, the landowner may construct, reconstruct, replace, or add-on provided the structure ultimately contains no more than 4000 square feet of livable space without the approval of the MCADB. For an existing house that exceeded 4000 square feet prior to the agricultural easement and needing reconstruction due to fire or other disaster, the MCADB will allow reconstruction up to the prior size provided it is rebuilt in the exact same footprint.

Where an Exception does not exist on a preserved farm, the landowner may reconstruct in-place, or add-on to an existing residential structure provided the structure ultimately contains no more than 4000 square feet of livable space. For an existing house that exceeded 4000 square feet prior to the agricultural easement and needed reconstruction due to fire or other disaster, the MCADB will allow reconstruction up to the prior size provided it is rebuilt in the exact same location. Any new construction as per an RDSO, reconstruction, or addition creating a residential structure with more than 4000 square feet of livable space will require CADB and possibly SADC approval.

This policy applies only to farmland preserved from the 2002 Round forward (as identified in Attachment A) except that a request to replace a residential structure not located within an Exception regardless of the Round requires MCADB and SADC approval and will be subject to this Policy. In addition, each farm’s Agricultural Deed of Easement will further guide MCADB implementation of this policy.

Proof of compliance is the responsibility of the landowner.



Attachment A

2002 Round Farms:

- Bogatz, East Windsor (B30, L25&26)– Existing residence, no Exception
- Costantino, East Windsor (B35, L5.02) – Existing residence on Exception
- Ferrette, Hopewell Twp. (B50, L15.02) – Existing Residence on Exception
- Gallo, Hopewell Twp. (B50, L13.01) – No existing residence, Res. Exception
- Thompson (formerly Twp. of Wash/Hall) B14, L22 – No existing residence, Res. Exception (residence limited to 3500 square feet of heated living space as per Township agreement with landowner)
- Mercer (formerly Chmiel), Lawrence Twp. B7301, L32.01– No existing residence, No Exception
- Chmiel, Lawrence Twp. B7301, L36.01– Existing residence on Exception
- West Windsor Parcels 15&17 (B29, L2.01&3), 18&19(B30, L4&5), 20(B23, L42), 21(B23, L40&57&63), 23(B30.03, L2)– No Existing residences, no Exceptions

2003 Round Farms:

- Dakota (formerly Twp. of Wash/Bresnahan) B22, L4 – No existing residence, Res. Exception
- Rapant, Wash Twp. (B19, L2.02) – No existing residence, no Exception

2004 Round Farms:

- Huebner, Hopewell Twp. (B20, L12) – Existing Residence on Exception
- Patricelli, Hopewell Twp. (B62, L2.011) – No Existing Residence, Res. Exception

2006 Round Farms:

- Twp. of East Windsor, Etra Rd Farm (B31, L10) - No existing residence, no Exception
- Tindall Family Partnership, West Windsor (B29, L4.01&5) – Existing Residence on Exception
- Booth – (formerly Twp of Wash/Dyjak). Existing Residence on Exception.

2007 Round Farms:

- Lee Turkey Farm, East Windsor (B68.02, L82.01), Two existing residences, 0.08ac Exception area around farm market only.
- Windsor Farm, Robbinsville Twp and West Windsor Twp., Existing residence on Exception

2008 Round Farms:

- Tindall Greenhouses, Robbinsville Twp, (B47, L13, 14, 14.01, 18), Two existing residences not on Exceptions. One residential Exception with no existing house.

2009 Round Farms:

- Mercer (formerly Hights), Robbinsville Twp (B.43; L5) – No Existing Residence, Res. Exception
- Mercer (formerly Briarholm), Hamilton (B2739; L1) – No Existing Residence, Res. Exception
- Mercer Sawmill farm, Hamilton (B2730; L p\o9) – No Existing Residence, Res. Exception

Adopted:	Effective:	Revision #:	Last Revised:
05-07-01	05-08-01	2	02.07.05



Policy 5:

MOWING TO MANAGE NON-AGRICULTURAL WOODY SPECIES OR SECOND GROWTH INVASION ON PRESERVED FARMS

Purpose:

To establish policy and procedures for the annual mowing of “cropland pastured” and “permanently pastured fields” (as defined by the Farmland Assessment Act) on all deed restricted farmland preserved through the Mercer County Agricultural Development Board (MCADB) easement purchase program in order to retain those fields for agricultural use and production.

Background:

At its regular meeting on October 3, 2005, the MCADB agreed that a Restrictive Covenant would be executed with each new Agricultural Deed of Easement to require annual management of cropland pastured and permanently pastured fields in order to insure their retention for agricultural use and production as provided for in the Deed of Easement. The Board requested that policy and procedures be developed that would also impose this requirement on existing deed restricted farms.

Policy:

The Agricultural Deed of Easement dictates that the Premises be retained for agricultural use and production. The MCADB does hereby require that all farms preserved by the MCADB be managed to insure this dictate utilizing the Procedures outlined below.

Procedures:

Landowners must annually clear cut or mow, or have clear cut or mowed, those pastured or permanently pastured fields not under cultivation or in Federal Programs on the Premises (the Premises being described in the preserved farm’s Deed of Easement) in order to prevent non-agricultural woody species or second growth invasion. The mowing must occur annually before December 31st and should occur after July 15th, if possible, to protect nesting birds.

In the event that the MCADB determines that the cutting or mowing has not been performed, the landowner will be given written notice and a direction that it be completed within fourteen (14) calendar days of receipt of the notice or, at the discretion of the MCADB, a mutually agreed upon date.

In the event that the cutting or mowing is still not completed after the implementation of paragraph 2, then the MCADB may bring a legal action as provided for in the Deed of Easement. Or, the MCADB may hire somebody to do the cutting or mowing. The person, firm, or corporation hired shall have the right to enter the Premises and do the work without notice to or interference by the landowner. The landowner shall pay for the work and all costs and expenses of the MCADB in arranging for it to be performed.

Adopted:	Effective:	Revision #:	Last Revised:
02.06.06	02.06.06		



Policy 6:

**AUTHORIZATION TO OBTAIN AND RELEASE OF
SOIL FARM CONSERVATION PLAN**

WHEREAS, upon the terms and conditions of that certain Contract to Sell Development Rights dated _____, _____ and all subsequent amendments thereto (the “Contract”), executed by and between _____ (“Seller”), as Seller, and The County of Mercer (“County”), as purchaser, the Seller has agreed to sell and the County has agreed to purchase the development rights pertaining to property owned by the Seller and located at _____ (the “Property”). The sale and purchase shall be evidenced by a Deed of Easement (“Easement”) which shall be recorded immediately following the consummation of the transaction contemplated by the Contract; and

WHEREAS, the Seller is required under the terms of the Easement to obtain a farm conservation plan (“Plan”) approved by the local soil conservation district; and

WHEREAS, the Easement grants to the County the right to assure compliance with the terms of the Easement; and

WHEREAS, the Seller acknowledges that the County shall be entitled to confirmation that the Seller has entered into the Plan.

NOW THEREFORE, in consideration of the payment of the purchase price paid by the County for the Easement and as a material inducement to the County to enter into the transaction contemplated by the Contract and evidenced by the Easement, the undersigned Seller hereby covenants and represents to and for the benefit of the County, its successors and assigns as follows:

1. Pursuant to the terms of the Easement, the Seller agrees to obtain, within one year of the date of the Easement, a farm conservation plan approved by the local soil conservation district.

