



# Franklin Township's Farmland Preservation Program

Franklin Township AAC's  
"Meet and Greet"  
July 27, 2022  
7:00pm

# Background of Farmland Preservation in New Jersey

- + The Agriculture Retention and Development Act of 1983 (NJSA 4:1C-11) recognized the importance of preserving adequate farmland for the retention and sustainability of the industry in New Jersey
- + Established the State Agriculture Development Committee (SADC), County Agriculture Development Boards (CADBs), and Municipal Agriculture Advisory Committees (AACs)
- + 240,000 acres have been preserved across the State of New Jersey
- + 1,428 acres preserved on 36 farms in Franklin Township



## The Franklin Township Agriculture Advisory Committee

- + Comprised of 7 members (Franklin Township residents)
- + Reviews potential farmland preservation projects and makes recommendations to the Township's Open Space Advisory Committee and Township Council
- + Provides guidance on Right-to-Farm matters, stewardship, policies and legislation
- + Meets monthly on the first Thursday at 8:00pm
- + <https://www.franklintwpnj.org/committees-commissions/agriculture-farmland>

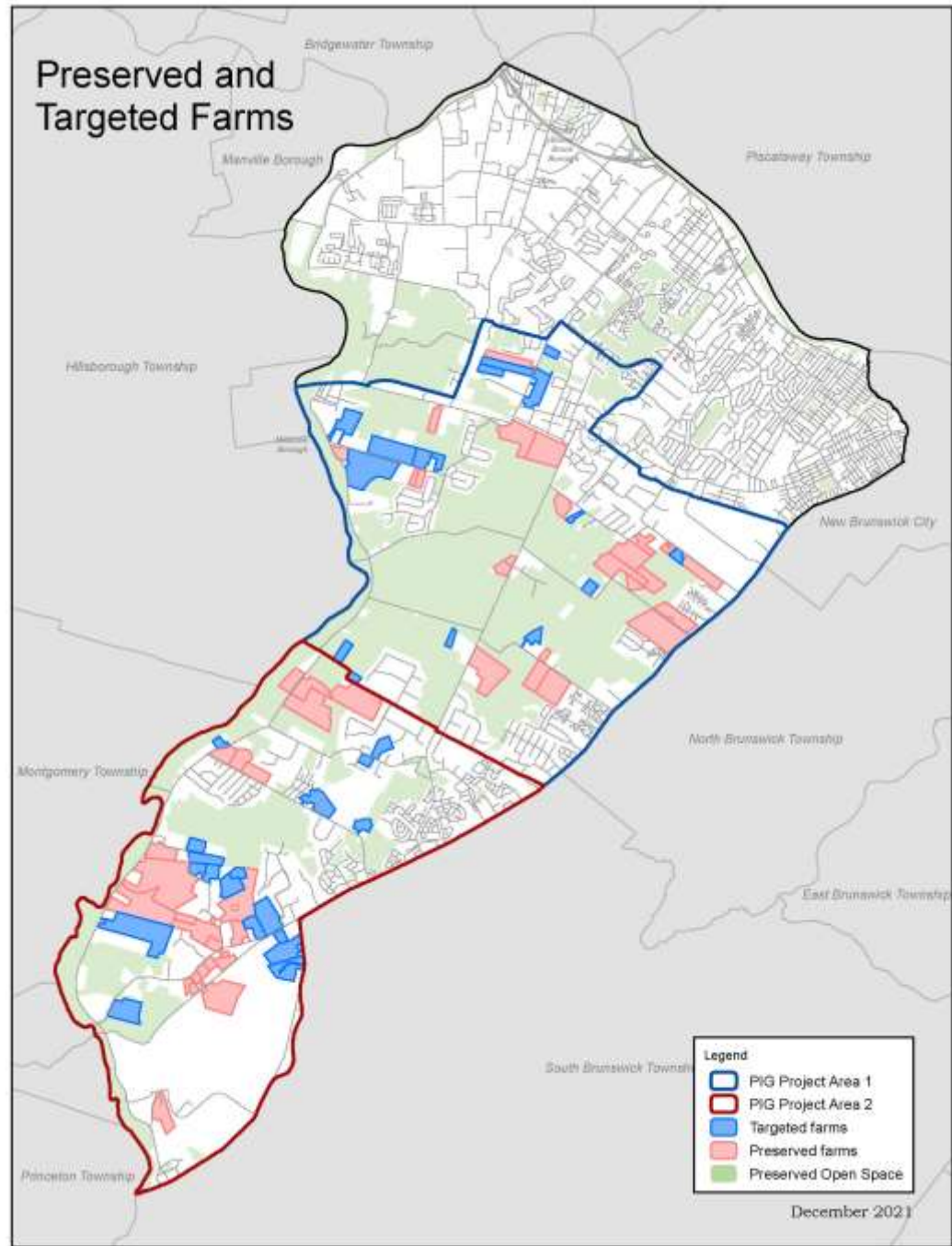


# What is Farmland Preservation?

- + The development potential of the farm is purchased by the Township and retired via an easement filed in the Office of the County Clerk
- + Preserved farmland ensures that an adequate land base will be available for future farmers in New Jersey
- + Preserved farmland can be used and developed for agricultural purposes
- + Preservation is in perpetuity!



