

# Farmland Preservation Plan

October 20, 2023

Prepared for:



The Township of Marlboro  
Monmouth County, New Jersey

Prepared By:



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A handwritten signature in blue ink, appearing to read "Laura J. Neumann".

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The original of this report was signed and sealed in accordance with N.J.S.A 45:14A-12

## Acknowledgements

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## **1. INTRODUCTION**

The Township of Marlboro is committed to preserving its farms to the greatest possible extent. This commitment was made in the Township's original Farmland Preservation Plan, adopted in 2006, and as updated and adopted in the *2011 Comprehensive Farmland Preservation Plan of Marlboro Township*. This 2022 Plan will supersede the previous iterations. In preparation of this document, our office excerpted text from the *Monmouth County Farmland Preservation Plan* dated July 2022 with permission from the Monmouth County Division of Planning. This Farmland Preservation Plan conforms to the standards of the Municipal Land Use Law and the guidelines set forth by the State Agriculture Development Committee (SADC). In keeping with the SADC guidelines, the plan includes a number of components that address the township's agricultural land base, its agricultural industry, land use planning, an overview of the Farmland Preservation Program, the future of farmland preservation in the township, economic development, natural resource conservation and agricultural industry sustainability, as well as retention and promotion.

## **2. AGRICULTURAL LAND BASE**

Marlboro Township is located in western Monmouth County and borders on Middlesex County. Due to its accessibility to the employment centers of northern New Jersey and New York City, it has experienced rapid growth over the last several decades. Residential growth in particular has been very robust. Today, Marlboro accommodates a range of land uses including agriculture, offices, retail and service enterprises, light industrial use, and housing. Marlboro's housing stock includes estate homes scattered on large lots, post-war and recent single-family residential subdivisions, and higher density townhouses and apartments.

Due to the abundance of rich soils in western Monmouth County, Marlboro Township has sustained an agricultural land base. Though the agrarian nature of the township has declined in recent decades, the township still enjoys many of the economic and cultural benefits that the existing farms provide. Breaking up the farm landscape is a complex network of roadways that includes many local and county roads and several State Highways, such as New Jersey State Highway Routes 9, 18, 34 and 79.

### **Location and Size of Agricultural Land Base**

Marlboro Township contains within its borders 30.2 square miles or 19,328 acres; therefore, the farmland assessed properties account for approximately 13 percent of the municipality. They are primarily located in the eastern and central portions of the township within the LC and R-80 and the commercial zoning districts; however, there are some farms located in the western half of the township as well. The farmland-assessed lots include woodlands managed for agricultural production and those appurtenant to cropland and pastureland.

According to the State and Monmouth County's MOD-IV property tax assessment database there are a total of 145 farmland-assessed lots in Marlboro Township. These lots comprise approximately 2,137 acres of farmland as depicted in Figure 1, Marlboro Township Farm Parcels and Preserved Land. In addition, a complete inventory of farm parcels is provided in Appendix A. Appendix B provides an inventory of preserved farmland, and Appendix C contains the target farm list.

### **Distribution of Soil Types and Their Characteristics**

Digital geographic data compiled by the Natural Resources Conservation Service (NRCS) in the Soil Survey Geographic Database (SSURGO) indicates that Marlboro Township lies entirely within the Coastal Plain physiographic province of New Jersey. The Coastal Plain consists of unconsolidated sediments, which range in age from Cretaceous to Miocene (13.5 to 5.3 million years old), dip toward the coast and extend beneath the Atlantic Ocean to the edge of the Continental Shelf. The Coastal Plain sediments consist of layers of sand, silt and clay deposited alternately in deltaic and marine environments as sea level fluctuated during Cretaceous and Tertiary time. These layers of sediment outcrop in irregular bands that trend northeast to southwest. Wide areas of the Coastal Plain are covered by a thin veneer of Late Tertiary and Quaternary sand and gravel deposited by rivers. The general topography of the Coastal Plain is flat to very gently undulating. Slope of the land is a critical factor in agricultural productivity. Steep slopes are prone to erosion while little to no slope has poor drainage.

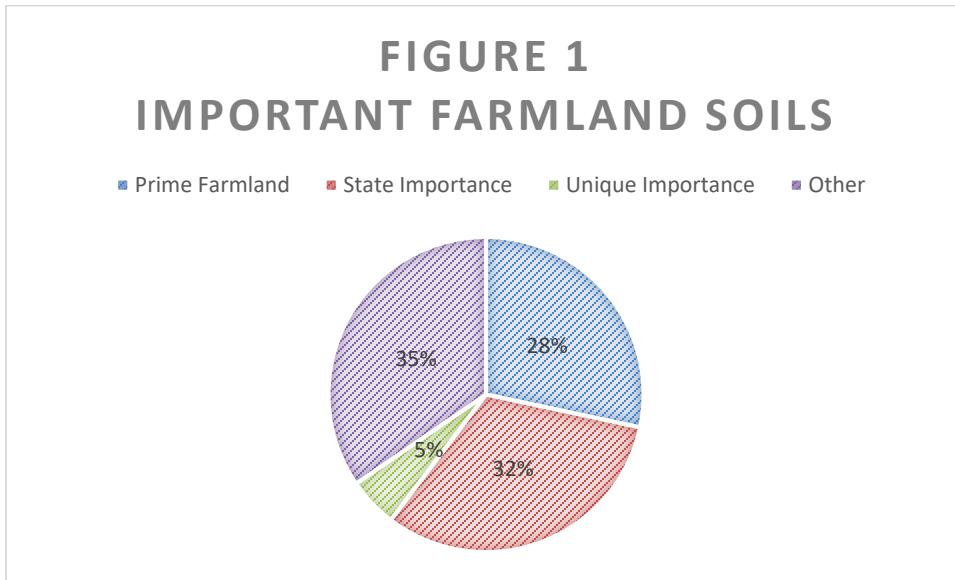
Soil productivity is of utmost importance to agriculture as soils with the ideal physical and chemical properties are necessary for producing food, feed, forage, fiber and row crops. Such soils have good moisture-holding capacity, permeability, natural fertility, level land and chemical composition. Soils played an important role in Marlboro Township's history, with the township acquiring its name from the presence of marl soils on some of its farmland. Marl is composed of the remains of prehistoric marine life from the period during which the ocean covered the State of New Jersey.

There are a wide variety of major soil types found throughout Marlboro that lend to the viability of the township's farmland properties. The most common soil series found within the township are Atsion sands (Ats), Collington soils (Cok and Cop), Colts Neck (Cos), Downer soils (Doc), Elkton loam (Eka), Evesboro soils (Eve), Freehold soils (Frf, Frk and Frr), Holmdel soils (Hoc), Humaquepts (Humt), Keyport soils (Kem), Lakehurst soils (Lak), Lakewood soils (Las), Manahawkin muck (Mak), Phalanx soils (Phb), Sassafras soils (Sac), Shrewsbury soils (Shr), Tinton soils (Thg and Thh), Woodstown soils (Woe) and Urban land soils (Uda). Brief descriptions of each of the above mentioned soil types can be found in Appendix D.

To simplify the identification of important farmland soils, the National Resources Conservation Service (NRCS) developed the Important Farmlands Inventory System (IFIS), which classifies soils as prime, statewide, local, unique, and other importance. Prime farmland has the best combinations of physical and chemical characteristics for producing high yields of food, feed, forage, fiber and row crops. Soils of statewide importance are

similar to prime soils but require a greater degree of management to produce high yields. Farmland of unique importance is suitable for specialty crops such as blueberries.

The distribution of soils according to the IFIS for Marlboro Township is depicted in Figure 1. Accordingly, Marlboro Township contains 5,521 acres of soils of prime farmland, representing 28% of the Townships area. Soils of state importance occupy 6,230 acres, or 32%, while soils of unique importance occupy 992 acres, or 5%.



## Number of Irrigated Acres and Available Water Resources

According to the 2018 New Jersey Farmland Assessment, there are six irrigated acres in Marlboro Township. The irrigated acres are used for ornamental and vegetable purposes.

Table 1 compares the irrigated acres in Marlboro years 1983 to 2018 as per the New Jersey Farmland Assessment data.

Table 1: Irrigated Acres					
<u>Year</u>	<u>Field Crops</u>	<u>Fruit</u>	<u>Ornamental</u>	<u>Vegetable</u>	<u>Total</u>
<b>2018</b>	0	0	5	1	6
<b>2007</b>	12	0	1	0	13
<b>2004</b>	2	0	0	0	2
<b>2000</b>	7	0	0	2	8
<b>1991</b>	6	1	0	1	8
<b>1983/1984*</b>	n/a	n/a	n/a	n/a	327

\* used different reporting method than subsequent years

As demonstrated above, the number of irrigated acres declined from 2000-20004, saw an increase in 2007, but ultimately currently continues to decline.

A large supply of potable water is supplied to Marlboro by the Englishtown, Old Bridge, and Farrington aquifer systems.

## Farmland Assessment and Census of Agriculture and Trends

Out of the 53 municipalities in Monmouth County, only 12 municipalities have significant farmland remaining. Marlboro Township, at number seven, was among the top ten agricultural municipalities in Monmouth County in 2019. According to NJ Farmland Assessment data, there are a total of 145 farmland-assessed lots in Marlboro Township that comprise approximately 2,137 acres of farmland. This represents 11% of the township's total of 19,328 acres. This compares to a total of 1,978 farmland-assessed properties in Monmouth County for the same year comprising of approximately 48,962 acres. Therefore, the number of farms in Marlboro Township account for about 8 percent of the farms in Monmouth County whereas the farm acreage in Marlboro Township accounts for about 5 percent of the farm acreage in Monmouth County.

In the year 2018, as indicated in Figure 2, harvested and pastured cropland accounted for more than half the farmland in the township (36%), while unattached and attached woodland accounted for 53 percent of the agricultural land. Permanent pasture accounted for about 11 percent of the farmland.

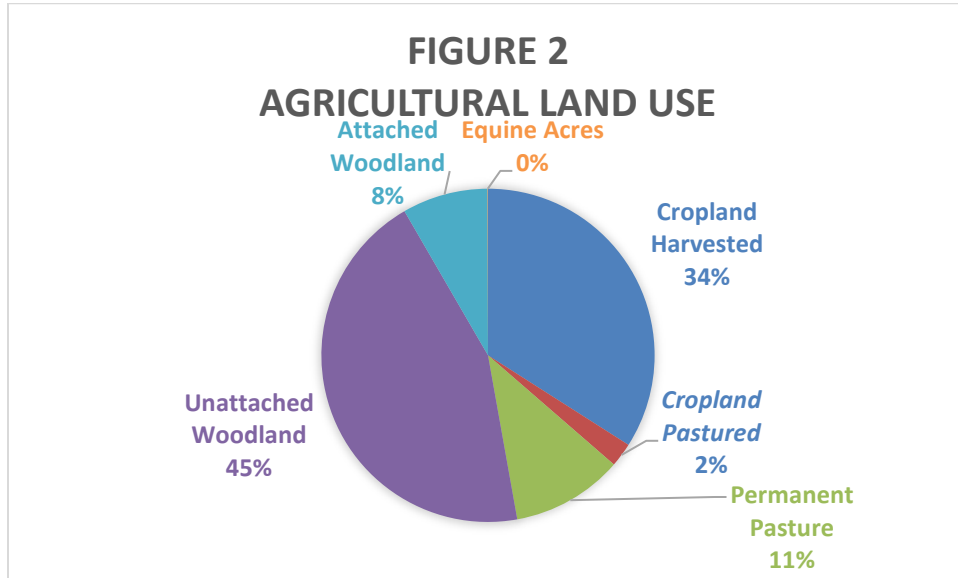




Table 2 below shows the historical land use trend from 1983 to 2018. While the overall total amount of land dedicated to agriculture has declined, harvested cropland remains the largest agricultural use of land.

Table 2: Historical Land Use											
	1983		1990		2000		2007		2018		Percent Change 1983-2018
Agricultural Use	Ac.	%	Ac.	%	Ac.	%	Ac.	%	Ac.	%	%
Cropland Harvested	3,648	64.8	2,745	55.7	1,426	50.7	1,121	45.8	859	34	-76.5
Cropland Pastured	283	5.0	180	3.7	154	5.5	151	6.2	59	2	-78.9
Permanent Pasture	355	6.3	570	11.6	222	7.9	246	10.0	273	10.8	-23.1
Woodlands	1,162	20.6	1,286	26.1	1,005	35.7	919	37.5	1,332	52.8	14.6
Equine	182	3.2	149	3.0	6	0.2	13	0.5	1	0.04	-99.5
<b>Total</b>	<b>5,629</b>		<b>4,930</b>		<b>2,813</b>		<b>2,450</b>		<b>2,524</b>		<b>-55.2</b>

Overall the percentage of land dedicated to agriculture has decreased by 55.2% since 1983. The largest decrease was seen in equine uses by 99.5%. The downward trend in the historic size of the Township’s agricultural land base highlights the critical need to preserve as much farmland as possible.

### 3. AGRICULTURAL INDUSTRY

Marlboro Township’s agricultural industry is primarily based upon livestock, nurseries, and fruit and vegetable operations. Per NJ Farmland Assessment date, Table 3 below compares the agricultural production in Marlboro from 1984 to 2018. The largest percentage of agricultural land has been dedicated to livestock, specifically goats and chickens.