2. Seller agrees that the County and the State Agricultural Development Committee (“SADC”) shall be provided with a copy of the Plan within ten (10) days of completion of same. In the event that the Seller fails to provide the Plan to the County and/or SADC as provided herein, the County and SADC are authorized to obtain from the local soil conservation district, and the Seller hereby specifically authorizes the local soil conservation district to release to the County and SADC, a copy of the Plan.

3. Seller acknowledges that the failure to comply with the terms of this Agreement shall constitute a violation in the terms and conditions of the Easement, entitling the County and/or SADC to take all actions permitted by the Easement.

IN WITNESS WHEREOF, the undersigned Seller has caused this Agreement to be duly executed and delivered as of this _____ day of _____, 20__.

Signed, sealed and delivered in
the presence of:

SELLER:

Name:

Title:



Policy 7:

MERCER COUNTY AGRICULTURAL DEVELOPMENT BOARD

DEED OF EASEMENT VIOLATION POLICY

Purpose:

To establish a process enabling the Mercer County Agricultural Development Board (CADB) to enforce the Deed of Easement restrictions in place on preserved farmlands.

The intent of the CADB is to prevent violations of Deed of Easement restrictions. Therefore, the CADB has established a process to enforce the restrictions of the Deed of Easement on preserved farmland.

POLICY:

Once a possible violation has been identified by the CADB, through its staff or an administrator, the following process will be initiated:

1. The CADB administrator will first contact the landowner by phone to discuss the possible Deed violation and will then send a letter to memorialize the conversation.

2. Within ten (10) days of being contacted by the CADB administrator, the landowner shall provide an explanation to the CADB concerning the possible Deed violation. If the violation is not a temporary situation that can be summarily remedied to the satisfaction of the CADB, further action shall be taken.

3. A letter will be mailed, certified mail, return receipt requested, which notifies the property owner of all violations cited that require remediation. The owner of the property will then have thirty (30) days from receipt of the letter to remedy and/or remove the violation(s) or further action will be taken. The landowner may request a meeting with the CADB or staff to discuss the matter, however such meeting must be requested by the landowner and scheduled promptly following receipt of the letter.

4. At the end of the thirty (30) day period, the CADB, through staff or its administrator, will conduct a site inspection. If any violation(s) exist (new or remaining) the CADB will notify the Zoning Office and/or other appropriate officials of the municipality in which the property is located advising that the property owner may be in violation of municipal ordinances, and requesting the Zoning Officer to enforce all applicable municipal ordinances. In addition, any applicable Federal or state agency may be notified, if appropriate.

5. The CADB may pursue all remedies available to enforce the Deed of Easement including those contained in Paragraph 16 of the Deed of Easement, which states, the CADB:

“may institute, in the name of the State of New Jersey, any proceedings to enforce these terms and conditions including the institution of suit to enjoin such violations and to require restoration of the Premises to its prior condition.” Further, the CADB does “not waive or forfeit the right to take any other legal action necessary to ensure compliance with the terms, conditions, and purpose of the Deed of Easement by a prior failure to act.”

Date adopted: June 1, 2020



Appendix V. Model Right to Farm Ordinance

STATE AGRICULTURE DEVELOPMENT COMMITTEE

MODEL RIGHT TO FARM ORDINANCE

A. As used in this ordinance, the following words shall have the following meanings:

“Commercial farm” means:

1. A farm management unit of no less than five acres producing agricultural or horticultural products worth \$2,500 or more annually, and satisfying the eligibility criteria for differential property taxation pursuant to the Farmland Assessment Act of 1964, N.J.S.A. 54:4-23.1 et seq.; or
2. A farm management unit less than five acres, producing agricultural or horticultural products worth \$50,000 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.

“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.

“Farm market” means a facility used for the wholesale or retail marketing of the agricultural output of a commercial farm, and products that contribute to farm income, except that if a farm market is used for retail marketing at least 51 percent of the annual gross sales of the retail farm market shall be generated from sales of agricultural output of the commercial farm, or at least 51 percent of the sales area shall be devoted to the sale of the agricultural output of the commercial farm, and except that if a retail farm market is located on land less than five acres in area, the land on which the farm market is located shall produce annually agricultural or horticultural products worth at least \$2,500.

“Pick-your-own operation” means a direct marketing alternative wherein retail or wholesale customers are invited onto a commercial farm in order to harvest agricultural, floricultural or horticultural products.

B. The right to farm is hereby recognized to exist in this [Township, Borough, City] and is hereby declared a permitted use in all zones of this [Township, Borough, City].

This right to farm includes, but not by way of limitation:

- (1) Production of agricultural and horticultural crops, trees, apiary and forest products, livestock, poultry and other commodities as described in the Standard Industrial Classification for agriculture, forestry, fishing and trapping.
- (2) Housing and employment of necessary farm laborers.



- (3) Erection of essential agricultural buildings, including those dedicated to the processing and packaging of the output of the commercial farm and ancillary to agricultural and horticultural production.
- (4) The grazing of animals and use of range for fowl.
- (5) Construction of fences.
- (6) The operation and transportation of large, slow-moving equipment over roads within the [Township, Borough, City].
- (7) Control of pests, including but not limited to insects and weeds, predators and diseases of plants and animals.
- (8) Conduction of 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 permission of the farm owner and lessee is obtained.
- (9) Use of any and all equipment, including but not limited to: irrigation pumps and equipment, aerial and ground seeding and spraying, tractors, harvest aides, and bird control devices.
- (10) Processing and packaging of the agricultural output of the commercial farm.
- (11) The operation of a farm market with attendant signage, including the construction of building and parking areas in conformance with [Township, Borough, City] standards.
- (12) The operation of a pick-your-own operation with attendant signage.
- (13) Replenishment of soil nutrients and improvement of soil tilth.
- (14) Clearing of woodlands using open burning and other techniques, installation and maintenance of vegetative and terrain alterations and other physical facilities for water and soil conservation and surface water control in wetland areas.
- (15) On-site disposal of organic agricultural wastes.
- (16) The application of manure and chemical fertilizers, insecticides and herbicides.
- (17) Installation of wells, ponds and other water resources for agricultural purposes such as irrigation, sanitation and marketing preparation.

Commercial farm operators may engage in any other agricultural activity as determined by the State Agriculture Development Committee and adopted by rule or regulation pursuant to the provisions of the “Administrative Procedure Act,” P.L. 1968, c.410 (C.52:14B-1 et seq.).



C. Commercial farm operators are strongly advised to adhere to generally accepted agricultural management practices that have been:

(a) Promulgated as rules by the State Agriculture Development Committee;

(b) Recommended as site-specific agricultural management practices by the county agriculture development board;

(c) Approved by the local soil conservation district in the form of a farm conservation plan that is prepared in conformance with the United States Department of Agriculture, Natural Resources Conservation Service (NRCS) Field Office Technical Guide (FOTG), revised April 20, 1998, as amended and supplemented; or

(d) Recommended by the Rutgers Agricultural Experiment Station.

D. The foregoing activities must be in conformance with applicable Federal and State law.

E. The foregoing practices and activities may occur on holidays, weekdays and weekends by day or night and shall include the attendant or incidental noise, odors, dust and fumes associated with these practices.

F. It is hereby determined that whatever nuisance may be caused to others by these foregoing uses and activities is more than offset by the benefits of farming to the neighborhood community and society in general.