# Preserved and Targeted Farms



# How Does the Process Work in Franklin Township?

- + Every year, Franklin submits a list of “Targeted Farms” to the SADC
  - ✓ 50% Soils of Agricultural Importance
  - ✓ 50% Tillable
  - ✓ Located within the Somerset County Agriculture Development Area and a Municipal Planning Incentive Grant Project Area (PIG Project Area)
- + When a landowner is interested, the Open Space Consultant will verify that the property is on the Targeted Farm List
- + The Open Space Consultant and Chair of the AAC will perform a site inspection
- + An application will be completed by the landowner with assistance from the Open Space Consultant



## How Does the Process Work in Franklin Township?

- + The application is presented to the full AAC and then the Open Space Advisory Committee (OSAC) for approval to order appraisals
- + Once appraisals are received, an offer is prepared and submitted to the landowner
- + If the owner accepts the offer, the Township's Attorney will then prepare a contract for sale of the easement
- + Due Diligence is performed at the cost of the Township (survey, title search, drafting of easement, preparation of closing documents)
- + Funds are dispersed at the time of closing and a farmland preservation easement is filed in the Office of the County Clerk



# Monitoring

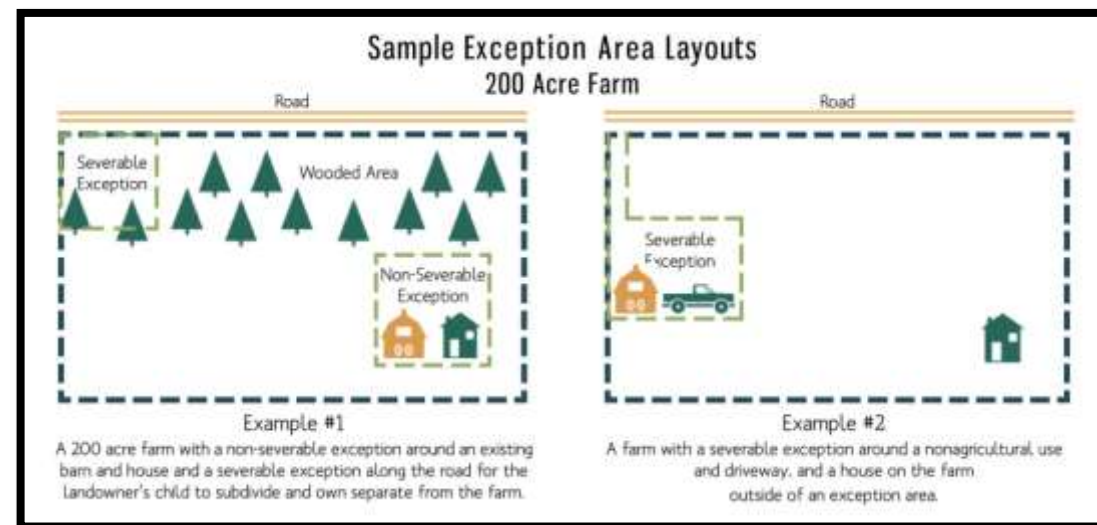
- + Annual monitoring by the easement holder to ensure compliance with Deed of Easement
- + Onsite inspection and reporting
- + Easy to schedule and takes very little time
- + Violations of the Deed of Easement must be mitigated