Table 3: Agricultural Production in Marlboro Township Over Time					
Type of Production	1984	1990	2000	2007	2018
Field Crops (acres)	2,451	1,393	729	615	442
Nursery (acres)	212	336	295	285	264
Vegetables (acres)	1,090	577	294	113	32
Livestock (head of cattle, equine, sheep, and swine)	290	283	556	412	437
Livestock (number of ducks, fur animals, goats, poultry, other)	1,062	729	2,262	2,544	1,677
Timber (cords of fuel wood)	210	95	137	224	181
Timber (board feet)	0	34,034	43,461	0	150

Overall, there has been a decline of agricultural land in the township, specifically for that of field crops and vegetables. Field crops grown on most of the Marlboro acreage consists of corn, hay (including alfalfa hay), rye, soybeans, and wheat. The total acreage dedicated to vegetables has decreased by nearly 72% since 2007 and is primarily dedicated to pumpkins and sweet corn. Nursery acreage has remained steady, and consists primarily of trees and shrubs (52%).

### 4. LAND USE PLANNING CONTEXT

#### State Development and Redevelopment Plan

The *New Jersey State Development and Redevelopment Plan* (SDRP) was first adopted in 1992 and later updated and revised in March 2001. The SDRP sets forth a vision and a plan for the future of New Jersey. To help realize this vision, the SDRP identifies goals and strategies that are intended to guide public policy decisions. The SDRP continues to strongly support the preservation of agriculture in the State. In fact, the promotion and preservation of agriculture in the State is a major goal of the SDRP and is supplemented by 23 separate statewide agricultural policies to be used by state, county and local agencies in their planning and decision-making processes.

The SDRP designates land areas within New Jersey into one of five Planning areas. Within the SDRP, Planning Areas serve a pivotal role by setting forth Policy Objectives that guide the application of the State Plan's Statewide Policies within each area and serve to achieve the goals of the State Planning Act. A Planning Area is a large mass of land with tracts that share certain characteristics, such as population density or natural features.

In addition, Planning Areas guide local planning and decisions on the location and size of Centers and Cores within Planning Areas and protect or enhance the Environs of these Centers, primarily in Planning Areas 3 through 5. The Planning Areas are listed below.

- PA 1 Metropolitan Planning Area
- PA 2 Suburban Planning Area
- PA 3 Fringe Planning Area
- PA 4 Rural Planning Area and
- PA 4B Rural / Environmentally Sensitive Planning Area
- PA 5 Environmentally Sensitive Planning Area and
- PA 5B Environmentally Sensitive/Barrier Islands Planning Area

Characteristics that define Planning Areas include population density, infrastructure, road systems, land area, adjacent land areas, soils and natural environmental features.

Although the vast majority of New Jersey's agricultural lands, including 94 percent of all preserved farmland in the state, are found in the PA4 and PA 4B areas farmland can be found in any planning area. Marlboro Township contains only Suburban (PA 2), Fringe (PA 3), and Environmentally Sensitive (PA 5) Planning Areas. PA5 areas exist primarily in the eastern portion of the township, with an additional small PA5 area located in the northwestern portion of the township. These planning areas contain about 341 acres of active agricultural land. PA3 areas exist in two blocks in the northwestern and southeastern portions of the township. About 91 acres of active agricultural land overlaps these areas. The balance of the township is designated as PA2, which covers approximately 60 percent of the township and includes 651 acres of active farmland.

The State's Municipal Plan Endorsement process is a means of planning for both development and preservation within Marlboro Township. Municipal Plan Endorsement is a voluntary review process designed to ensure the coordination of state, county and municipal planning efforts in achieving the goals and policies of the State Planning Act. The State Development and Redevelopment Plan is the blueprint for achieving these goals and provide the template for coordination. The endorsement process expands upon the requirements of the Municipal Land Use Law (MLUL) and incorporates the planning initiatives of the state agencies. It is through Plan Endorsement that local, county and state governments may work together to develop coordinated capital investment and planning decision-making mechanisms that are consistent with the State Plan and with each other.

Upon endorsement of a municipal plan, municipalities are entitled to financial and technical incentives that will assist them to make their endorsed plans a reality. These incentives are based on the actual endorsed and may include enhanced scoring for grant funding, low-

interest loans, tax credits, prioritized technical assistance, and coordinated regulatory review among the State agencies to identify additional incentives for municipalities to complete the process.

The SDRP is updated through the cross-acceptance process, also compares statewide planning policies among governmental levels with the purpose of attaining consistency among Municipal, County, Regional, and State plans. Local planning efforts have correlated closely with the State Development and Redevelopment Plan (SDRP), as the township participated in the last Cross-Acceptance process and submitted recommendations to Monmouth County for inclusion within the County's overall recommendations submitted to the State.

The proposals Marlboro Township successfully introduced into the County's recommendations included an expansion of the Planning Area 5 (PA5) Environmentally Sensitive Planning Area in the central and northern portions of the township. The reasons for the proposed expansion of the PA5 areas within the township were to discourage development on environmentally sensitive lands, in accordance with the goals of the SDRP, and to aid in the preservation of environmentally sensitive lands, including environmentally sensitive farmlands. One of the key determinants in designating lands proposed for PA5 area expansion was the presence of New Jersey Important Soils and/or mapped New Jersey Prime Agricultural Soils. Therefore, Marlboro Township's planning efforts closely correlate with the SDRP and the pending State Plan Policy Map.

### **Special Resources Areas**

As mentioned earlier, out of the 53 municipalities in Monmouth County, only 12 municipalities have any significant farmland remaining. Marlboro contains some significant farming and has many unique and valuable natural resources. The resources within the township are not located in the Highlands, Pinelands CAFRA etc.

### **Municipal Master Plan and Development Regulations**

The Township of Marlboro Comprehensive Master Plan was adopted in 1997 and an amendment to that Master Plan was adopted in June 2002. Since that time, reexamination Reports were adopted in 2008, 2012, and 2019. Additional Master Plan Elements that were adopted or amended include the 2019 Housing Element and Fair Share Plan, 2018 Open Space and Recreation Plan, 2013 Green Buildings and Environmental Sustainability Plan, 2011 Farmland Preservation Plan, 2010 Vision Plan, and 2005 and 2007 Amended Land Use Plan.

The Marlboro Township Master Plan is consistent with the State Planning Goals and Strategies. The Township Master Plan seeks to conserve natural resources, protect the environment; provide infrastructure in advance of, or concurrent with new development; provide adequate public services at reasonable cost; provide affordable housing consistent with COAH requirements; and preserve and enhance historic sites, open space and recreational lands. In addition, the Marlboro Township Master Plan promotes three (3)

policy objectives in particular for each Planning Area, which include policy objectives for Natural Resource Conservation, Agriculture, and Recreation.

The Township development regulations were adopted in 1985 and include zoning, subdivision, and site plan regulations, as well as right-to-farm provisions. As needed, development regulations have been amended based upon recommendations put forth in reexamination reports of the Master Plan. A map of the Township of Marlboro’s zoning can be seen in Figure 4.

The Township contains 19,328 acres and a total of 14,232 lots. Of those, only 145 parcels are farmland assessed while over 12,000 parcels have been identified as residential. The remaining parcels are classified as commercial use. To further break down the size of lots, Monmouth County provided additional information as shown in the table below:

<b>Table 4: Lot Sizes</b>		
<b><u>Total Lots</u></b>	<b><u>Total Acreage</u></b>	<b><u>Range</u></b>
238	7,127	>10 acres
276	1,831	>5-10 acres
1,858	3,966	>1-5 acres
11,860	4,732	>1 acre
14,232	17,656	n/a

Marlboro’s residential land use plan includes six types of districts of varying densities and/or types of residential buildings. These six types of residential zones districts and the minimum lot area requirements are depicted in Appendix D.

The lowest density district is Agricultural / Land Conservation district with a minimum lot area of 10 acres and is located to the eastern portion of the township. The Land Conservation district, with a minimum lot area of five acres is located to the northwest, northeast and central portions of the township. The low-density R-80 and the Stream Corridor Preservation Residential District II (SCPR-II) zone districts are located within the central and southern portions of the township.

The medium density residential districts, reflecting a density of approximately 1 to 1.4 dwelling units per acre, include zones such as R 60, R 60/40, R 60/15, R-40 AH, R-40 GAH, R-40/30, etc.

The highest density residential areas, as depicted in Table 11, are zoned for lot sizes equal to or less than 30,000 square feet. In addition, there are some areas in the township zoned for multi-family uses.

## **Innovative Planning Techniques**

The Township relies on a variety of planning techniques to accommodate development while still protecting some valuable agricultural and environmental resources. Some examples follow:

- Ordinance Section 220-36 of the township code establishes policies that foster and protect agricultural operations from unreasonable regulations and nuisance actions where recognized methods and techniques of agricultural production are used.
- Ordinance Section 220-35D(15) stipulates that farms shall be permitted in any zone district provided all the buildings and structures utilized for farm purposes are set back at least 100 feet from all property lines or in accordance with the setback requirements of the zone if such requirements are greater. In addition, roadside stands are permitted as an accessory use to farms in all zone districts for the sale of products raised on the farm but shall not be located closer than 40 feet to any street line.
- Ordinance Section 220-36D(4) permits the provision of housing as well as employment for seasonal farm workers.

Additionally, the township currently employs other development regulations to maintain agriculture as a viable industry and preserve its rural character.

- Low-density residential districts such as Agricultural / Land Conservation (A/LC) Zone and Land Conservation (LC) Zone have a minimum lot area requirement of 10 acres and 5 acres respectively. Marlboro updated its Zoning Map in the mid 2000s to expand the LC Zone district to encompass more of the high priority farms located within the township.
- In general, the wastewater policy of the township is that sites without existing in ground sewers and those zoned Land Conservation (LC) or Agriculture Land Conservation (ALC) should not be in the sewer service area. This policy is a growth management technique that is stated in the 2010 Township Vision Plan.

## **Cluster Zoning and Lot Averaging**

Cluster development options are encouraged in the LC, R-80, R-60 and R-30 zones, pursuant to Section 220-41 of the Zoning Ordinance. These options set forth provisions for the reduction of lot size for single-family detached dwelling units while maintaining the maximum permitted gross density in order to preserve desirable open spaces, conserve floodplains and wetlands, provide open space recreational parks and lands for other public or quasi-public purposes compatible with residential uses. This option is available to parcels 25 acres or larger that are served by municipal water and sanitary sewer.

A non-contiguous cluster option is being evaluated as part of Marlboro's current Master Plan re-examination process. Implementation of non-contiguous clustering would permit development potential to be transferred between two or more parcels regardless of adjacency or ownership thus providing increased flexibility and preservation potential.

Lot-size averaging option in which one or more lots in a subdivision may be undersized, provided that other lots in the same subdivision are oversized by an equal or greater area such that the overall gross density of the subdivision still complies with the specific zoning district requirements. It is similar to clustering except that there is no common open space. This technique is permitted in the A/LC Zone.

Although cluster zoning is not mandatory in Marlboro, some developers have been granted subdivision approvals that utilized the cluster development options set forth in Section 220-41 of the Township Zoning Ordinance. To date, the ordinance does not include a significant mandatory set aside (currently a minimum of 2 contiguous acres). This has resulted in clustered subdivisions that maximize residential lot yield and the residential value of the land and relegate undevelopable floodplains, and wetlands to the open space area. The ordinance also makes no provision for retention of prime agricultural soils, does not consider retention of contiguous farmland or seek Agricultural Advisory Committee input on cluster design.

### **TDR Opportunities and Strategies**

The Township has not evaluated the feasibility of Transfer of Development Rights (TDR) as a component to preserve farms. The State requirements for TDR studies and planning are intensive and require a significant expense. In addition, State approval is required prior to implementing a TDR plan. Marlboro Township may consider TDR as a strategy if the State or County funds the local costs of undertaking the required studies. NJ State TDR Bank offers Planning Assistance Grants that fund 50% or up to \$40,000 of the cost for development of plan materials required by the State TDR Act.

### **Buffer Requirements**

Ordinance Section 220-144 of the code sets forth standards for buffer areas between different zone districts. The ordinance requires a buffer area along lot and street lines of all residential lots within any major subdivision of five (5) acres or more where such property lines or the center lines of such adjacent streets abut a farm. The minimum width of such buffer areas shall be greater than 25 feet or the width otherwise required for buffers within that zone. It is the intent of this section to shift the burden of providing buffers and separation between agricultural and residential uses, to such residential uses to the extent reasonable and practicable. Additionally, the Right to Farm ordinance stipulates that no structures, storage of materials, or parking of vehicles shall be permitted in the required agricultural buffer.

### **Current Land Use Trends**

An assessment of the overall land use pattern within Marlboro determined that there are a total of 14,232 parcels within the township. Of those, only 145 parcels are farmland assessed while over 12,000 parcels have been identified as residential and the remaining parcels are classified as commercial use.

Table 5, provides information on the acreage of land for the years 2008, 2012, 2016 and 2020, devoted to various uses, vacant and farmland parcels and compares the changes between the years. Marlboro’s growth is evident when you compare the amount of land devoted to developed uses, to the amount of remaining vacant land and farms.

Table 5: Land Use Comparison 2008-2020								
Type of Land Use	Acres 2008	Percent (%)	Acres 2012	Percent (%)	Acres 2016	Percent (%)	Acres 2020	Percent (%)
Residential	8,357	43%	8,341	43%	8,443	43.6%	8,413	43.5%
Commercial	900	4.7%	909	4.7%	897	4.6%	956	4.9%
Industrial	194	1%	211	1.09%	193	1%	191	0.99%
Public & Semi-Public	3,790	19.6%	3,957	20.5%	4,100	21.2%	4,322	22.4%
Transportation & Utilities	1,379	7.1%	1,918	9.9%	1,774	9.2%	1,950	10.1%
Total Developed	14,620	75.6%	15,337	79%	15,407	80%	15,832	82%
Vacant & Farmland	4,708	24.3%	3,991	20.6%	3,921	20.3%	3,496	18.1%
Total Land Area	19,328	-----	19,328	-----	19,328	-----	19,328	-----

Source: Township 2020 MOD IV tax assessment data.