G. Any person aggrieved by the operation of a commercial farm shall file a complaint with the applicable county agriculture development board, or the State Agriculture Development Committee in counties where no county board exists, prior to filing an action in court.

H. To help parties resolve conflicts involving the operation of commercial farms, the State Agriculture Development Committee has also established an Agricultural Mediation Program. Mediation is a voluntary process in which a trained, impartial mediator helps disputing parties examine their mutual problems, identify and consider options, and determine if they can agree on a solution. A mediator has no decision-making authority. Successful mediation is based on the voluntary cooperation and participation of all the parties.

I. 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 or 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.



The disclosure required by this section is set forth herein, and shall be made a part of, the following disclosure form:

REAL ESTATE TRANSFER DISCLOSURE STATEMENT

This disclosure statement concerns the real property situated in the [Township, Borough, City] of [] described as Block _____, Lot _____. This statement is a disclosure of the conditions of the above described property in compliance with Ordinance No. _____ of the [Township, Borough, City] of []. It is not a warranty of any kind by the seller(s) or any agent(s) representing any principal(s) in this transaction, and is not a substitute for any inspections or warranties the principal(s) may wish to obtain.

I. Seller's Information

The seller discloses the following information with the knowledge that even though this is not a warranty, prospective buyers may rely on this information in deciding whether and on what terms to purchase the subject property. Seller hereby authorizes any agent(s) representing any principal(s) in this transaction to provide a copy of this statement to any person or entity in connection with any actual or anticipated sale of the property. The following are representations made by the seller(s) as required by the [Township, Borough, City] of [] and are not the representation of the agents, if any. This information is a disclosure and is not intended to be part of any contract between the buyer and seller.

The [Township, Borough, City] of [] permits the operation of generally accepted agricultural management practices within the municipality. If the property you are purchasing is located near land actively devoted to commercial agriculture or 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, you may be affected by these agricultural activities or practices. The effect of these activities or practices may include, but are not limited to: noise, odors, fumes, dust, smoke, insects, operation of machinery (including aircraft) during any 24 hour period, storage and disposal of manure and compost, and the application by spraying or otherwise of fertilizers, soil amendments, herbicides and pesticides. One or more of the effects described may occur as the result of any agricultural operation which is in conformance with existing Federal and State laws and regulations and accepted customs and standards. If you live near an agricultural area, you should strive to be sensitive to the needs of commercial farm operators, as their presence is a necessary aspect of an area with a strong rural character and a strong agricultural sector. The State Agriculture Development Committee has established a formal complaint process as well as an informal Agricultural Mediation Program to assist in the resolution of any disputes which might arise between residents of the [Township, Borough, City] of [] regarding the operations of commercial farms.



Seller certifies that the information herein is true and correct to the best of seller's knowledge as of the date signed by the seller.

Seller _____ Date _____
Seller _____ Date _____

II.

Buyer(s) and seller(s) may wish to obtain professional advice and/or inspections of the property and to provide for appropriate provisions in a contract between buyer and seller(s) with respect to any advice/inspections/defects.

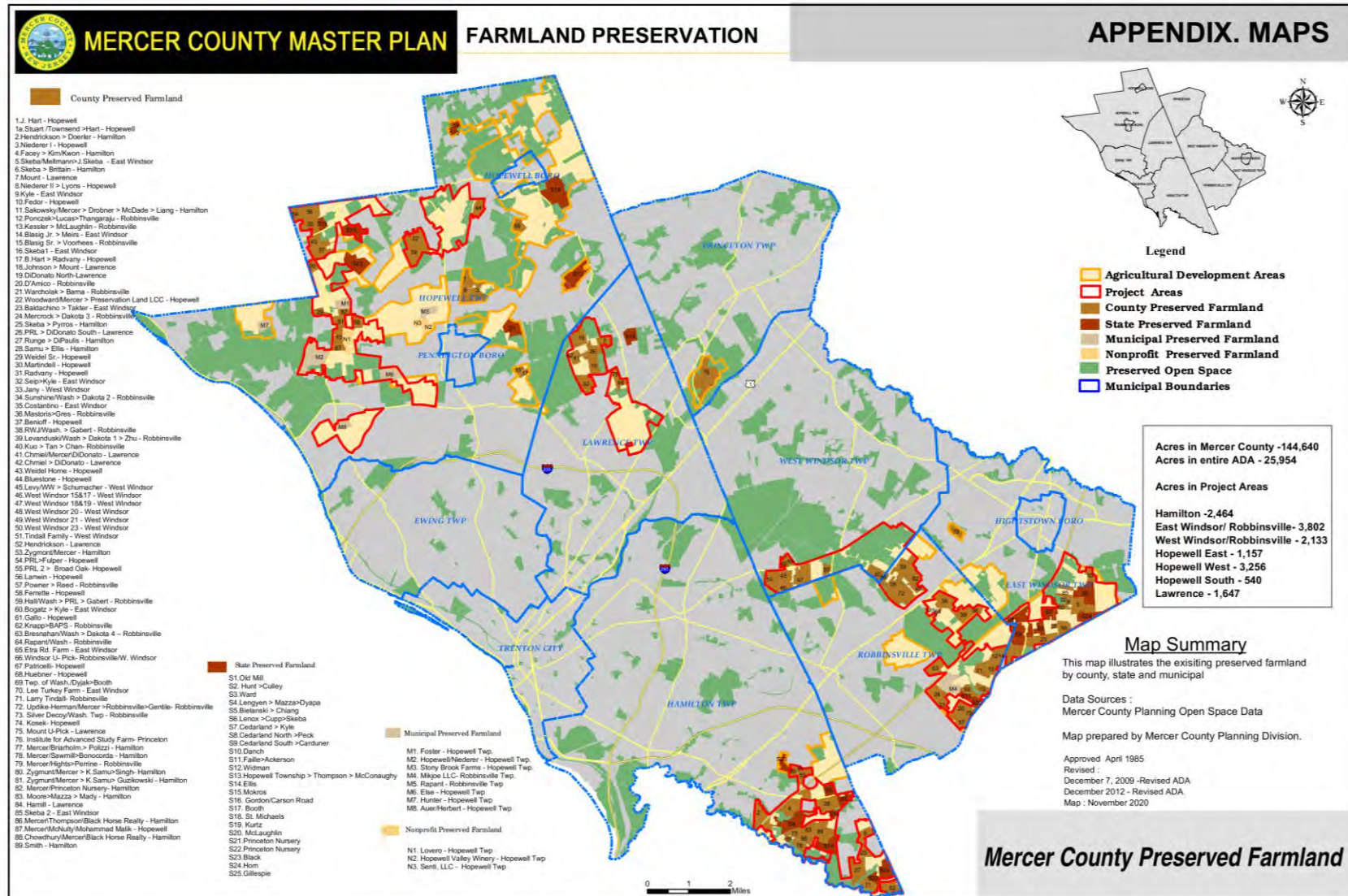
I/We acknowledge receipt of a copy of this statement.

