



168 West State St. • Trenton, NJ 08608 • Phone: 609-393-7163 • Fax: 609-599-1209 • Email: mail@njfb.org

August 15, 2013

To: Susan Payne, Executive Director, SADC

From: Ryck Suydam, president, NJFB

A handwritten signature in black ink, appearing to read "Ryck A. Suydam".

Re: Comments on Rule Proposals: Agricultural Management Practice for On-Farm Direct Marketing Facilities, Activities, and Events; Right to Farm Management Practices and Procedures.

The agricultural community has been awaiting this Agricultural Management Practice (AMP) for on-farm direct marketing facilities, activities and events for a long time. This growing sector of the agriculture industry has an increased likelihood of conflicts with neighbors and municipalities due to its nature of inviting the public onto the farm. This AMP will benefit farmers who are participating in direct marketing on the farm and allow them to stay viable in an ever changing industry. New Jersey Farm Bureau appreciates the effort that the State Agriculture Development Committee (SADC) has put into making this AMP work for the farming community while maintaining the integrity of the Right to Farm Act. Having the involvement of the agriculture community throughout the process of developing the AMP has resulted in guidelines that will protect farmers as they do business in New Jersey without causing a significant burden.

New Jersey Farm Bureau would like to offer the following comments:

**2:76-2.3 Determinations of site-specific agricultural management practices where a board exists**

- 2:76-2.3(a)1. Farm Bureau supports the ability of a farmer to seek a pre-application meeting with the County Agricultural Development Board (CADB) staff to discuss Site Specific Agricultural Management Practice (SSAMP) application requirements, board jurisdiction and procedures.
- 2:76-2.3(h)3. Farm Bureau supports the ability of the CADB to waive, reduce and/or determine the non-applicability of checklist items in its review of an

SSAMP application filed by a commercial farmer. This allows for consideration of site-specific elements.

- 2:76-2.3(h)4. Farm Bureau supports this provision that allows the CADB to retain jurisdiction over all municipal ordinances and/or county resolutions related to the commercial farm owner or operator's application for a SSAMP determination (subject to the provisions of (k))
- 2:76-2.3(k) Farm Bureau supports this provision which, in cases where a municipal ordinance or county resolution, or any portion thereof, exceeds State regulatory standards, allows the CADB to have the authority to determine whether the ordinance or resolution, or portion thereof, that exceeds such State regulatory standards is preempted by the board's approval of the commercial farm owner/operator's SSAMP.

### **2:76-2.8 Hearing procedures for Right to Farm cases**

- Farm Bureau supports the proposed changes to the hearing procedures for Right to Farm cases as they provide for a more streamlined process. A streamlined process will save the commercial farm owner time and money.

### **2:76-2A.13 Agriculture management practice for on-farm direct marketing facilities, activities, and events**

- Farm Bureau strongly supports the standards throughout this AMP that are not overly prescriptive and allow for flexibility. Farm operations in New Jersey are diverse and each on-farm marketing opportunity is based on widely varied circumstances. Best management standards that protect the public health and safety while maintaining a farms ability to stay viable are welcome because it allows farm businesses to operate under conditions that best suit its unique practices. Flexibility in an AMP allows for knowledgeable CADB's to make determinations on a situational basis as conflicts arise. Farm Bureau feels strongly that flexibility in an AMP is vital to maintaining a viable agricultural industry in New Jersey.
- Farm Bureau still feels that the prescribed 50 foot front, side and rear yard setbacks set forth in 2:76-2A.13(i)2 are too large and may cause some valuable agricultural land to be taken out of production in order to comply. We support lowering the setbacks.
- Farm Bureau supports the language within the AMP that states that existing on-farm direct marketing facilities, activities, or events, including existing areas permanently devoted to parking, are not subject in their current layout to the provisions of sections 2:76-2A.13(i)2ii through (i)2iv set forth in the AMP. Farms that currently have on-farm direct marketing facilities and/or that are engaged in

on-farm direct marketing activities and events can go to the CADB for a Site-Specific AMP (SSAMP) for Right to Farm protection.

- Farm Bureau believes that 2:76-2A.13(m)4.v.(6), the provision requiring the hayride wagon operator to have a current motor vehicle operator's license should be removed. The other provisions set forth in this section are sufficient to protect public health and safety and have much more bearing on a person's ability to safely operate a tractor. Having a current motor vehicle operator's license has no bearing on whether or not an individual is capable of safely operating a farm tractor as tractors are completely different from motor vehicles.
- In 2:76-2A.13(p), Farm Bureau strongly supports the option for the farmer seeking to establish a new or expanded on-farm direct marketing facility to go to the CADB for approval of site plan elements through an SSAMP. Municipalities are not always educated in common agricultural practices and thus may not be best suited to make decisions that could impact farm businesses.
- In 2:76-2A.13(r)1, Farm Bureau strongly supports that this AMP does not preclude a commercial farm from requesting an SSAMP determination for on-farm direct marketing facilities, activities and events that may not be in this AMP. Farmers are always adapting and as new practices are adopted by farmers they need the opportunity to seek right to farm protection through the SSAMP process for those practices.
- In 2:76-2A.13(r)2, Farm Bureau strongly supports that this AMP allows a commercial farmer to seek relief through an SSAMP when they believe a municipality's standards for the construction of building and parking areas applicable to on-farm direct marketing facilities are unduly restrictive, or believe the municipality is unreasonably withholding local zoning approval related to a facility.

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Cc: Doug Fisher, Secretary of Agriculture  
Robert Swanekamp, NJ State Board of Agriculture president