Over the twelve year period between 2008 and 2020, the amount of land devoted to residential and commercial use has increased, and at the same time, the amount of vacant land and farmland has declined. As more acres of land are being converted for residential uses, less vacant and farmland acreage is left for preservation. The reduction in agricultural land highlights the importance of the plan and the need to preserve as much farmland as possible.



## **Development Pressures and Land Value Trends in Marlboro Township**

Over the last two decades, Marlboro Township and its neighboring communities within Monmouth County have experienced intense growth and development pressures. The 2022 Monmouth County Farmland Preservation Plan identifies warehouse development and affordable housing projects as comprising much of the County's development pressure. As a result of the COVID-19 pandemic, there was an increase in property values, particularly for residential uses. In addition, the pandemic intensified trends towards online shopping, thereby increasing the demand for warehouse projects.

The 2022 Monmouth County Farmland Preservation Plan identifies high land values in the region as one of the long-range challenges to maintaining farmland. This has been further exacerbated by the current real estate market. The County's plan noted that in 2016, the market value of land and buildings in Monmouth County was \$1,021,640 per farm, essentially \$21,581 per acre. The median cost per acre of an easement preserved in Monmouth County from 1987 to 2016 was \$16,600. Due to the high real estate prices, preservation funds do not stretch as far as in other counties with lower median easement values. In addition, high land values create a barrier to entry for young and new farmers, and fuel pressures for landowners to sell to developers, and can complicate estate planning.

### **Sewer Service Areas / Public Water**

Appendix H contains the Marlboro Township Sewer Service Area map which shows the designated sanitary sewer service areas with Marlboro Township. The northerly portion of the Township falls within the Bayshore Regional Sewer Authority service area, while the southern portion is within the Western Monmouth Utilities Authority service area. Areas shown in white on the attached map are located outside of a sewer service area.

In addition, Appendix I contains the Marlboro Township Potable Water Service Area map, which shows the public water supply areas with Marlboro Township. The northerly portion of the Township is within the Marlboro Township Water Utility franchise area, while the southern portion of within Gordons Corner Water Company service area.

### **Agricultural Development Areas (ADAs)**

As outlined earlier, there are a range of State and County farmland preservation programs, however, a component of many of these programs is the requirement that the target properties be located within an Agricultural Development Area of a Planning Incentive Grant (PIG) Project Area.

Agricultural Development Areas (ADAs) serve as the focal point for the County and State's farmland preservation efforts. The ADAs were identified by the Monmouth County Agriculture Development Board (Appendix J Marlboro Township Agricultural Development Areas). The mapped ADAs in Marlboro Township total 6,311 acres. They are areas in which agriculture is the preferred land use, and there is a desire to retain them long term. The designation criteria for Monmouth County are as follows:

1. Land consists of a parcel or group of reasonably contiguous parcels with a minimum total area of 50 acres and which are currently in agricultural production or have a strong potential for future production.
2. Land is not already committed to non-agricultural development. For example, the following are considered committed to non-agricultural development and therefore exempt from the Notice of Intent requirements of N.J.S.A 4:1C-19 and Subchapter 7 of N.J.A.C. 2:76:
  - a. Existing road rights of way and future road right of way corridors designated in the Monmouth County Road Plan or on the official map or general circulation plan element of a municipal master plan.
  - b. Open space parcels owned or deed restricted by the County of Monmouth, State of New Jersey, federal government, nonprofit or a municipality.
  - c. Extension of roadside public utility electric and gas distribution lines.
  - d. Minor improvements and/or repairs to existing transportation and water or sewer infrastructure systems that do not increase capacity or extend service into previously unserved areas.
3. Land meets the statutory criteria for the identification of ADAs:
  - 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 permitted as a non-conforming use."
  - b. "Is reasonably free of suburban and conflicting commercial development."
  - c. "Comprises not greater than 90 percent of the agricultural land mass of the county."
  - d. "Incorporates any other characteristics deemed appropriate by the board."  
(See Requirements 1 and 2 above).

## 5. FARMLAND PRESERVATION PROGRAM

According to the Monmouth County Agriculture Development Board, as of October 15, 2021, there were approximately 366 acres of preserved farmland in Marlboro Township, an increase of 115 acres since June 2007. In accordance with the SADC guidelines, Appendix A provides mapping of Marlboro’s permanently preserved farmlands, as well as those lands that are preserved as open space and currently used for farming.

There are a total of eight (8) permanently preserved farms within the Township, as outlined in Appendix C. As seen below in Table 6, these lands have been preserved with a combination of: easement purchased by Monmouth County and the SADC, municipal Planning Incentive Grants (PIGs), fee simple acquisition by the SADC, and intergovernmental transfer.

<u>Program</u>	<u>Acres</u>	<u>Farms</u>
Municipal PIG	95.314	3
County Easement Purchase	296.799	2
County PIG	103.819	2
Direct Easement Purchase		
SADC Fee Simple		
Intergovernmental Transfer	110.16	1
Total	606.092	8

The State of New Jersey’s Farmland Preservation Program sponsors a number of funding programs under its auspices. Summaries of the various programs follow:

### **County Planning Incentive Grant Program**

Formerly known as the County Easement Purchase Program, Monmouth County established the Planning Incentive Program to permanently preserve significant areas of contiguous farmland that in turn, will help promote the long-term viability of the agricultural industry. To be eligible for state funding, counties must adopt a comprehensive farmland preservation plan element pursuant to NJ County Planning Act and the SADC rules. Additionally, counties must maintain a county agricultural development board, and have a dedicated source of funding for farmland preservation. With this program, counties receive a base grant and then compete with their counterparts for additional funds. Farms must meet basic state eligibility requirements. Monmouth County established some additional criteria to help it prioritize applications. Farms must be at least 20 acres in size unless adjacent to an already preserved farm. Soils must score 55 or higher in the county’s Land Evaluation rating system. In addition, the SADC requires that the farms preserved through the County Planning Incentive Grant (PIG) to rate at least 70% of the average quality score of the last three funding rounds.

### **Municipal Planning Incentive Grant Program**

In this program, grants are provided from the SADC to eligible counties and municipalities to purchase agricultural easements to protect farmland in designated project areas. The local municipality and county cover the remainder of the acquisition costs. The goal of the PIG program is to preserve significant areas of farmland through an emphasis on planning. The ability to preserve significant areas of contiguous farmland will promote the long term viability of agricultural industry. The following elements are required for eligibility:

1. Adopt a Right to Farm ordinance
2. Have a source of funding dedicated
3. Have an active Agricultural Advisory Committee
4. Have an up-to-date Farm Plan

### **SADC Easement Purchase Program**

In this program, an owner of farmland assessed property can sell its non-agricultural development rights to SADC. The easement value is the difference between the fair market development value and the value of the land of sold as farmland as determined by a NJ licensed real estate appraiser. This allows the property owner to maintain control of the land and preserves the farmland without the municipality, County or State, in which the property is located bearing the burden of maintaining the land. Farms in Monmouth County need to be 35 acres or larger to qualify as a “priority” farm and need to be 20 acres to qualify as an “alternate” farm. In addition, the SADC purchases the easement without County participation and holds it in perpetuity.

### **SADC Fee Simple Program**

In this program, the State buys a farm outright, retires the land’s development rights, then auctions the property to the highest bidder. In order to participate in this program, the property must be located in an ADA and eligible for farmland property tax assessment. The farm must meet SADC’s minimum eligibility standards. Besides ensuring that the farmland is preserved in perpetuity, an added benefit, the property owner is exempt from rollback taxes, and survey and title costs.

### Farmland Preservation Program Funding Expended

Approximately \$9 million has been spent on permanent preservation efforts in Marlboro Township. The allocation of these funds based upon the various preservation programs in outlined in Table 7 below:

<b>Table 7: Funds Expended on Permanently Preserved Farms by Program</b>	
<u>Program Type</u>	<u>Total Cost</u>
County Easement Program	\$6,172,355.44
County PIG	\$1,576,102.98
Municipal PIG	\$1,114,404.38
SADC Fee Simple	
SADC Direct Easement Program	
Total	\$8,862,862.80

Source: SADC, preserved farm list, accessed October 26, 2022

### Monitoring of Preserved Farmland

The deed of easement holder is responsible for monitoring a preserved farm on an annual basis. In the case of state-held easements such as L.J. Pesce Inc., the SADC carries out this responsibility. For county-held easements such as Kildee Farms and F&F Nurseries, the Monmouth County Agriculture Development Board handles the monitoring. Just before closing, the MCADB staff conducts a baseline survey to document the existing conditions and then prepares a report accompanied with photographs based upon site observations. MCADB staff then revisits the farm each year and prepares a summary report. Landowners and farm managers are contacted in advance of the visits and invited to join the staff on site. At the municipal level, the Marlboro Township Agricultural Advisory Committee keeps an eye on preserved farmlands to ensure that farming is taking place. The County is ultimately responsible for monitoring of preserved farms in the Municipal PIG program. In addition, the township and the AAC would notify the appropriate agency if violations were suspected from any owner of a preserved farm.

### 6. FUTURE FARMLAND PRESERVATION PROGRAM

The township has begun to make headway in preserving its remaining farmland and is eager to continue to protect agricultural lands through the Farmland Preservation Program. The preservation goals, tools, and policies that are contained with this section of the Farmland Preservation Plan will facilitate the preservation of additional farmland.

## **Preservation Goals**

Marlboro Township's goal is to support the protection and preservation of the Township's remaining farmland and the agricultural economy. To accomplish this, this Farmland Preservation Plan sets one, five and ten year preserved acreage targets.

Preserved Cumulative Acreage Targets:

- 1-year target: 20 acres
- 5-year target: 100 acres
- 10-year target: 150 acres

If the ten-year target is met, Marlboro Township will provide an additional 150 acres of permanently preserved land for agricultural use.

## **Project Areas**

Planning Incentive Grant (PIG) project areas are a required component of any application to SADC for funding. Per *SADC Guidelines* a "project area" is defined as a separate, significant area of reasonably contiguous farmland which will promote the long term viability of agriculture as an industry. In addition, said areas shall consist of the following lands and lands within one mile of the following:

1. Targeted farms located within an ADA;
2. Lands for which an individual farm application has been granted final approval by the municipality, board, and/or the Committee pursuant to the Agriculture Retention and Development Act, as amended, and the Garden State Preservation Trust Act;
3. Lands from which development easements have already been purchased;
4. Other land permanently deed restricted for agricultural use;
5. Lands enrolled in a term farmland preservation program or municipally approved farmland preservation programs; or
6. Other permanently preserved lands dedicated for open space purposes that are compatible with agriculture, as approved by the SADC.

Marlboro Township's Planning Incentive Grant Project Areas refines the project areas into three clusters of active farmland and compatible open space: the North, Central and Southeast Project Areas. These Project Areas are depicted on Appendix K.

## **Minimum Eligibility Criteria**

The Township's farmland preservation eligibility criteria are:

1. The property owner has applied to participate in the program;
2. The property is assessed as Class 3A/3B farmland, and;

3. The property is located within a County designated and State approved ADA.

#### State Agriculture Development Committee Criteria

1. For lands less than or equal to 10 acres, the land must meet the following criteria:

- Land that produces agricultural or horticultural products of at least \$2,500 annually.
- 75% of land that is tillable or a minimum of 5 acres; whichever is less
- 75% of land, or a minimum of five acres, whichever is less, consists of soils that are capable of supporting agricultural or horticultural production.
  - a) Land shall not contain more than 80% soils that are classified as freshwater or modified agricultural wetlands according to the NJDEP wetland maps.
  - b) The land shall not contain more than 80% soils with slopes in excess of 15% as identified by the USDA.

2. For lands greater than 10 acres, the land must meet the following criteria:

- At least 50% of land, or a minimum of 25 acres, whichever is less, is tillable
- At least 50% of the land, or a minimum of 25 acres, whichever is less, consists of soils that are capable of supporting agricultural or horticultural production
  - a) Land that is less than 25 acres in size shall not contain more than 80% soils classified as freshwater or modified agricultural wetlands according to the NJDEP wetlands mapping.

#### Monmouth County Criteria

Aside from meeting the minimum state eligibility requirements, farms being considered for the County PIG must be at least 20 acres in size or be adjacent to an already preserved property. A farm must also have a Land Evaluation score of at least 55. This score is based on an index (from 0 to 100) that ranks the agricultural quality of a property's soils. The index awards points for prime agricultural soils, soils of statewide importance and unique soils.

#### **Ranking Criteria**

To date, the demand for the Farmland Preservation Program among Marlboro Township farmers has been modest but growing interest in the Municipal Planning Incentive Grant (PIG) program has prompted the Agricultural Advisory Committee to develop Farmland Easement Evaluation Criteria. These criteria shall be based on N.J.A.C. 2:76-6.16 for eligible

farm criteria. A reference of these criteria can be found in Appendix O, with the corresponding weights for the criteria noted. The evaluation form assigns points to a parcel based on factors such as soil quality, parcel size, tillable acreage, farm stewardship, proximity to protected farmland, developability and zoning, and funding options.