Seller _____ Date _____ Buyer _____ Date _____
Seller _____ Date _____ Buyer _____ Date _____

Agent representing seller _____ By _____ Date _____



Appendix VI. Mercer County Farmland Preservation and Project Area Maps

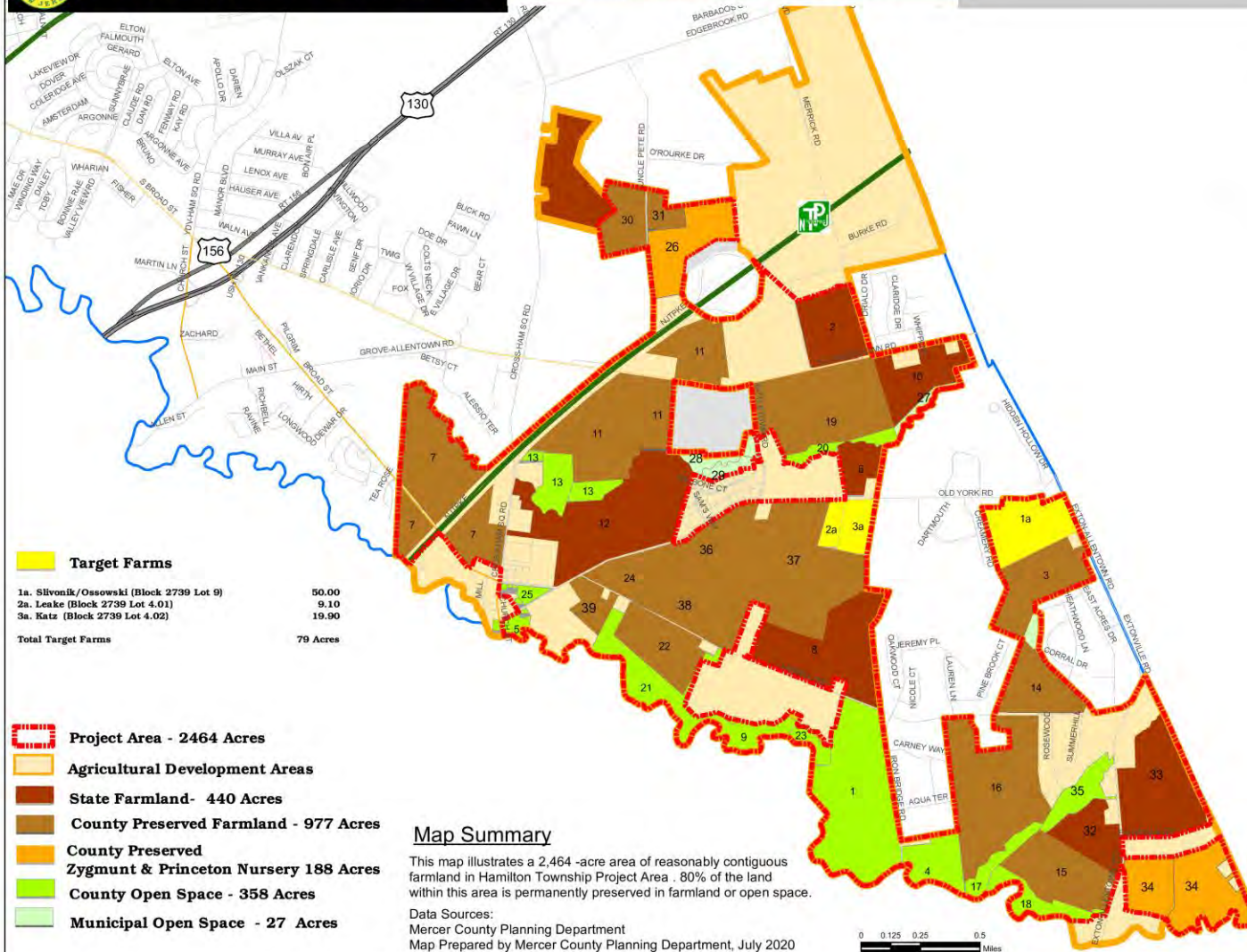




MERCER COUNTY MASTER PLAN

FARMLAND PRESERVATION

APPENDIX. MAPS



Preserved Lands

1. Banner Farm	132.06
2. Bielanski	48.86
3. Brittain	54.54
4. Camp Meta	30.30
5. Crosswicks	6.58
6. Danch	21.33
7. Doerler	121.82
8. Ellis	91.94
9. YMCA	21.89
10. Hunt	43.06
11. Kim	142.43
12. Lengyen	128.56
13. Nami	32.00
14. Pyros	41.59
15. Liang	62.48
16. DePaulis	122.52
17. Runge Stream	14.80
18. Sakowsky Stream	18.00
19. Ellis (Samu)	100.74
20. Samu Trail	17.00
21. Sawmill	45.07
22. Bonacorda	47.03
23. Tall Cedars Mercer	9.01
24. Sawmill LLC	32.95
25. Village Green	10.00
26. Mercer / Zygumt	56.42
27. Hamilton Hunt Stream	6.90
28. Hamilton Twp	13.00
29. Hamilton Twp	7.00
30. K. Samu	30.98
31. K. Samu	13.83
32. SADC (Princeton Nursery)	33.37
33. SADC (Princeton Nursery)	73.20
34. Mercer (Princeton Nursery)	86.66
35. Pleasant Run Stream	21.24
36. Mazza	51.06
37. Mercer/PRL	149.94
38. Chowdhury	31.80
39. Gaskill	17.00
Total Acres	1988.96

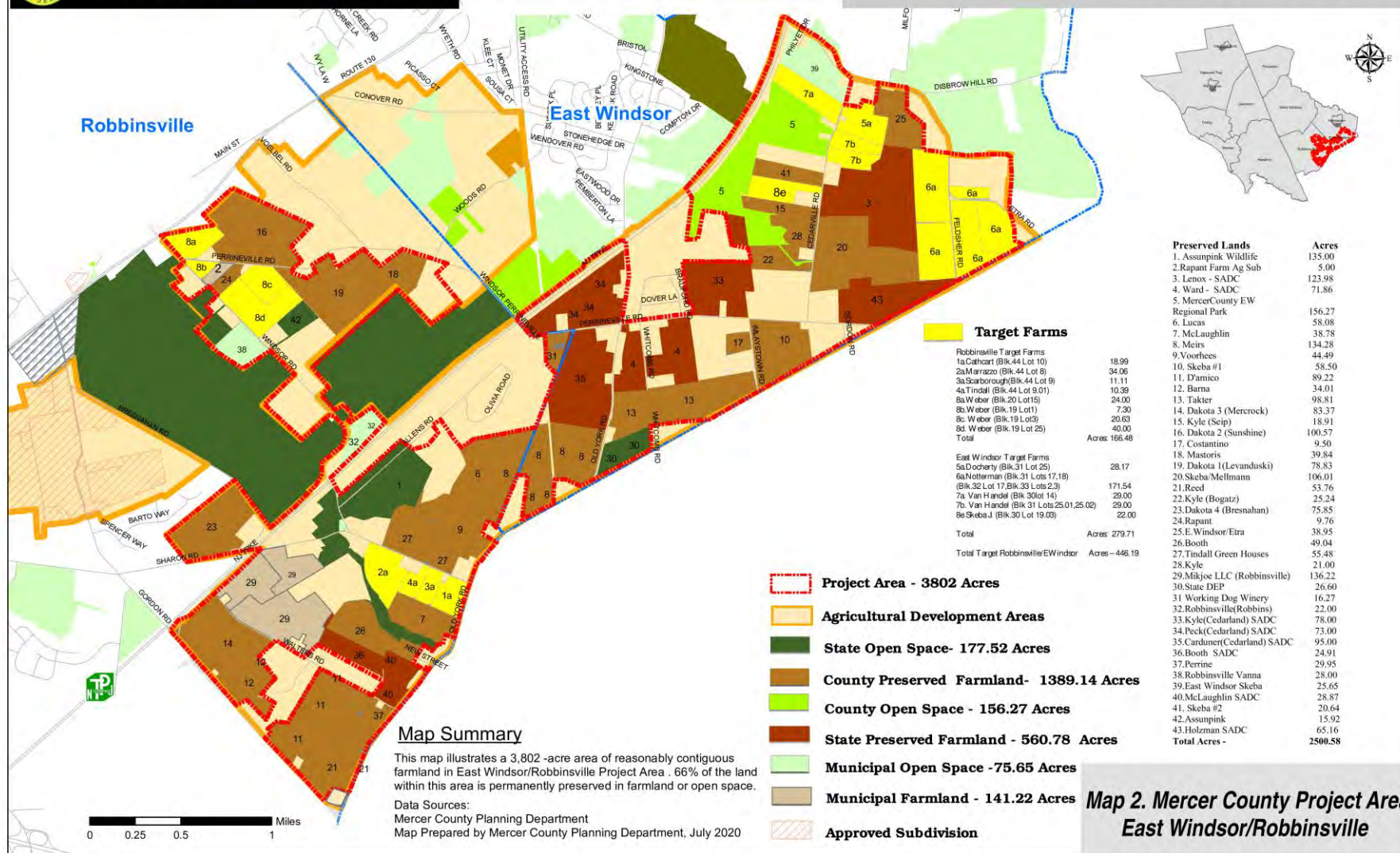
Map 1. Mercer County Project Area Hamilton