# Exception Areas

- + Prior to preservation being finalized, landowners can choose to take Exception Areas (areas that are not subject to the Deed of Easement)
  - ✓ **Non-Severable Exception** – cannot be sold separately of the preserved farmland
  - ✓ **Severable Exception** - designated area of the land that can be subdivided from preserved farmland and sold with development potential intact
- + These areas typically encompass the existing residence or are located for a proposed primary residence



## Existing Non-Agricultural Uses

- + If a landowner wants to allow for the continuance of an existing non-agricultural use on the farm (machinery repair, landscaping business, veterinary practice), this can be accomplished by filing a Schedule B with the Deed of Easement
  - ✓ Details the non-agricultural use at the time of preservation
  - ✓ Depicts approved boundaries for the non-agricultural use
  - ✓ Extinguishes with the existing landowner



## Division of Premises

- + Larger farms can be subdivided through a specific process called “Division of Premises”
- + Each parcel created out of a Division of Premises must be able to function successfully on its own
- + Typically, farms over 50 acres are eligible for Division of Premises
- + Must be approved by the County Agriculture Development Board and the State Agriculture Development Committee
- + New Deeds of Easement must be refiled for each farm with the Office of the County Clerk



# Benefits of Farmland Preservation

- + Payment for purchase of development easement

— Before Value (with Development Potential)

— After Value (without Development Potential)

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**Easement Value (basis for offer)**

- + Infusion of cash can help with equipment upgrades, staffing, construction, succession planning, and more
- + Potential tax incentives
- + Landowner still owns the land privately (no public access) – can be sold as preserved farmland
- + Access to grants for deer fencing, soil and water conservation



# Important Things to Consider

- + The process takes time...
  - ✓ Approvals are needed from the AAC, OSAC, and the Township Council at 3 different intervals
  - ✓ Negotiations of the offer must be presented to the AAC and OSAC each time before they can be formally approved by the Council
  - ✓ Due Diligence requires hiring of contractors (appraisers, surveyors) which must be done with approval of the Township Council before work can begin
- + Ownership of the land is retained by the landowner – the Township is buying a development **easement**
- + Planning for the farm before preservation is imperative – very little can be changed once the easement is filed
- + Every farm is different – a thorough analysis must be performed to assess the eligibility and value of each property



# How Can We Help?



- + Assistance with completing the application for farmland preservation
  - ✓ <https://www.nj.gov/agriculture/sadc/documents/applic/Application%20for%20farmland%20preservation.pdf>
- + Assistance with choosing layout of preservation (exception areas, non-agricultural uses)
- + Guidance through the process from start to finish
- + Funding of all due diligence (applicant needs to use their own attorney)
- + Information about current policies, pending legislation, energy conservation measures, and more





# Questions?

Tara Kenyon, AICP/PP  
Land Preservation and Management Consultant  
P: 848-203-1857  
E: [Tara.Kenyon@franklinnj.gov](mailto:Tara.Kenyon@franklinnj.gov)

For more information about the Franklin  
Township AAC:

[https://www.franklintwpnj.org/committees-  
commissions/agriculture-farmland](https://www.franklintwpnj.org/committees-commissions/agriculture-farmland)