### **Policies Related to Farmland Preservation Applications**

It is important to keep in mind that the County and township's Farmland Preservation Programs are voluntary and do not use eminent domain to obtain a property.

The Township of Marlboro is committed to working with any eligible and willing landowner to preserve farmland within the context of a variety of mechanisms, including, but not limited to, option agreements, installment purchases, and encouraging donations of permanent development easements. The Township policy is to be consistent with State and County application policies within respective funded programs.

Having said that, the County Agriculture Development Board does have application policies related to the approval of housing opportunities, division of premises, and approval of exceptions, as outlined below:

#### Approval of Housing Opportunities

Monmouth County and the Township follow SADC guidelines and policies related to the approval of housing opportunities and do not have formal written policies on the subject. It is up to the landowner whether or not to list a residence as an agricultural labor-housing unit in the deed of easement. The decision depends on whether or not a family member lives in the home (which is prohibited by the deed), the current use of the dwelling, and future plans for the farm. The MCADB receives about one request a year from already preserved farms wishing to erect a new agricultural labor-housing unit. In such cases, staff meets with the landowners and visits the site, the Board reviews the request, determines how it will benefit the operation, and considers the size and placement of the proposed dwelling. Once approved, paperwork is forwarded to the SADC, which must also pass a resolution in favor of the request.

House replacement requests on preserved farms also average one a year in Monmouth County. Similar to the agriculture labor housing requests, staff conducts a site visit and obtains as much information as possible from the applicants. In making its decision, the MCADB considers the landowners' needs and motives (for instance, sometimes the original house is no longer habitable due to fire, termites, etc.), the size and location of the new building envelope, and impact on the farming operation. The county does not have a house size restriction. If approved, the request is passed on to the SADC.

Residential Dwelling Site Opportunities (RDSOs) are floating housing opportunities that a farm over 100 acres in size may request as part of their deed of easement. The policy aims ensure that construction and use of a residential unit is for an agricultural purpose. Almost all of Marlboro's farms fall below the 100-acre threshold.



### Division of Premises

The MCADB receives approximately one Division of the Premises request a year. The Township itself does not have a policy for dividing premises. If granted, such requests enable the fee owner of a preserved property to divide an agricultural easement and sell one or more resulting farms. The MCADB follows the SADC's policy P-30-A and has the landowner complete the associated form. The form requires the landowner to elaborate on the purpose of the division. The policy also demands that the farms resulting from the division be viable.

### Approval of Exceptions

The County and Township do not have any formal policy on exceptions. Exceptions are areas of a farm that are specifically delineated so they will not be subject to the majority of restrictions in the deed of easement. There are two types of exceptions: severable and nonseverable. Severable exceptions may eventually be separated from the main portion of a farm through a minor subdivision. They have been used for future home sites, joint acquisition projects with an open space entity such as the Monmouth County Park System. Typically, the easement will include special notification language for the future owners stating that agriculture is the preferred use of the adjacent premises. A nonseverable exception is often used to delineate a future housing opportunity or to encompass an existing or proposed nonagricultural use. The area may not be moved or subdivided from the farm.

The township, like the county, considers exception requests on a case-by-case basis and works to meet the anticipated needs of the current and future landowners. Although the township and county have been neutral in the past regarding exceptions, as home offices become more popular and farmers explore compatible nonagricultural uses on their properties, nonseverable exceptions are being viewed in an increasingly positive light. At the same time, care is given to situate exceptions in locations that not only minimize impacts on the actively farmed portions of the land but also make logistical sense. For instance, an exception intended for a future home should not be delineated in a wetlands area.

## **Funding Plan**

Marlboro Township has had an Open Space and Farmland Preservation Trust Fund since 1997. A copy of this Trust Fund Ordinance is included within Appendix L of this submission. Residents are taxed \$0.01 per \$100 assessed value. This generated \$730,351.86 in 2022. As of December 31, 2022, the balance of the Trust Fund was \$3,428,997.02. These funds are primarily used for agricultural easement acquisitions and open space preservation. Actual decisions on the distribution of these funds are made by the Governing Board and vary year to year based on current applications.

In addition, the township has occasionally issued general obligation bonds to preserve farmland and open space properties. The purpose of this policy is to limit conversion of lands used for agricultural purposes to other purposes, including but not limited to, passive and active open space and recreation.

As of January 2023, Marlboro Township had \$3,428,997.02 to spend toward farmland preservation acquisitions and is eligible for an additional \$3 million in competitive funding.

### County Funding Sources

The Monmouth County Farmland Preservation Program historically relied on the County's Capital Budget to fund its share of easement purchases. Currently, the Farmland Preservation Program depends on the Open Space, Recreation, Floodplain Protection, and Farmland and Historic Preservation Trust Fund for the county share of agricultural easement purchases. Marlboro Township will adhere to applicable public financial policies when preservation through County or State funding is sought.

It is noted that when farms are preserved by means of the County Easement Purchase Program, a sliding scale is often used. Essentially, the amount that the State contributes determines the total cost of the County and Township shares, and this State cost share percentage can be found at NJAC 2:76-6.11(d). For example, if the State funds 60% of the easement purchase, the County share is 60% of the balance, or 24% of the total cost, and the Township's share is 40%, or 16% of the total land cost.

### Financial Policies

This Farmland Preservation Plan seeks to maximize flexibility for potential participants in the Township's farmland preservation program and leverage County and State funds to preserve farms in Marlboro Township. The Township will work to the greatest extent possible with any eligible and willing landowner to preserve farmland property using all available funding sources. Further, as noted above, the Township will adhere to applicable public financial policies when preservation is sought through the County or State.

### Cost Projections

Cumulative total cost projections for preserving farmland in Marlboro was developed utilizing an average cost of preservation of \$36,000 per acre. Cost projections are not adjusted for inflation and are subject to change as a result of prevailing economic and local real estate market conditions. The total cost projections are as follows:

- 1-year target: 20 acres x \$36,000 = \$720,000.00
- 5-year target: 100 acres x \$36,000 = \$3,600,000.00
- 10-year target: 150 acres x \$36,000 = \$5,400,000.00

### **Limiting Factors**

A number of factors could adversely impact farmland preservation efforts within the Township, specifically land supply, landowner interest, funding, projected costs, and administrative resources. Reinforcing the adverse impact of these factors is the overall development potential that is prevalent in the Township. The 2019 Master Plan Reexamination reinforced the goal of *“Balance Economic Development With Conservation/Open Space”*. This goal was reinforced in large part due to the development pressure which has been increasing since the adoption of the Master Plan Reexamination. This goal’s intent is to reinforce ensuring that there are no conflicts between established preservation areas and the growing desire to develop in Marlboro. Despite the presence of these limiting factors, the Township remains committed to facilitate farmland preservation in large part due to the cooperation of the Monmouth County Agriculture Development Committee and SADC. With regard to funding shortfalls, same can be mitigated by seeking full or partial donations of easements, as well as the use of installment purchase agreements. This Farmland Preservation Element seeks to further reduce impact of these limiting factors by strengthening the Marlboro Agriculture Advisory Committee (AAC).

### **Farmland Preservation Program / Agricultural Advisory Committee Administrative Resources**

In 2004, Marlboro Township established an Agricultural Advisory Committee consisting of three members. Currently, Heidi Rajan serves as the Chairwoman and Harry Cross and Elmer Geran, comprise the remainder of the group. For routine administrative needs, the Marlboro Township Agricultural Committee relies upon the municipal staff. Consultant planners and engineers are also available as a resource.

The MCADB staff provides consulting services for the township. The Farmland Program uses an MS Access database designed by the County’s Information Services Department. Monmouth County also has excellent Geographic Information Services (GIS) resources and has made this extensive centralized GIS available to its municipal partners.

## **7. ECONOMIC DEVELOPMENT**

Farmland preservation alone will not keep farms in business. It is also essential to strengthen existing markets for agricultural products and to establish new market opportunities. This type of economic development often takes place at the grassroots level led by the farmers, business owners and consumers. In other cases, government agencies, academic institutions and community groups work to provide support and marketing services to farms.

In Marlboro, support for agricultural economic development is achieved in many forms. The most prevalent of which is the Marlboro Farmers Market, which is open on Sundays starting in June and running through October. The Market is located on a 56-acre former farm which is identified as the Stattel Farm. In 2023, forty (40) recurring vendors took part in the Farmers Market, and this list grew on a weekly basis as additional vendors took part on a non-recurring basis. This local enthusiasm for locally-grown and produced goods has spurred the overall interest in agri-tourism in the Township, which is also a part of the Township's Zoning Ordinance. Per the Township Zoning Ordinance, Farms are permitted in all zone districts, whether or not farms or agriculture are explicitly permitted uses (§220-35). This inclusion of farms also includes the permission of Cattle, Horses, and Chickens on farms, provided the designated areas have an adequate open area.

In addition to locally-managed events, Monmouth County also contributes to the agri-tourism in the Township. In 2023, there were several events programmed and funded by the County which took place at Big Brook Park in Marlboro. The goal of these events was the educate and discuss all manners of plant and animal phenomenon with a Park System Naturalist. Big Brook Park, a 432-acre parcel, was formerly used as farmland which prior contained a piggery, dairy farm, and other agricultural operations.

The New Jersey Farm Link Program works to connect farmers and landowners to sought-after land suitable for farming operations. The program benefits both farmers searching for an opportunity to rent or own land, as well as landowners of farms looking to tenant or sell their land. The program provides meaningful connection for both beginner and established farmers who are seeking access to land and farming opportunities. Landowners can also access the "Find A Farmer" option, which displays listings for farmers seeking lease, purchase, or other farming activities. The "Find A Farmer" option also provides details on the number of acres sought, the level of experience of the farmer, additional desired equipment, the desired regions for farming (by county), and the planned farming practices in the listing. As of September of 2023, there is one (1) property listed on the site in Marlboro, which offered 46 acres of space as well as opportunity for short and long term leases, and the option to purchase the land.

### **Anticipated Agricultural Trends**

Marlboro Township's agricultural trends parallel the agriculture trends within Monmouth County. The equine industry is anticipated to remain a key component to Monmouth agriculture, which consequently will sustain hay and forage operations. Although the racing industry struggles, there is still strong interest in sport and show horses and recreational

and therapeutic equine use. Nursery and sod should continue to be a large component of the local agricultural economy based upon the high demand from homeowners and landscapers. The AAC anticipates more organic and specialty operations gaining traction in Marlboro as well as wineries.

### **Agricultural Support Needs**

As described above, Marlboro farmers are able to take advantage of a network of local and regional agricultural suppliers and distributors. Presently, there is not a strong demand for new large-scale agricultural facilities and infrastructure. However, opportunities exist for entrepreneurial-minded farmers and businesspeople to develop new markets for products and strengthen existing ones. Such efforts may be far-reaching. Farmers in Marlboro Township network and share knowledge and resources with their peers through organizations such as the Garden State Sheep Breeders Association, American Shetland Pony Association, the Commercial Vegetable Growers Association, the New Jersey Nursery and Landscape Association, NJ Farm Bureau, and the Monmouth County Board of Agriculture. There is however opportunity to encourage agriculture industry representation in local economic development organizations and plans.

### **Special Event Funding – Bill S757**

In addition to the above events relating to Economic Development, the state has also offered additional funding for Special Occasion Events on preserved farmland in the state. The program, signed into law in February of 2023, permits preserved farms which produce more than \$10,000 of agricultural products per year to apply for funding dedicated to special occasion events. The size of these events can vary, though the events are only permitted to be during a maximum of two (2) days and may not occupy more than two and one-half (2.5) acres, or 5% of the preserved farmland up to a maximum of five (5) acres. The events are limited to taking place on Fridays, Saturdays, Sundays, or federal or State holidays. A special occasion event may be conducted on another day with the approval of the State Agriculture Development Committee. These events are designed to be open to the public on preserved farms, with preserved farms eligible to host twenty-six (26) of these events per year, six (6) of which are permitted to have over 250 guests.

## **8. NATURAL RESOURCE CONSERVATION**

Managing and conserving soil and water is key to a vital agricultural industry. Waste management and energy supply are also important issues for Marlboro Township farmers.

### **Natural Resources Protection Coordination**

There are a variety of organizations that are charged with protecting natural resources. Key among these are the Natural Resources Conservation Service (NRCS), Farm Service Agency (FSA), and the Freehold Soil Conservation District (FSCD).

### Natural Resources Conservation Service

The Natural Resources Conservation Service (NRCS) of the United States Department of Agriculture (USDA) assists the public with issues relating to soil, water and other natural resources. The staff provides assistance in preparing conservation plans, as well as in securing Federal funding to implement same. Currently, the agency has a field office at the County's Agricultural building in Freehold Township.

### Farm Service Agency (FSA)

The USDA Farm Service Agency (FSA) helps ensure farm ownership, conservation, emergency and disaster assistance, as well as food assistance. The agency's goals are as follows:

- Stabilize farm income;
- Help farmers conserve land and water resources;
- Provide credit to new or disadvantaged farmers; and
- Help farm operations recover from the effects of disaster.

### Freehold Soil Conservation District

New Jersey passed the Soil Erosion and Sediment Control Act, Chapter 251, Public Law 1975 to regulate construction and land disturbance to reduce danger from stormwater runoff, non-point source pollution and to conserve and protect land, water, and natural resources within the State. Marlboro Township falls within the jurisdiction of the Freehold Soil Conservation District (FSDC). According to their web site, [www.freeholdscd.org](http://www.freeholdscd.org), the goal is to provide leadership and to administer programs to help people conserve, improve, and sustain our natural resources and environment.