MERCER COUNTY MASTER PLAN

FARMLAND PRESERVATION

APPENDIX. MAPS

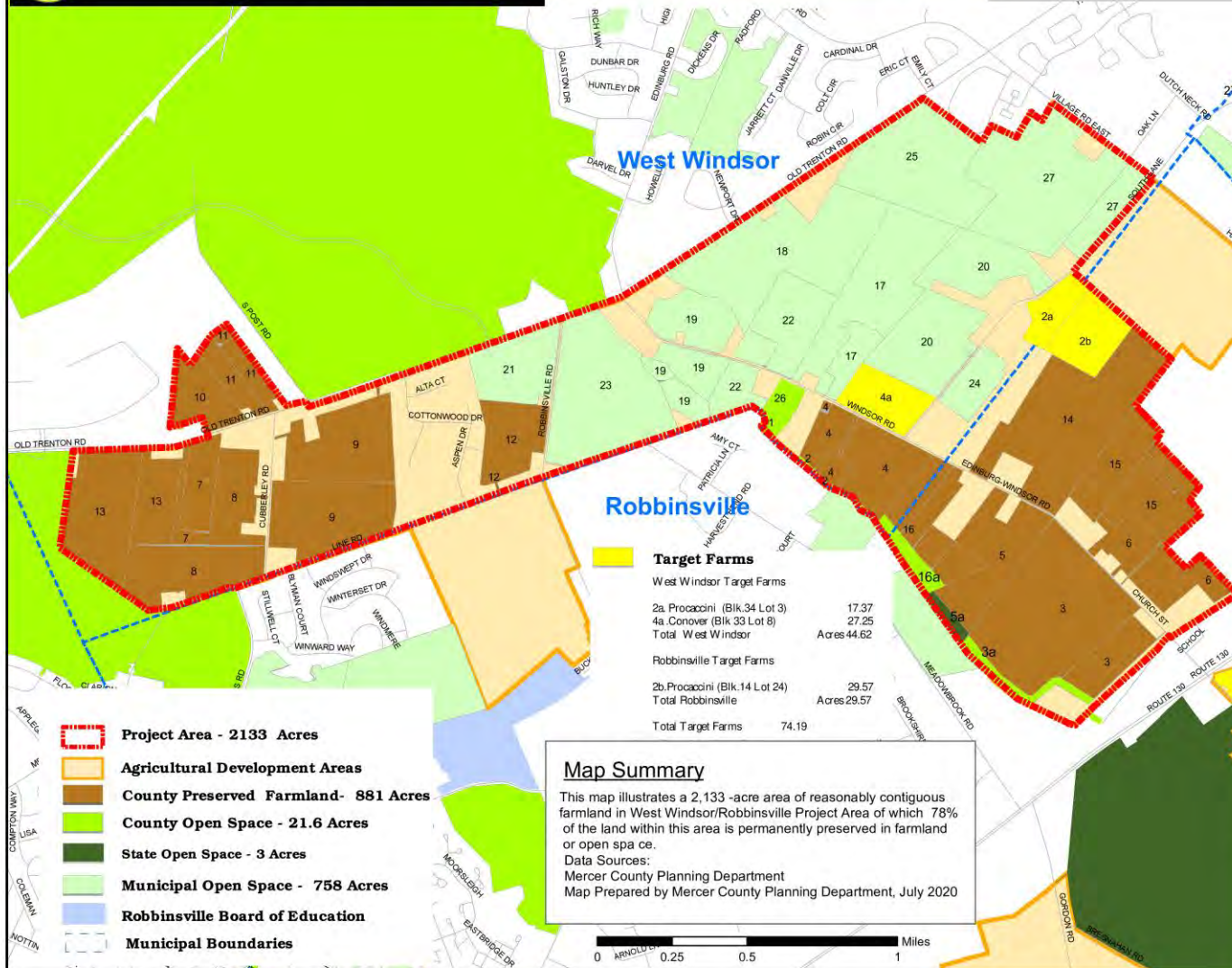




MERCER COUNTY MASTER PLAN

FARMLAND PRESERVATION

APPENDIX. MAPS



Preserved Land	Acres
1. Mercer City Pietriferro	6
2. Mercer City Jany Stream	6
3. Gentle (Herman Updike)	133
3a. Updike/Herman Stream	3
4. Jany	54
5. Gabert	51
5a. Gabert Stream	3
6. Tan	41
7. Schumacher	28
8. WW15&17	76
9. WW18&19	113
10. WW20	25
11. WW21	26
12. WW23	31
13. Tindall	83
14. Thompson	109
15. Knapp	69
16. Windsor U- Pick	42
16a. Windsor U-Pick Stream	1.6
17. W. Windsor (Blyman)	89
18. W. Windsor (Thompson 10)	107
19. W. Windsor (Herman)	58
20. W. Windsor (Thompson 5)	88
21. W. Windsor (Thompson 7)	35
22. W. Windsor (Olenickzak)	58
23. W. W. (Thompson/Olenickzak)	94
24. W. Windsor (Cox)	18
25. WW Open Space	84
26. County (Olenickzak)	5
27. W. Windsor (Hall)	127
Total	1663.60 Acres