### **Natural Resource Protection Programs**

#### SADC Soil and Water Conservation Grant Program

According to the SADC, this grant program funds up to 50 percent of the costs associated with an approved soil and water conservation projects on farms enrolled in a permanent or term preservation programs. Eligible landowners in Marlboro apply to Freehold Soil Conservation District, which would assist in developing a farm conservation plan and ensures that the projects are necessary and feasible. Applications are then forwarded to NJ State Soil Conservation Committee for referral to SADC for funding.

### SADC Deer Fencing Grant Program

Under this program, the SADC provides up to a 50 percent matching grant to help eligible farms pay for the cost of fence material and installation. According to the SADC, the maximum grant award is \$200 per acre of permanently preserved farmland, or \$20,000 total. Applications may be submitted any time, and are reviewed on a rolling basis.

NJDA also offers a Deer Fencing Program which makes cost-share funding available for the installation of Deer Fencing on unpreserved farms. If approved, unpreserved farm owners or operators may receive up to 50% matching funds (\$20,000 maximum, no more than \$200 per acre). Grants are awarded on a first-come, first-served basis until all available funds are expended.

### Federal Conservation Programs

There are several farming-related programs that are administered at the Federal-level by the NRCS and the Farm Service Agency of the USDA. These programs aim to help people reduce soil erosion, enhance water supplies, improve water quality, increase wildlife habitat, and reduce damages caused by floods and other natural disasters. Programs include Conservation Technical Assistance, Environmental Improvement Programs, Stewardship Programs, National Watershed Programs, Easement Programs, Community Assistance, Technical Processes, Tools, and other Technical Resources, Resource Inventory and Assessment, and Compliance, Appeals, Mediation, and Relief.

The Environmental Quality Incentives Program (EQIP) provides financial and technical assistance to agricultural producers and non-industrial forest managers to address natural resource concerns and deliver environmental benefits such as improved water and air quality, conserved ground and surface water, increased soil health and reduced soil erosion and sedimentation, improved or created wildlife habitat, and mitigation against drought and increasing weather volatility.

The Conservation Reserve Program (CRP) provides technical and financial assistance to eligible farmers and ranchers to address soil, water, and related natural resource concerns on their lands in an environmentally beneficial and cost-effective manner. The program provides assistance to farmers and ranchers in complying with Federal, State, and tribal environmental laws, and encourages environmental enhancement.

A full listing of all current NRCS programs and information about eligibility, how to apply, funding, etc., can be found at: <https://www.nrcs.usda.gov/programs-initiatives>

## **Water Resources**

The NJDEP has divided the State into twenty watershed management areas for the purposes of environmental planning and management. Marlboro Township is split between two New Jersey Department of Environmental Protection (NJDEP) Watershed Management Areas. The western portion of the Township, approximately 55% of the total land area, is included within the Lower Raritan Basin Watershed (WMA 9). The balance of the Township falls within the Monmouth Coastal Watershed, known as Watershed Management Area 12 (WMA 12). Section I of this plan already describes the township's water supply characteristics, agricultural demand and supply limitations and water allocation issues. Some water conservation strategies and the role of various agencies in addressing water allocation issues are discussed below.

### Conservation Strategies

As noted in *the Township's Green Buildings and Environmental Sustainability Plan Element of the Master Plan* (March 2013), water conservation is an important aspect of sustainable development. There are various methods of water conservation and allocation, including, increasing organic content in soils to improve water-holding, utilizing native plants, and improve operation and efficiency of water conveyance systems. A resource for additional conservation strategies is the Sustainable Agriculture Network (SAN). According to their website, the SAN mission is to transform agriculture to secure a sustainable future for food, nature, and rural communities.

### **Waste Management Planning**

Waste management planning is critical to the Township's agricultural community. Monmouth County leads efforts through recycling and solid waste planning. In addition, the County publishes a recycling guide that lists various solid waste management vendors and landfills. Similar resources and advice are also available through the Township's Department of Public Works.

### **Energy Conservation Planning**

As noted above, the Township of Marlboro adopted a *Green Buildings and Environmental Sustainability Plan Element of the Master Plan* in March of 2013. The plan noted that the three most popular renewable energy technologies that have either been implemented or are under consideration in Marlboro are solar, wind, and geothermal energy systems. The Township is open to farmers pursuing the use of alternative energy to promote energy conservation.

### **Outreach and Incentives**

The Monmouth County Agricultural Development Board regularly provides information and advice to farmers. In addition, annual monitoring of preserved farms offers an opportunity



for the landowner and MCADB staff to identify and discuss potential conservation issues on preserved properties.

Aside from the County, additional outreach and information is provided through various agencies, such as NRCS Freehold Service Center, NJDEP, and the Board of Public Utilities.

## **9. AGRICULTURAL INDUSTRY SUSTAINABILITY, RETENTION AND PROMOTION**

Preservation of the land is only a small part of the farmland preservation process. 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 also a major component of the county and township's character and lifestyle. Right to Farm laws, municipal ordinances, Farmland Assessment, coordinated planning, and education and outreach all help support the agricultural industry.

### **Existing Agricultural Industry Support**

The Monmouth County Agriculture Development Board governs agricultural preservation activities through Monmouth County, including Marlboro. The MCADB supports a farmer's right to farm by resolving conflicts between commercial farmers and neighbors or local governments and deciding whether or not a farming operation conforms to generally accepted agriculture management practices. The two avenues for addressing right to farm issues are as follows:

- (1) Qualified farmers may request a Site-specific Agriculture Management (SSAMP) determination
- (2) Aggrieved parties can initiate either the formal or informal Conflict Resolution Process.

Township's commercial farmers have taken advantage of the state's Right to Farm Program and its Agricultural Mediation Program to settle disputes and guarantee protections.

As mentioned earlier, Marlboro Township Council adopted a Right to Farm ordinance (refer to Appendix M) to help establish policies that foster and protect commercial agricultural operations from unreasonable regulations and nuisance actions in which recognized methods and techniques of agricultural production are used. The ordinance is based on the SADC model but adds some language gleaned from other sources. Aside from providing a nonexclusive list of 19 farming activities that "shall be deemed established as accepted, recognized and entitled to encouragement and protection," the ordinance includes a notification clause for residential subdivisions adjacent to or within 1500 feet of farmland or unimproved land suitable for farming.

Marlboro has adopted some other relevant municipal ordinances that support agriculture. Ordinance Section 220-35D(15) stipulates that farms shall be permitted in all zone districts, provided all the buildings and structures utilized for farm purposes are set back at least 100

feet from all property lines or in accordance with the setback requirements of the zone if such requirements are greater. Further, Ordinance Section 220-144(F) requires a 25-foot wide buffer area along lot and street lines of all residential lots within any major subdivision of five acres or more where such property lines or the center lines of such adjacent streets abut a farm. It is the intent of this section to shift the burden of providing buffers and separation between agricultural and residential uses to such residential uses to the extent reasonable and practicable.

### **Farmland Assessment**

The *New Jersey Farmland Assessment Act of 1964* permits farm and woodland activities devoted to an agricultural or horticultural use to be assessed at its productivity value. According to the eligibility criteria, the act does not apply to buildings of any kind, or home sites on farms. The basic requirements are:

1. Applicant must own the land.
2. Owner must annually apply for Farmland Assessment on Form FA-1 with the Municipal Tax Assessor on or before August 1 of the year immediately preceding the tax year.
3. Land must be devoted to agricultural or horticultural uses for at least two years prior to the tax year.
4. Land must consist of at least five contiguous acres being farmed and/or under a woodland management plan. Land under and adjoining the farmhouse is not counted in the five acre minimum to qualify.
5. Gross sales of products from the land must average at least \$1,000 per year (except in the case of woodland or wetland) for the first five acres, plus an average of \$5 per acre for each acre over five, except in the case of woodland or wetland where the income requirement is \$500 for the first five acres and \$0.50 per acre for any acreage over five, or there is clear evidence of anticipated yearly gross sales, payments, or fees within a reasonable amount of time dependent on the agricultural or horticultural production.
6. Owner must represent that the land will continue in agricultural or horticultural use to the end of the next year.

It should be noted that if land which qualifies under the Act changes to a non-agricultural or non-horticultural use, it is subject to a roll-back tax.

### **Other Strategies**

Marlboro Township seeks to promote farmland as both an economically beneficial use and as an attractive amenity (agri-tourism). The Township seeks to support other strategies for retaining agricultural viability including permit streamlining, agricultural vehicle movement routes, agricultural labor housing, wildlife management and education. These strategies can be implemented through referral to agricultural agencies for guidance, public outreach, review of master plan elements and zoning ordinances, education forums, and coordination with other local and state agencies.

## **Conclusion**

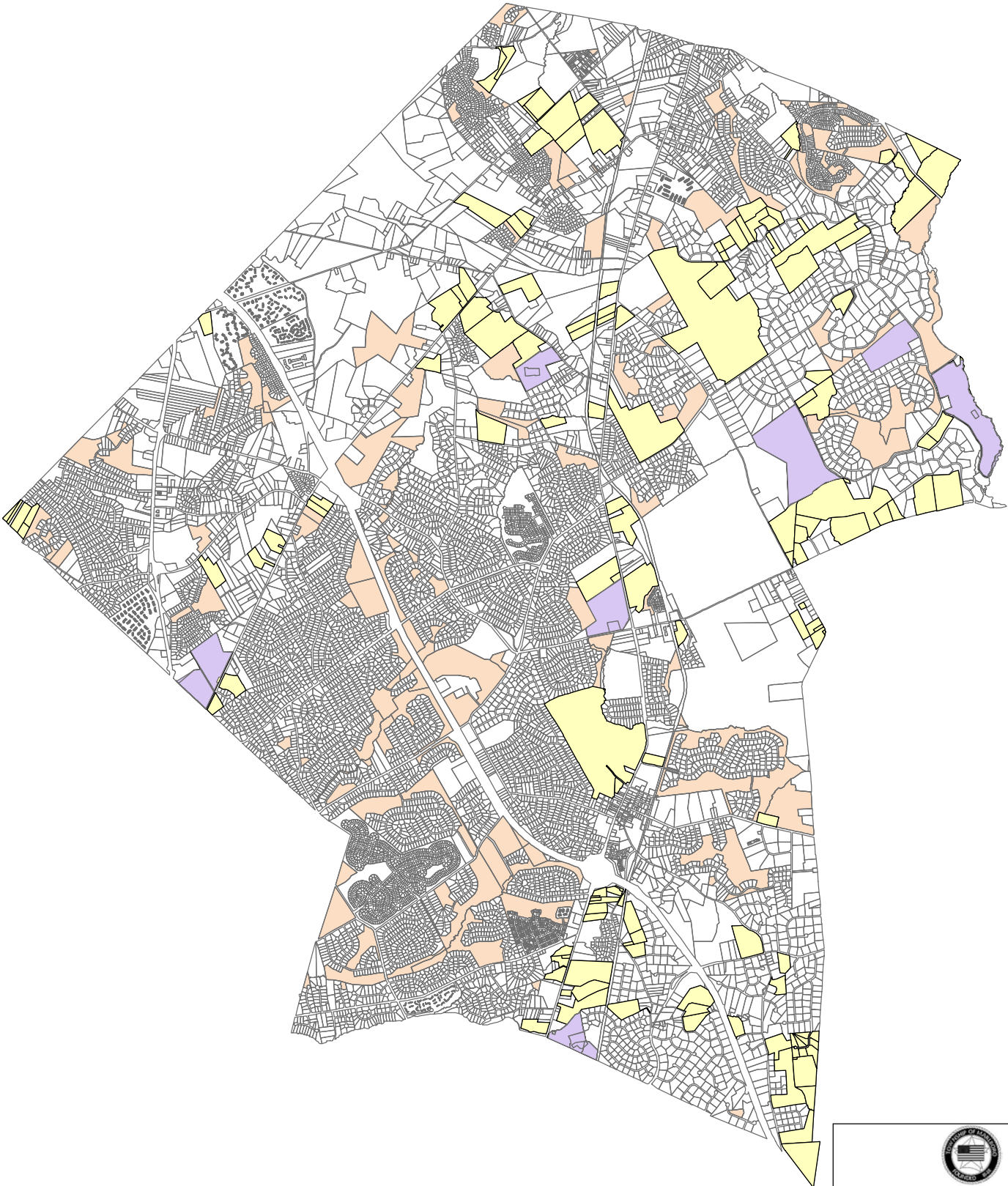
The Township of Marlboro's Agricultural Advisory Committee (AAC) has prepared a Vision Statement for future farmland preservation within the Township. The vision of the Marlboro Township AAC is to identify and preserve vital parcels of farmland in partnership with the County and State. The partnership will promote the agricultural legacy of Marlboro by increasing public support and appreciation of the local agricultural industry through education and public awareness.

In addition to the township's Agricultural Advisory Committee's vision statement, the Committee would like to fulfill the following objectives for farmland preservation activities within the Township of Marlboro.

1. Finalize the updated Farmland Preservation Plan to comply with the new SADC rules.
2. Obtain final SADC approval and adoption of the plan from the Township Planning Board.
3. Submit at least one new application for the Municipal Planning Incentive Grant (PIG) Program each year.
4. Utilize events such as Marlboro Day to increase public awareness of the township's farmland preservation program.
5. Continue to support the Marlboro Community Farm Market.