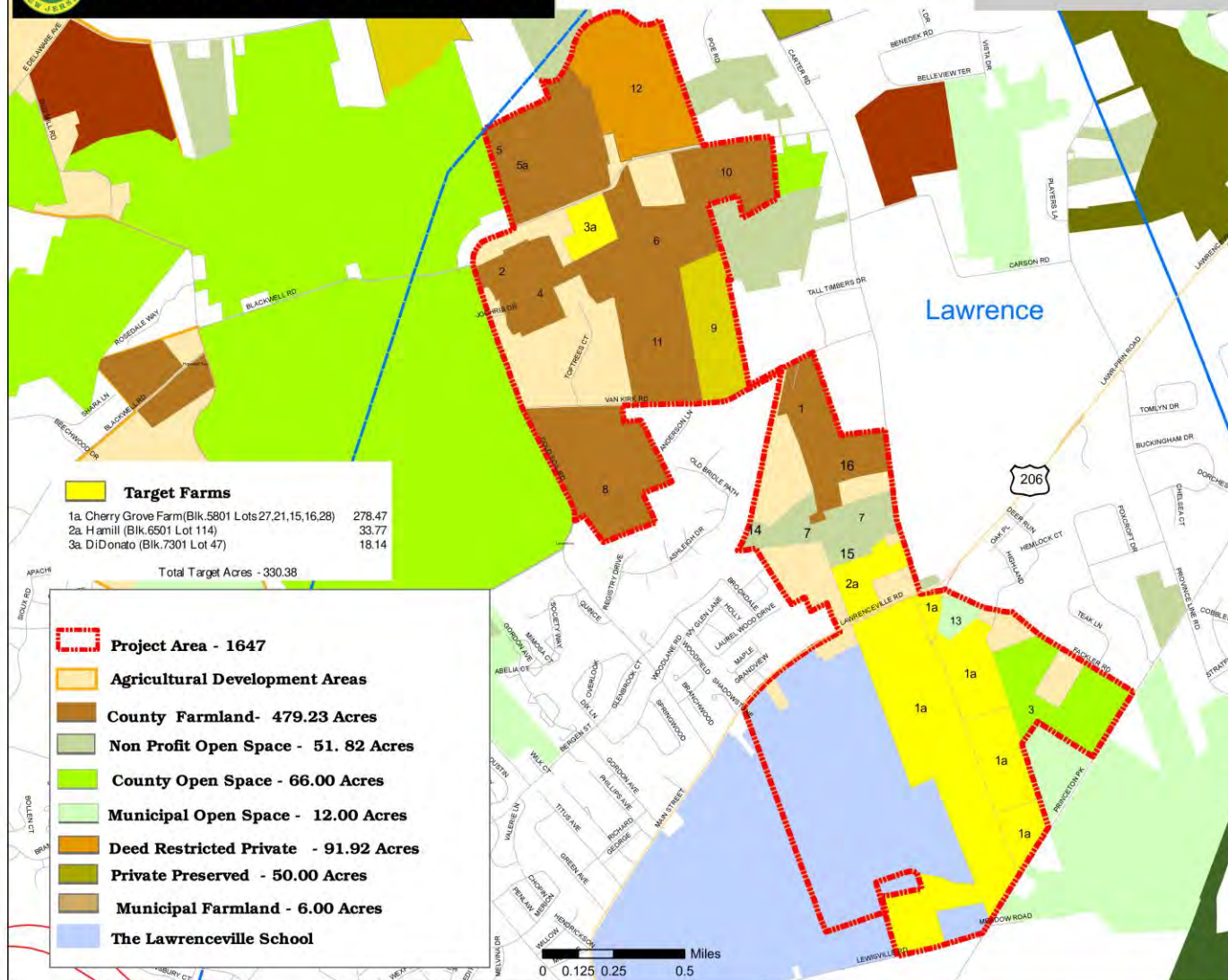
Map 3. Mercer County Project Area West Windsor/Robbinsville



MERCER COUNTY MASTER PLAN

FARMLAND PRESERVATION

APPENDIX. MAPS



Preserved Land	Acres
1. Mount Farm	26.44
2. Chmiel	18.54
3. Mercer County (Fackler)	66.00
4. Mercer County (Chmiel)	29.36
5. DiDonato North	87.07
5a. DiDonato North/Lawrence	6.00
6. DiDonato South	67.66
7. Hamill / D&R Greenway	37.72
8. Hendrickson	95.57
9. Jusick	50.00
10. Mount/Terhune Orchards	53.66
11. Mount (Johnson)	65.43
12. Transco	91.92
13. Lawrence Twp/Fackler Rd.	12.00
14. Mills / D&R Greenway	3.00
15. Cherry Grove/D&R Grwy	11.10
16. Hamill, S	35.50
Total Acres	756.97

Map Summary

This map illustrates a 1,647 - acre area of reasonably contiguous farmland in Lawrence Project Area of which 46% of the land within this area is permanently preserved in farmland or open space.

Data Sources:
Mercer County Planning Department
Map Prepared by Mercer County Planning Department, July 2020

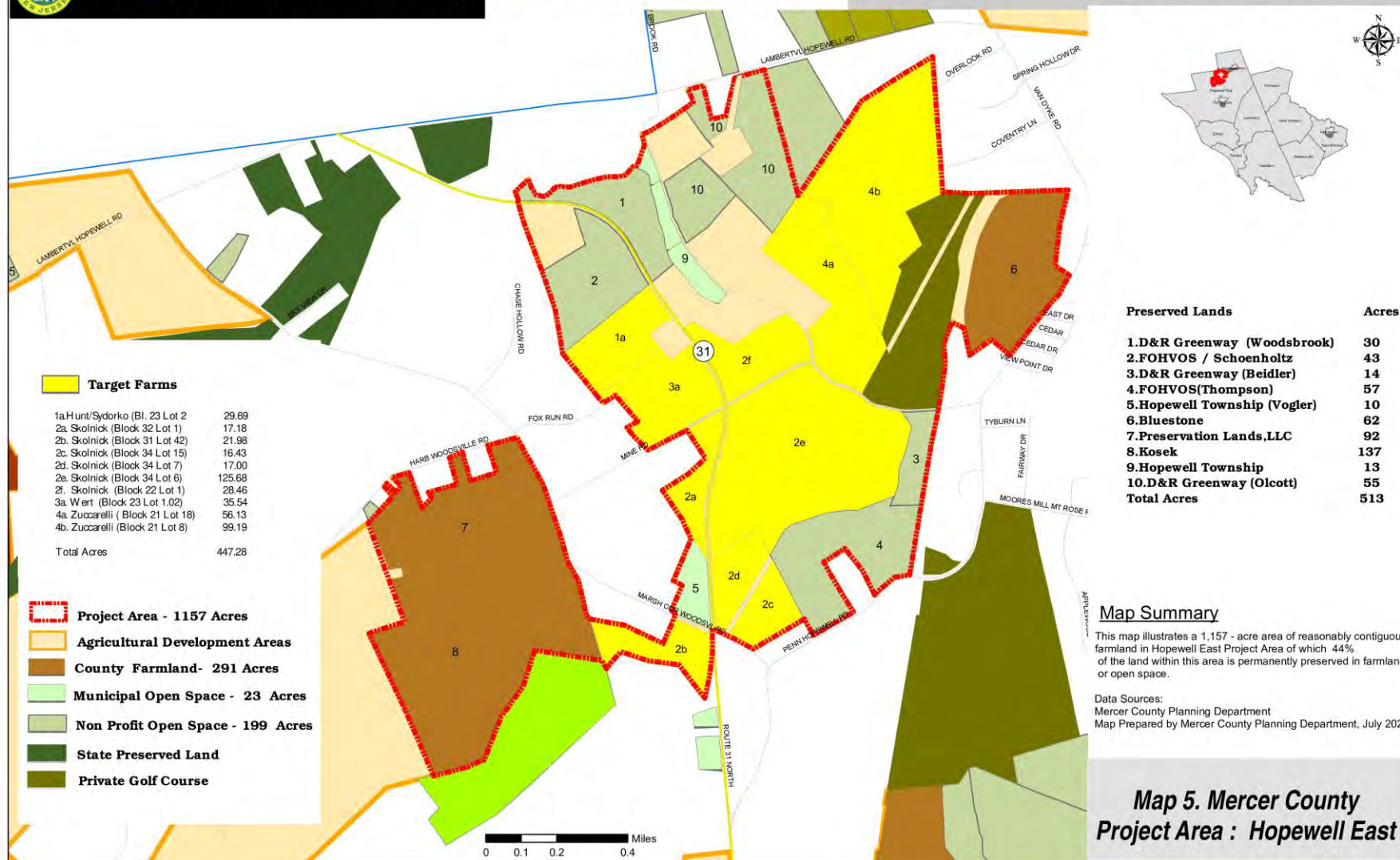
Map 4. Mercer County Project Area : Lawrence