Appendix A  
Marlboro Township Farm Parcels and Preserved Land

# MARLBORO TOWNSHIP FARM PARCELS AND PRESERVED LAND



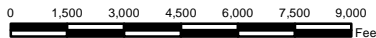
**Legend**

- Preserved Farmland
- Marlboro QFARMs
- Preserved Open Space

Marlboro QFARMs layer generated from Township Assessor MODIV data  
 Preserved Farmland layer acquired from County  
 Preserved Open Space layer generated from Township Open Space Inventory



**TOWNSHIP OF MARLBORO  
MONMOUTH COUNTY, NEW JERSEY**



1 inch = 5,067.166377 feet  
 1 inch = 0.96 miles  
 DATE: 08-24-2011 BY: Scott Queller Township IT Department  
 REVISED: 2/14/2023 BY: Scott Queller

*Dean Staknys*

DEAN STAKNYS, PE  
 ASST TOWNSHIP ENGINEER

Appendix B  
Farmland Parcels

Block	Lot	Property Location	Class	Owner Name	Land Acreage
119	11.01	157 TICETOWN ROAD	3B	RIKER, GARY J SR & DEBRA	8.29 AC
119	11.02	155 TICETOWN ROAD	3B	FOGELSTROM, DAVID & DONNA	5.51 AC
119	17	TEXAS ROAD	3B	THE GLENGERAN FARM LP	13.82 AC
119	18	TEXAS ROAD	3B	THE GLENGERAN FARM LP	2.94 AC
119	19	TEXAS ROAD	3B	THE GLENGERAN FARM LP	1.45 AC
120	4	GREENWOOD ROAD	3B	THE GLENGERAN FARM LP	10.25 AC
120	12	85 GREENWOOD ROAD	3B	JUDD, HEIDI CARD	32.81 AC
120	26	WOOLEYTOWN ROAD	3B	THE GLENGERAN FARM LP	13.62 AC
120	27	247 TEXAS ROAD	3B	THE GLENGERAN FARM LP	29.49 AC
120	31	TEXAS ROAD	3B	THE GLENGERAN FARM LP	12.85 AC
132	28	BEACON HILL ROAD	3B	JACCARD, RICHARD & MILDRED, EST OF	1.91 AC
132	29	87 BEACON HILL ROAD	3B	JACCARD, RICHARD & MILDRED, EST OF	1.13 AC
132	31	BEACON HILL ROAD	3B	JACCARD, RICHARD & MILDRED, EST OF	3.9 AC
132	32	101 BEACON HILL ROAD	3B	101 BEACON HILL ROAD, LLC	9.4 AC
132	33	107 BEACON HILL ROAD	3B	THOMSON, LAWRENCE J. & TATIANA A	5.33 AC
132	34	23 OLD FARM ROAD	3B	NICOLOSI, GENEVIEVE	9.00 AC
132	35.03	111 BEACON HILL ROAD	3B	TURI, MARY	6.57 AC
132	36	5 OLD FARM ROAD	3B	NICOLOSI, CARL & CAROL	5 AC
132	37	11 OLD FARM ROAD	3B	NICOLOSI, CARL N,CAROL A&NICHOLAS R	3.12 AC
143	21.01	103 NOLAN ROAD	3B	PANUTA, ANATOLIE	9.64AC
143.10	1	REIDS HILL ROAD	3B	MANZO BUSINESS VENTURES	4.8 AC
144	5	ROUTE 34	3B	MANZO BUSINESS VENTURES LLC KILCUMMINS-DOVER PROP.LLC C/O	5 AC
144	6	ROUTE 34	3B	MANZO	29.57 AC
147	12	415 TEXAS ROAD	3B	JACK STRAW DEVELOPMENT, LLC	18.90 AC
147	31.01	126 TENNENT ROAD	3B	MANZO BUSINESS VENTURES LLC	6.69 AC
147	31.02	126 TENNENT ROAD	3B	MANZO BUSINESS VENTURES LLC	4.53 AC
153	38	PLEASANT VALLEY ROAD	3B	SISTERS OF THE GOOD SHEPHERD OF NJ	207.58 AC
153	47	BEACON HILL ROAD	3B	SISTERS OF THE GOOD SHEPHERD OF NJ	21.91 AC
153	75	BEACON HILL ROAD	3B	THE BEACON FARM, LLC C/O SCHWARTZ	3.5 AC
153	80	BEACON HILL ROAD	3B	THE BEACON FARM, LLC C/O SCHWARTZ	2.54 AC
153	86	63 REIDS HILL ROAD	3B	THE BEACON FARM, LLC C/O SCHWARTZ	69.93 AC
153	88	75 REIDS HILL ROAD	3B	PATRICK BORGEN/GREENSTEIN IRENE	9.58 AC
154	16	28 REIDS HILL ROAD	3B	BEACON FARM LLC	5.32 AC
154	19	ROUTE 34	3B	MANZO BUSINESS VENTURES LLC	6.68 AC
154	20	ROUTE 34	3B	MANZO BUSINESS VENTURES LLC	36.82 AC
155	1.11	12 SHALLOW BROOK ROAD	3B	SINGH, VIRENDER	5.54 AC
155	6	288 PLEASANT VALLEY ROAD	3B	HOCHBERG, JOHN & ELLEN GRINBERG MANAGEMENT & DEVELOPMENT	7.24 AC
155	18.01	135 IGOE ROAD	3B		5.68 AC

155	18.021	131 IGOE ROAD	3B	MIKHLY, JACQUELINE	9.41 AC
155	21	51 IGOE ROAD	3B	BUTLER, ELLEN R.	22.77 AC
155	22	43 IGOE ROAD	3B	LAAUSER, WALTER & RUTH	5 AC
156	3	PLEASANT VALLEY ROAD	3B	CASOLA, ANTONIO & KIM	78.97 AC
157	1.01	188 IGOE ROAD	3B	SAMRA, RAJA BARAKAT & SAID ABOU	8.21 AC
157	2	168 IGOE ROAD	3B	CHENAL, THOMAS DAVID & BARBARA F.	5.27 AC
157	9	ROUTE 520	3B	VASTOLA, JOY & VASTOLA, DOROTHY G.	26.34 AC
157	21.01	199 ROUTE 520	3B	BUCHMAN, ADAM	6.10 AC
157	21.02	199 ROUTE 520	3B	BUCHMAN, ADAM	5.34 AC
157	21.03	199 ROUTE 520	3B	BUCHMAN, ADAM	63 AC
157	22	650 ROUTE 520	3B	BUCHMAN'S BASEBALL ACADEMY, LLC	20.20 AC
157	26	8 ORCHARD HILLS ROAD	3B	CAMPITIELLO, ANTHONY & CRYSTAL	7.02 AC
157	29	ROUTE 520	3B	MANZO BUSINESS VENTURES LLC	6.13 AC
157	32	CONOVER ROAD	3B	MANZO BUSINESS VENTURES LLC	2.68 AC
157	33	CONOVER ROAD	3B	MANZO BUSINESS VENTURES LLC	23.16 AC
157	34.04	100 IGOE ROAD	3B	L.J. PESCE LAND LLC	111.39 AC
160	9	PLEASANT VALLEY ROAD	3B	D'ARPA, ANGELO	72.59 AC
160.01	1	338 ROUTE 79	3B	PETTYJOHN, MARCUS JR & NORA	6.15 AC
168	4	ROUTE 79	3B	CRODDICK, JOHN F & VIRGINIA R	7.10 AC
169	3	355 ROUTE 79	3B	GIANGUZZI, BARBARA L & GIUSEPPE V	6.41 AC
169	6	339 ROUTE 79	3B	ZELEZNIK, MICHAEL	3.51 AC
169	7	ROUTE 79	3B	ZELEZNIK, MICHAEL	3.05 AC
170	31	ROUTE 79	3B	ZELEZNIK, MICHAEL	5.94 AC
170	32	ROUTE 79	3B	ZELEZNIK, MICHAEL	6.69 AC
171	4	201 TENNENT ROAD	3B	CARBONE, SCOTT & BRENDA CARMELLA M MANZO IRREVOCABLE	18.77 AC
171	13	64 HARBOR ROAD	3B	TRUST	45.37 AC
171	33	STATION ROAD	3B	CRINE REALTY LLC	19.38 AC
171	51	56 HARBOR ROAD	3B	YOST, WILLIAM D & LINDA A	16.53 AC
171	52.02	HARBOR ROAD	3B	SMITH, JAMES	30 AC
171	80	8 ARDSLEY PLACE	3B	C1 FARMS II, LLC	5.5 AC
172	6	190 TENNENT ROAD	3B	CEVASCO, LOUIS & PENNY	7 AC
172	58	TENNENT ROAD	3B	VISION MARLBORO, LLC	22.6 AC
172	59	198 TENNENT ROAD	3B	VISION MARLBORO, LLC	4.30 AC.
176	6	607 TEXAS ROAD	3B	IDA, JOAN & ROBERT	5.06 AC
180	4	255 TENNENT ROAD	3B	MAURER, MARK & JOANN	8.39 AC
206	26	ROUTE 79	3B	MAGHAN, JAMES HOWARD & JILL	2.01 AC
206	27	163 ROUTE 79	3B	MAGHAN, JAMES H	27 AC.
207	3	200 ROUTE 79	3B	ROUTE 79 LLC	7.66 AC
207	5	194 ROUTE 79	3B	WINDRIDGE/ PATTERSON / J BROWN	16.12 AC
207	18	140 ROUTE 79	3B	STATTEL, KENNETH WILLIAM & ROBERT	28.98AC
213	44.01	ROUTE 79	3B	STEVENSON 79, C/O STEVEN WEINER	6.02 AC



214	37	54 BOUNDARY ROAD	3B	MIRANDA, ADELIA C	15.98 AC
225	227	ROUTE 79	3B	MORGAN FARM, LLC	167.5 AC
225	230	BUCKS LANE	3B	MORGAN FARM, LLC	2.63 AC
267	39	395 TENNENT ROAD	3B	MASTERS, WAYNE BART & LINDA S	3 AC
267	40	395 TENNENT ROAD	3B	MASTERS, WAYNE BART & LINDA S	4.78 AC
270	77	74 HAWKINS ROAD	3B	ZIOBRO, DAVID & JOLANTA	2 AC
270	78	74 HAWKINS ROAD	3B	ZIOBRO, DAVID & JOLANTA	2 AC
270	80	54 HAWKINS ROAD	3B	BUCCELLATO, JOSEPH & SUSAN	7.49 AC
270	81	HAWKINS ROAD	3B	BUCCELLATO, JOSEPH & SUSAN	6.11 AC
270	82	54 HAWKINS ROAD	3B	BUCCELLATO, JOSEPH & SUSAN	3.49 AC
299	33	475 UNION HILL ROAD	3B	PALLU ASSOCIATES, LLC	11.97 AC
299	114	851 TENNENT ROAD	3B	FINALLY OUR FARM, LLC	22.04 AC
299	115	TENNENT ROAD	3B	FINALLY OUR FARM, LLC	34.75 AC
299	178	TENNENT ROAD	3B	SUYDAM, CHARLES E & JEAN R	8.98 AC
299	182	430 TENNENT ROAD	3B	ALFANO, SAM P.	5.71 AC
305	13	TENNENT ROAD	3B	FINALLY OUR FARM LLC	4.87 AC
305	18.10	517 TENNENT ROAD	3B	DARIENZO, JOHN & ISABEL	9.06 AC
362	22	104 SCHOOL ROAD EAST	3B	WERBLER, DAN & REGINA	18.93 AC
363.02	20	14 BRUSH NECK ROAD	3B	SICKELS, IAN & ALEESA	5.91 AC
364	1	275 SCHOOL ROAD EAST	3B	LEMBO, MENOTTI	26.56 AC
364	2	SCHOOL ROAD EAST	3B	LEWICKI, IRENE	15.88 AC
364	14	SCHOOL ROAD EAST	3B	MANZO BUSINESS VENTURES LLC	28.70 AC
364	26	195 SCHOOL ROAD EAST	3B	PAPERNIK, BEVERLY J, STEVEN & BONNI	10.2 AC
364	30.02	145 SCHOOL ROAD EAST	3B	ELY, MICHAEL & MICHELLE	5 AC
364	38	138 DUTCH LANE ROAD	3B	PRUSCINO, BRUNO	5 ACRES
364	65	SCHOOL ROAD EAST	3B	MANZO BUSINESS VENTURES LLC	19.61 AC
364	66	SCHOOL ROAD EAST	3B	MANZO BUSINESS LLC	7.25 AC
413	27	90 SOUTH MAIN STREET	3B	GODEK, MARK	4.06AC
413	28	90 SOUTH MAIN STREET	3B	GODEK, MARK	.94 AC
413	29	100 SOUTH MAIN STREET	3B	GODEK, MARK	1.98 AC
413	33	110 SOUTH MAIN STREET	3B	GODEK, MARK	4.09 AC
414	1	148 SOUTH MAIN STREET	3B	148 SOUTH MAIN STREET, LLC	.5 AC
414	2	148 SOUTH MAIN STREET	3B	148 SOUTH MAIN STR.,LLC	7.0 AC
415	2	24 BUCKLEY ROAD	3B	CRD REALTIES, LLC	.22 AC
415	4	24 BUCKLEY ROAD	3B	CRD REALTIES, LLC	2.25 AC
415	7	ROUTE 79	3B	CRD REALTIES, LLC	2.8 AC
415	8	ROUTE 79	3B	CRD REALTIES, LLC	70 X 311
415	9	ROUTE 79	3B	CRD REALTIES, LLC	1 AC
415	10	ROUTE 79	3B	R AND D REALTIES, LLC	5.59 AC

415	14	63 SOUTH MAIN STREET	3B	CRD REALTIES, LLC	6.13 AC
415	15	ROUTE 79	3B	CRD REALTIES, LLC	4.51 AC
415	24	ROUTE 79	3B	ROUTE 79 11.2, LLC	11.22 AC
415	27	125 SOUTH MAIN ST	3B	CASOLA, CARMINE JR & C JR & DANIELLE	18.34 AC
415	32.01	151 SOUTH MAIN STREET	3B	VAN MATER, PIERRE D. III & CAROL A.	15.71 AC
415	34.01	151 SOUTH MAIN STREET	3B	VAN MATER, PIERRE D. III & CAROL A	6.05 AC
415	35	STREET	3B	VAN MATER, PIERRE D. III & CAROL A	5.91 AC
416	1	BUCKLEY ROAD	3B	R AND D REALTIES. L.L.C.	1.5 AC
417	3	BUCKLEY ROAD	3B	SPREEN, MARGARET ROSE & WALTER J.	9.62 AC
417	4	BUCKLEY ROAD	3B	SPREEN, MARGARET ROSE & WALTER J.	5.7 AC
417	6	BUCKLEY ROAD	3B	SPREEN, MARGARET ROSE & WALTER J.	.89 ACRE
417	7	BUCKLEY ROAD	3B	CRODDICK REAL ESTATE HOLDINGS, LLC	5 AC
419	3	17 MOORE ROAD	3B	PACE, PASQUALE & LITIZIA	12.50 AC
419	10	39-B MOORE ROAD	3B	PACE, PAT	7.6 AC
419	11	17 MOORE ROAD	3B	PACE, PASQUALE & LITIZIA	6.2 AC
421	8	110 BUCKLEY ROAD	3B	SULINSKI, JOSEPH & DOLORES	11.94 AC

Appendix C  
Preserved Farmland

Owner	Date Closed	Type of Acquisition	Property Easement Acres	Total Cost for Property
F&F Nurseries	9/23/2008	County EP	78.8	\$4,485,012.68
HMF Associates	02/04/2020	County PIG	1.621	\$63,753.98
James & Elvira Smith	09/29/2014	Municipal PIG	26.996	\$499,426.00
Kildee Farm	02/07/2002	County EP	62.977	\$1,687,342.76
Stattel	01/21/2021	County PIG	43.3530	\$1,687,342.76
McCarron Farm	11/10/2010	Municipal PIG	42.079	\$1,512,350.00
NJ Department of Treasury/LJ Pesce	08/08/2003	Intergovernmental Transfer	110.16	\$0
Van Mater	12/7/2022	Municipal PIG	26.4 (Marlboro)  1.522 (Freehold)	\$1,018,583.00

Appendix D  
Target Farm List

Owner	Block	Lot (s)	Acreage
Carbone	171	4	18.8
Casola/Route 79	207	3	45.2
	414	1,2	
	415	24, 27	
Windridge/Cipo	207	5	15.6
Croddick	168	3, 4	11.2
Maghan	206	26, 27	29
Morgan	225	227	167.5
Geran/Glengeran	119	17, 18, 19	84.4
	120	4, 26, 27, 31	
Lembo	364	1	26.6
Lewicki	364	2	15.9
Pace	419	3	18.6

Appendix E  
Soil Descriptions

Atsion sands (Ats) are a nearly level, poorly drained soil found in depressional areas and on broad flats. The surface and subsurface layers are made up of sand while the subsoil is comprised of loamy sand and sand. Permeability of the Atsion soil is moderately rapid or rapid in the subsoil and rapid in the substratum. The available water capacity is low. The apparent seasonal high water table is between the surface and a depth of one foot from November to June and is a major limitation for crop growth and development. Runoff is very slow and erosion is a slight hazard. Most areas of this soil are wooded, but some areas are used for growing blueberries. Although the Atsion sand is suited to specialty crops such as blueberries, which require drainage and land smoothing, it is not suited to commercial woodland production because of high potential for pitch pine growth.

Collington soils (Cok and Cop) are nearly level to strongly sloping and well drained. They are found on divides and side slopes. The surface layer is sandy loam and loam and the subsoil are made up of sandy loam and sandy clay loam. Collington soils are agriculturally viable and tend to be used for common field crops, hay, sod, vegetables and pasture. Horse farms are also prevalent.

Colts Neck soils (Cos) are gently sloping to steep and well drained. They are found on divides and side slopes. The surface layer is comprised of reddish brown sandy loam and the subsoil is comprised of reddish brown sandy loam and sandy clay loam. Colts Neck soils are either used for common field crops, hay, sod, fruit, vegetables, nursery stock, pasture or horse farms. Areas poorly suited to farming are often left wooded.

Downer soils (Doc) are nearly level to strongly sloping and well drained. They are located on divides and side slopes. The surface layer is comprised of sand and sandy loam and the subsoil is comprised of sandy loam. Most Downer soil areas are used for common field crops, hay, sod and vegetables and some areas are used for pasture. Horse farms are also commonly found on Downer soils.

Elkton loam (Eka) soils comprise urban land areas covered by industrial, commercial and residential development. Elkton soils have typically either been cut or graded and are found in most areas around building foundations. They are poorly drained and may contain pyritic clay.

Evesboro soils (Eve series) are gently sloping to steep and excessively drained. They are found on divides and side slopes. The surface layer and the subsoil are comprised of sand. This soil series, not generally good for farming, is typically wooded. However, areas exist that are used for pasture, general farming and irrigated truck crops.

Freehold soils (Frf, Frk and Frr) are nearly level to moderately steep and well drained. They are found on divides and side slopes. The surface layer is comprised of loamy sand, sandy loam and loam, while the subsoil is sandy loam and sandy clay loam. This soil series is agriculturally viable and is used for common field crops, hay, sod, vegetables and sometimes pasture. Horse farms are prevalent in areas containing Freehold soils.



Holmdel soils (Hoc) are nearly level, gently sloping, moderately well drained and somewhat poorly drained. They are found in depressions and on low divides. The surface layer is made up of sandy loam and the subsoil is made up of sandy loam and sandy clay loam. The Holmdel soil series is used for common field crops, hay, sod, vegetables, horse farms and sometimes pasture. Many areas are being rapidly converted to community development while the rest of the areas are remaining wooded.

Humaquepts (Humt) are frequently flooded soils that are somewhat poorly drained to very poorly drained. They are located in flood plains along perennial and intermittent streams. The surface layer and the subsoil are stratified sandy loam, loam and silt loam. Humaquepts are generally wooded areas that are poorly suited to most uses because of the seasonal high water table and flooding. A few areas along some of the wider flood plains are used for pasture.

Keyport soils (Kem) are nearly level to moderately steep and moderately well drained. They are found in depressions and on side slopes. The surface layer is made up of sandy loam and the subsoil is comprised of silty clay loam. Some of the soils that formed the Keyport series were formed in pyritic materials and thus have pyritic clay that may be exposed during excavations. Pyritic clay does not support vegetation. Generally, Keyport soils are used for community development, are wooded or are used as orchards, for general farming or for irrigated truck crops.

Lakehurst soils (Lak) are nearly level and moderately well drained and somewhat poorly drained. They are found in depressions and on low divides. The surface layer is sand and the subsoil is loamy sand and sand. Lakehurst soils are wooded and are poorly suited to farming. If farming takes place, irrigation is necessary and droughts are a concern.

Lakewood soils (Las) are nearly level to moderately sloping and are excessively drained. They are found on divides and side slopes and have surface and subsurface layers comprised of sand. Lakewood soils are poorly suited to general farming practices and are either wooded or farmed with irrigation amenities. Some areas are used for pasture but the possibility of droughts is a limitation.

Manahawkin muck (Mak) soils are very poorly drained and are located in wide depressions and on broad flats on lowlands. The upper layers are muck and the substratum is comprised of loamy sand and sand. Most Manahawkin areas are wooded and are not suited to most uses because of the seasonal high water table and flooding. A few areas are used for pasture.

Phalanx soils (Phb) are deep and well drained. They exist on side slopes and have a surface layer comprised of loamy sand. The subsoil is made up of loamy sand and sandy loam. Phalanx soils are found in areas that are wooded or used for community

development and sometimes found in areas used for pasture, general farming and irrigated truck crops.

Sassafras soils (Sac) are nearly level to steep and well drained. They are located on divides and side slopes. The surface layer is a mix of sandy loam, gravelly sandy loam and loam while the subsoil is sandy loam and sandy clay loam. Sassafras soils are found in areas used for common field crops, hay, sod, vegetables, horse farms and pasture.

Shrewsbury soils (Shr) are nearly level and poorly drained. They are found on broad flats and in depressions and drainageways. The surface layer is comprised of sandy loam and the subsoil is comprised of sandy loam and sandy clay loam. These soils are generally used for common field crops, hay, sod, orchards and nursery stock. Some areas are used for pasture and some are woodland.

Tinton soils (Thg and Thh) are deep and well drained. They are found on divides and side slopes. The surface layer is loamy sand more than 20 inches thick and the subsoil is sandy clay loam. Tinton soils are primarily used for woodland and community development and secondarily used for pasture, general farming and irrigated truck crops.

Urban land soils (Uda) consist of areas that are covered by industrial, commercial and residential development. These soils may have been cut or graded and make up most fill material used to support buildings.

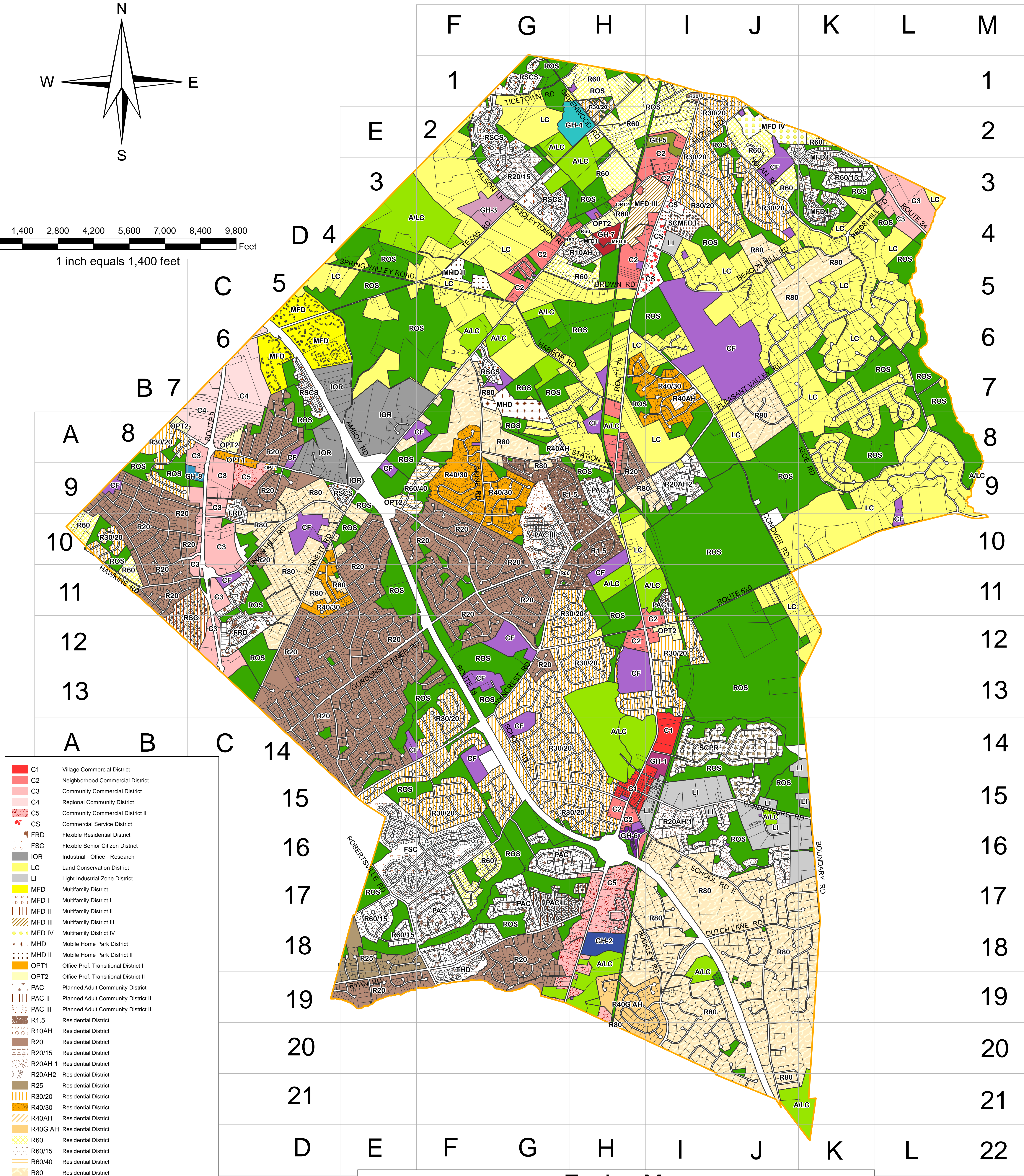
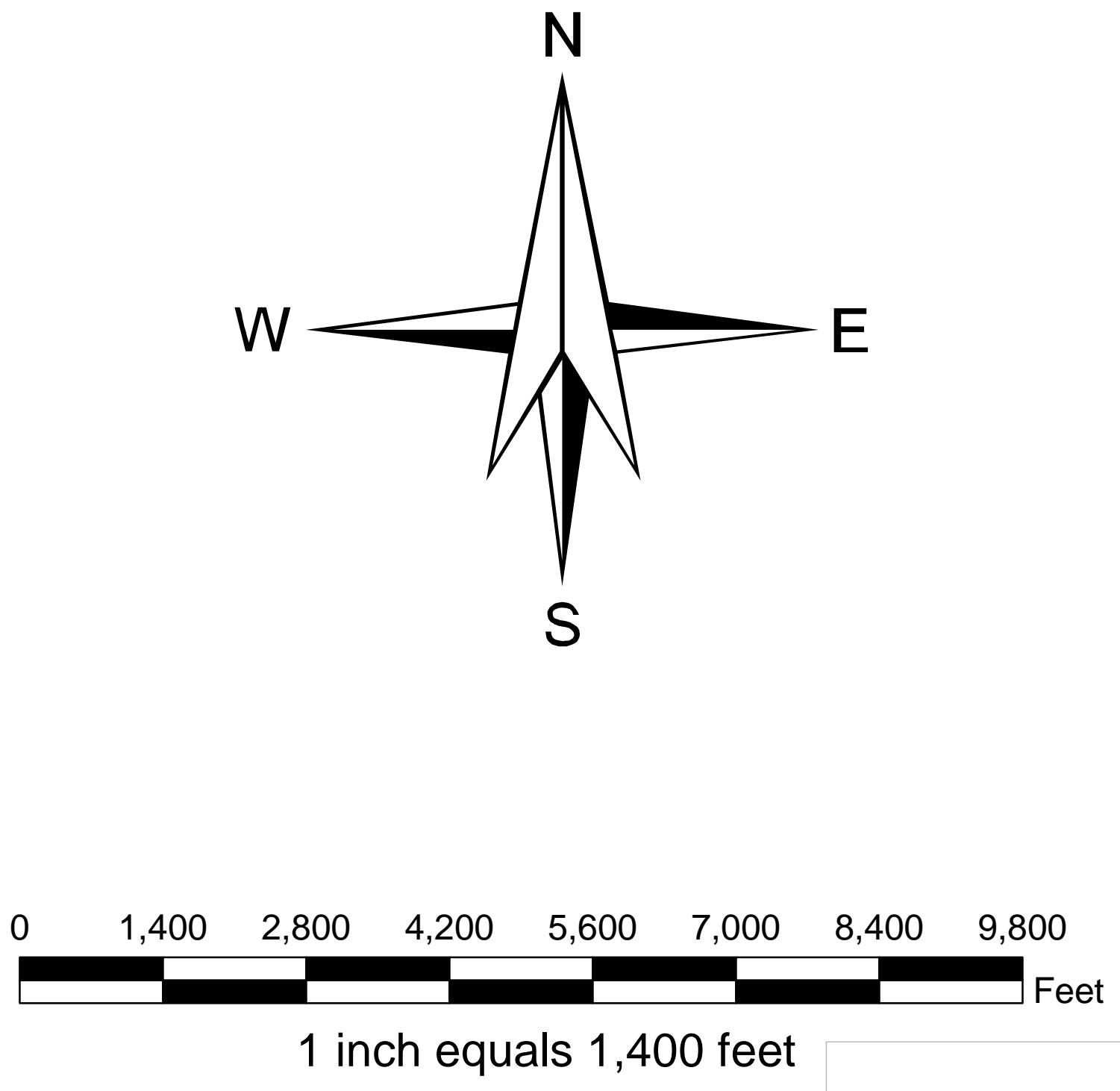
Woodstown soils (Woe) are nearly level and gently sloping and moderately well drained. They are located in depressions, in swales and on low divides. The surface layer is sandy loam and loam and the subsoil is sandy loam and sandy clay loam. Horse farms are prevalent in Woodstown soil areas. Other uses include common field crops, hay, sod and vegetables. Some areas are used for pasture.