MERCER COUNTY MASTER PLAN

FARMLAND PRESERVATION

APPENDIX. MAPS





MERCER COUNTY MASTER PLAN

FARMLAND PRESERVATION

APPENDIX. MAPS

Target Farms

1a. Patricelli (Block 62 Lot 3)	95.76
1a. Patricelli (Block 62 Lot 2.02)	34.84
2a. Hoyer (Block 51 Lots 2,26,48)	81.00
3a. Chowdhury (Block 92 lots 1,1.04)	46.00
4a.Hoch (Block 89 Lots 12.02, 12.04,12.05)	100.00
5a Hoffman (Block 89 Lot 12.01)	120.00
6a.Cifelli Farm (Block 50 Lot 7)	51.00
7a. Carcagno Farm (Block 50 Lot 6)	86.00

Total 614.60 Acres



Project Area - 3256 Acres



Agricultural Development Areas



County Farmland- 694 Acres



State Preserved Farmland - 124 Acres



Non Profit Preserved Farmland - 70 Acres



State Preserved Land - 88 Acres



Municipal Open Space - 77 Acres



Municipal Preserved Farms - 370 Acres



Non Profit Open Space - 118 Acres



County Open Space - 10 Acres

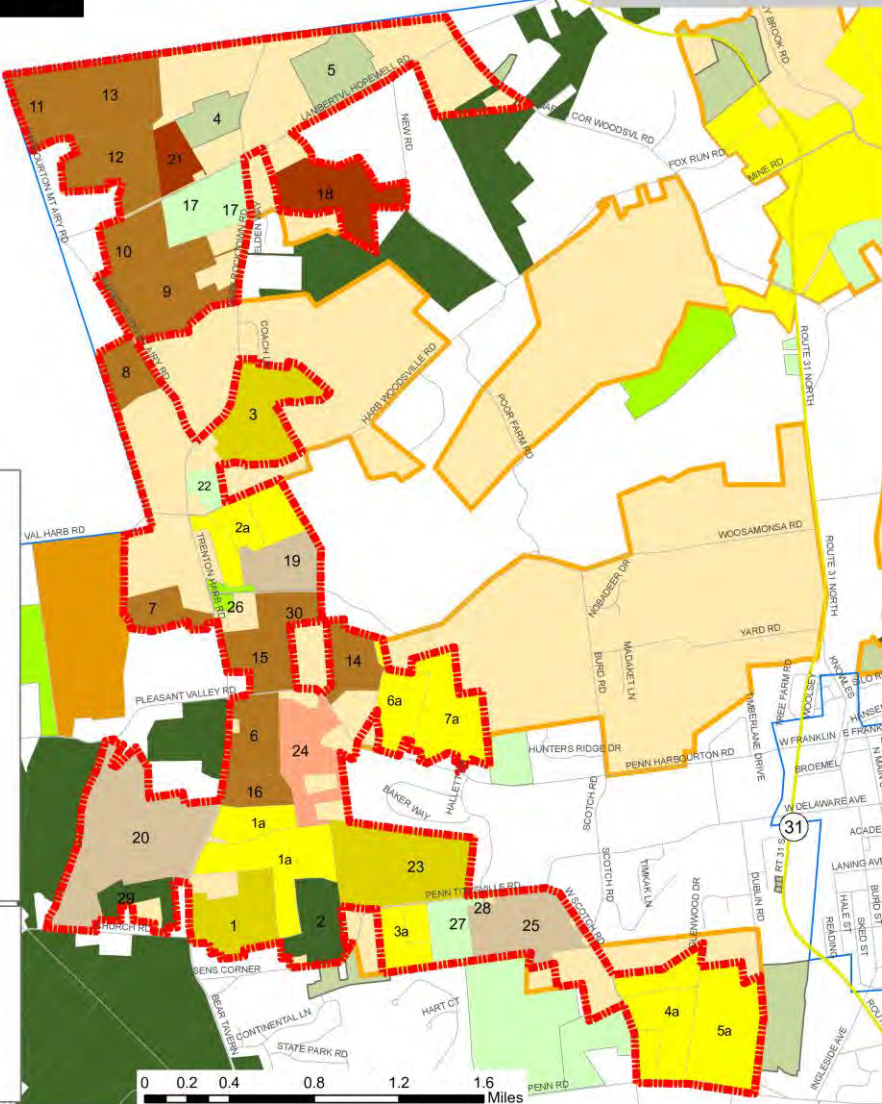


Conservation Easement - 332 Acres

Map Summary

This map illustrates a 3,256 - acre area of reasonably contiguous farmland in Hopewell West Project Area of which 58% of the land within this area is permanently preserved in farmland or open space.

Data Sources:
Mercer County Planning Department
Map Prepared by Mercer County Planning Department, October 2020



Preserved Lands

Acres

1.DEP/ Smith	79
2.DEP (Blackwell)	55
3.DEP/Orlando2	109
4.FOHVOS(Arena)	28
5.FOHVO /Nayfield	57
6.Fedor	59
7.Weidel Sr.	37
8.Martindell	43
9.Benioff	100
10.Weidel Home	64
11.Fulper	49
12.Weidel Jr.	85
13.Lanwin	109
14.Ferrette	43
15.Gallo	48
16.Patricelli	27
17.Twp of Hopewell/Gomez	58
18.SADC/Mokros	94
19.Foster	53
20. Niederer	225
21.SADC/Kurtz	30
22.TwpHopewell/Harbourton	14
23.FOHVOS/Batcha	144
24.NJCF/Lovero	70
25.Else	92
26.McNulty	10
27.FOHVOS/Pennington-Brown	33
28.Hopewell Open (Else)	5
29.DEP State	33
30. Mercer/ McNulty	30

Total Acres

1,883

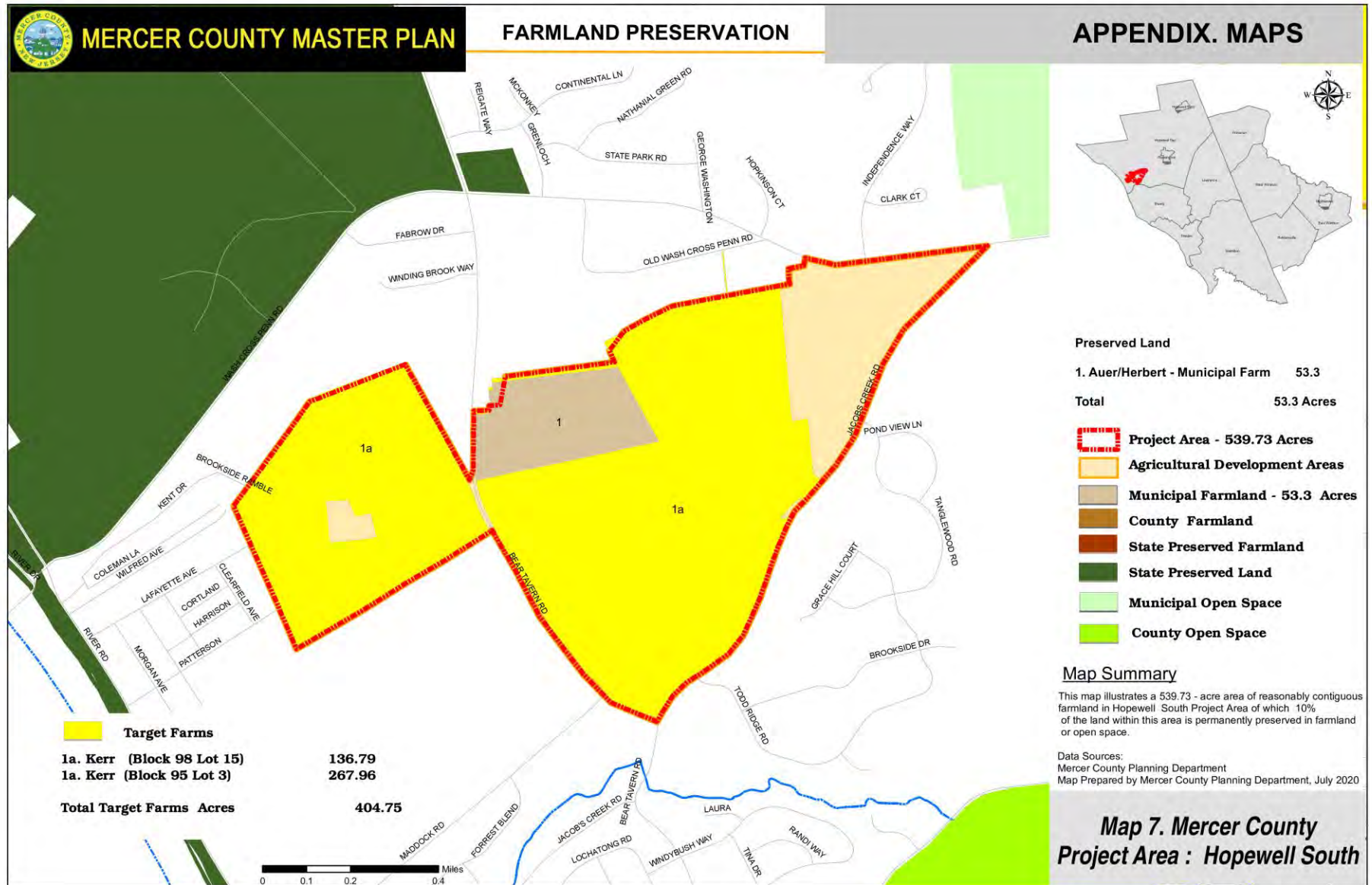
**Map 6. Mercer County
Project Area : Hopewell West**



MERCER COUNTY MASTER PLAN

FARMLAND PRESERVATION

APPENDIX. MAPS



MERCER COUNTY AGRICULTURAL DEVELOPMENT
BOARD RECOMMENDS ADOPTION OF THE 2020 MERCER
COUNTY COMPREHENSIVE FARMLAND PRESERVATION
PLAN.

WHEREAS, the State of New Jersey has enacted N.J.S.A. 4:1C-11 known as the "Agriculture Retention and Development Act"; and

WHEREAS, A County Comprehensive Farmland Preservation Plan ("Plan") is required for participation in the State Agriculture Development Committee (SADC) County Planning Incentive Grant Program under N.J.S.A. 4:1C-43.1; and

WHEREAS, N.J.A.C. 2:76-17.4 sets forth the minimum required components for a Plan; and,

WHEREAS, the last Mercer County Plan was adopted on June 7, 2010 and the SADC requires revisions and re-adoption every 10 years; and

WHEREAS, as required by the SADC, two public meetings soliciting input were noticed and held by the Mercer County Agricultural Development Board (CADB) on August 3, 2020 and October 5, 2020; and

WHEREAS, notice of the Plan update and an invitation to provide comments was provided to the Mercer County Board of Agriculture on August 11, 2020 and to the six Townships with designated Project Areas (East Windsor, Hamilton, Hopewell, Lawrence, Robbinsville and West Windsor Townships) on August 17, 2020; and

WHEREAS, the CADB and Mercer County Planning Department have prepared the Plan in accordance with all requirements and have incorporated SADC comments received on September 29, 2020;

NOW THEREFORE BE IT RESOLVED that the Mercer County Agricultural Development Board hereby formally adopts the Mercer County Comprehensive Farmland Preservation Plan dated December 7, 2020 as a guide to preserving farmland and the agricultural industry in Mercer County.

I certify that the above Resolution was adopted at a regularly scheduled meeting of the Mercer County Agricultural Development Board on December 7, 2020.



Emily Blackman, CADB Administrator

MERCER COUNTY PLANNING BOARD

RESOLUTION NO. 2021-02

Subject: Proposed update to the Mercer County Master Plan, "County of Mercer Comprehensive Farmland Preservation Plan 2020."

WHEREAS, the Mercer County Master Plan was adopted by the Mercer County Planning Board on September 08, 2010; and

WHEREAS, the Mercer County Master Plan is comprised of the Framework parent document with Map Appendix, Farm Preservation, Historic Preservation, Mobility, and Open Space elements; and

WHEREAS, the "County of Mercer Comprehensive Farmland Preservation Plan 2020", henceforth known as the Plan is a proposed update to the Farm Preservation Element of the County Master Plan; and

WHEREAS, the State Agriculture Development Committee (SADC) requires that County Plans be updated every 10 years to remain eligible for SADC cost-share funding for farmland preservation projects under N.J.S.A. 4:1C-43.1; and

WHEREAS, the preservation of agriculture has been identified by the County as a priority and the Plan provides guidance for the County's farmland preservation program; and

WHEREAS, the 2020 Plan update was prepared by the Mercer County Agricultural Development Board (CADB) and Mercer County Planning Department staff; and

WHEREAS, the Mercer CADB reviewed the Plan at two public meetings in 2020 and adopted the Plan at their December 7, 2020 meeting through Resolution #2020-04; and

WHEREAS, the Mercer County Planning Department arranged for a public notice to be published in the Trenton Times newspaper on July 15, 2021, advertising of a public hearing and seeking public comment concerning the proposed amendment and addition to the Mercer County Master Plan and its elements specified herein; and

WHEREAS, a public hearing was held by the Mercer County Planning Board on August 11, 2021 concerning the update of the Farm Preservation Element; and

WHEREAS, the period for public commentary came to a close on August 11, 2021; and

WHEREAS, no public commentary regarding this amendment was received at the Mercer County Planning Board public meeting, nor during any time during the public commentary period; and

WHEREAS, the Planning Board has found the proposed update to be consistent with Framework Document of the Mercer County Master Plan;

NOW THEREFORE BE IT RESOLVED, that the Mercer County Planning Board hereby adopts the "County of Mercer Comprehensive Farmland Preservation Plan 2020", henceforth known as the Farm Preservation Element, as an element of the Mercer County Master Plan.

8-11-2021

Adoption Date



Matthew Zochowski, Planning Board Secretary