Appendix F  
Zoning Map



Figure 4


# ZONING MAP MARLBORO TOWNSHIP



- |  |         |   |
|--|---------|---|
|  | C1      | Village Commercial District                         |
|  | C2      | Neighborhood Commercial District                    |
|  | C3      | Community Commercial District                       |
|  | C4      | Regional Community District                         |
|  | C5      | Community Commercial District II                    |
|  | CS      | Commercial Service District                         |
|  | FRD     | Flexible Residential District                       |
|  | FSC     | Flexible Senior Citizen District                    |
|  | IOR     | Industrial - Office - Research                      |
|  | LC      | Land Conservation District                          |
|  | LI      | Light Industrial Zone District                      |
|  | MFD     | Multifamily District                                |
|  | MFD I   | Multifamily District I                              |
|  | MFD II  | Multifamily District II                             |
|  | MFD III | Multifamily District III                            |
|  | MFD IV  | Multifamily District IV                             |
|  | MHD     | Mobile Home Park District                           |
|  | MHD II  | Mobile Home Park District II                        |
|  | OPT1    | Office Prof. Transitional District I                |
|  | OPT2    | Office Prof. Transitional District II               |
|  | PAC     | Planned Adult Community District                    |
|  | PAC II  | Planned Adult Community District II                 |
|  | PAC III | Planned Adult Community District III                |
|  | R1.5    | Residential District                                |
|  | R10AH   | Residential District                                |
|  | R20     | Residential District                                |
|  | R20/15  | Residential District                                |
|  | R20AH 1 | Residential District                                |
|  | R20AH2  | Residential District                                |
|  | R25     | Residential District                                |
|  | R30/20  | Residential District                                |
|  | R40/30  | Residential District                                |
|  | R40AH   | Residential District                                |
|  | R40G AH | Residential District                                |
|  | R60     | Residential District                                |
|  | R60/15  | Residential District                                |
|  | R60/40  | Residential District                                |
|  | R80     | Residential District                                |
|  | RSC     | Senior Citizen Residential District                 |
|  | RSCS    | Senior Citizen Residential & Single Family District |
|  | SCMFD I | Senior Citizen Multifamily District I               |
|  | SCPR    | Stream Corridor Preservation Residential District   |
|  | THD     | Townhouse District                                  |
- Zoning 2019 Amendment Layer**
- |  |      |                                 |
|--|------|---------------------------------|
|  | A/LC | Agriculture / Land Conservation |
|  | CF   | Community Facilities            |
|  | GH-1 | Generational Housing 1          |
|  | GH-2 | Generational Housing 2          |
|  | GH-3 | Generational Housing 3          |
|  | GH-4 | Generational Housing 4          |
|  | GH-5 | Generational Housing 5          |
|  | GH-6 | Generational Housing 6          |
|  | GH-7 | Generational Housing 7          |
|  | GH-8 | Generational Housing 8          |
|  | ROS  | Recreation and Open Space       |

## Zoning Map

Township of Marlboro  
Engineering Department  
Geographic Information System



Greg Valesi, PE, PP, CME, Township Engineer  
Dean Staknys, PE, Assistant Township Engineer  
Steven Gottlieb, PP, LLA, Zoning Officer

New Jersey State Plane Coordinate System  
North American Datum 1983/92  
North American Vertical Datum 1988

Date: 8-25-2011  
Last Revised: 04-28-2022

1979 Township Drive, Marlboro, New Jersey, 07746  
Phone: (732) 536-0200  
Fax: (732) 972-7697

Photography Date: Winter 2008/2009  
Photography Scale: 1"=660'

Drawn By: C. Brady  
Revised By: S. Gottlieb  
File: Marlboro\_Zoning\_Map.mxd

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Appendix G  
Residential Zone Districts

**Table 7: Residential Zone Districts**

<u>Zone District Name</u>	<u>Zone Abbreviation</u>	<u>Minimum Lot Size</u>
<b>Low-Density</b>		
Agriculture/Land Conservation	A/LC	10 acres
Land Conservation	LC	5 acres
R-80 Residential	R-80	80,000 square feet
Stream Corridor Preservation Residential District II	SCPR-II	25 acres per tract Density of 0.43 lots per gross are
<b>Medium-Density</b>		
R-60 Residential	R-60	60,000 square feet
R-60/40 Residential	R-60/40	60,000 square feet 40,000 square feet (cluster)
R-60/15 Residential District	R-60/15	60,000 15,000 square feet (cluster)
R-40AH Residential District	R-40AH	40,000 square feet
R-40GAH Residential District	R-40GAH	40,000 square feet
R-40/30 Residential District	R-40/30	40,000 or 30,000 square feet
R-1.5 Residential District	R-1.5	1.5 acres
Stream Corridor Preservation Residential District	SCPR	25 acres per tract Density of 0.8 lots per gross acre

High-Density		
R-10AH Residential District	R-10AH	10,000 square feet
R-20 Residential District	R-20	20,000 square feet
R-20AH-1 Residential District	R-20AH-1	20,000 square feet
R-20AH-2 Residential District	R-20AH-2	20,000 square feet
R-25 Residential District	R-25	25,000 square feet
R-30 Residential District	R-30	30,000 square feet
R-20/15 Residential District	R-20/15	20,000 or 15,000 square feet
R-30/20 Residential District	R-30/20	30,000 or 20,000 square feet
Flexible Residential District	FRD	10,000 square feet
Residential Zone Districts	FSC	75 acres per tract 5,000 square feet per unit
Senior Citizen Residential District	RSC	7,500 square feet
Senior Citizen Residential And Single-Family District	RSCS	7,500 square feet for single family,
Planned Adult Community	PAC	75 acres per tract 5,000 square feet per unit
Planned Adult Community III	PAC-III	75 acres per tract 5,000 square feet per unit

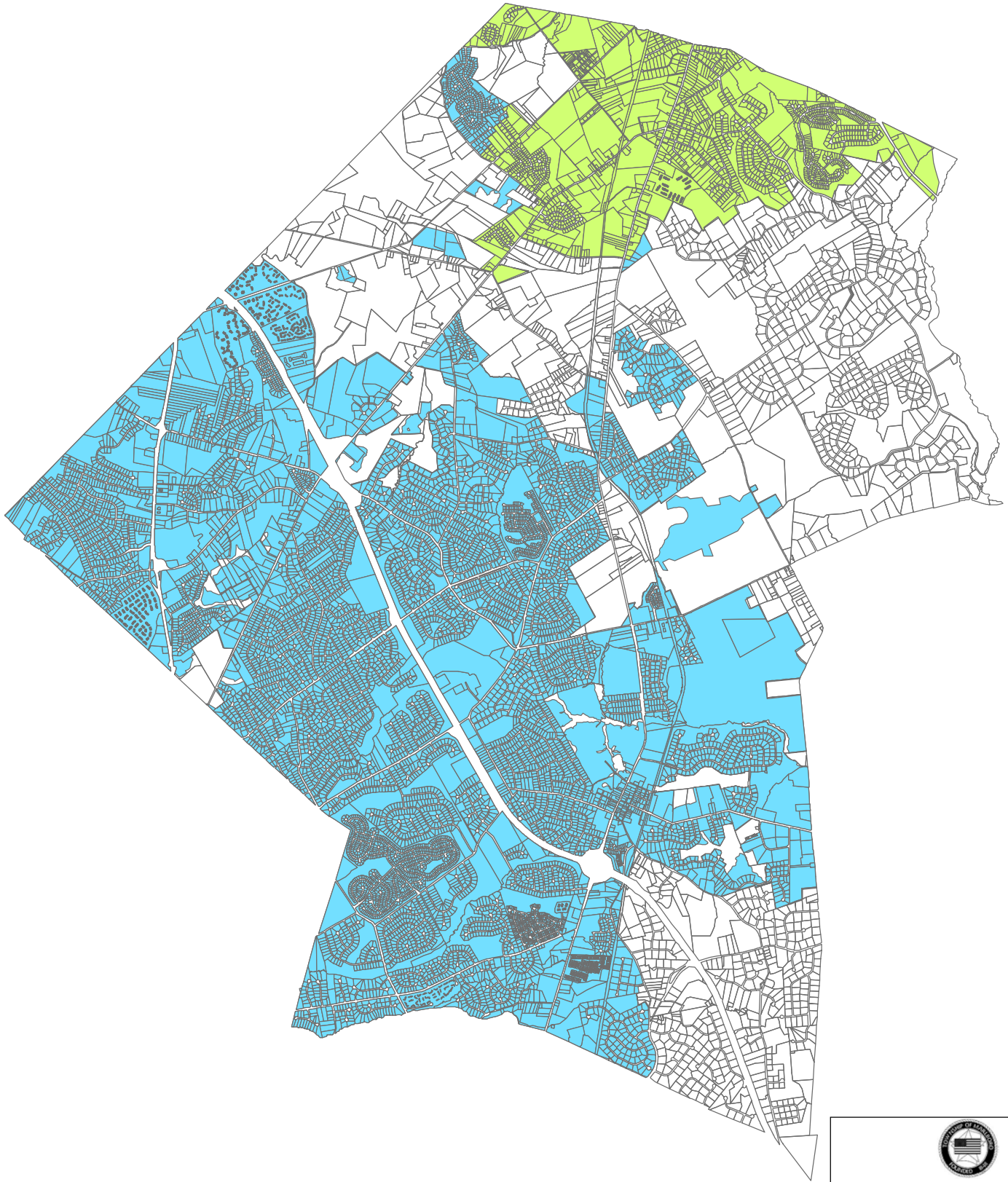
Multi-Family		
Townhouse District	THD	25 acres
Multi-Family District	MFD	10 acres
Multi-Family District I	MFD-I	10 acres
Multi-Family District II	MFD-II	6 acres
Planned Adult Community II	PAC-II	10 acres
Multi-Family/Patio Home District	MFPHD	70 acres
Senior Citizen Multi-Family District I	SCMFD-I	26 acres
Senior Citizen Multi-Family District II	SCMFD-II	60 acres
Mobile Home Park District	MHD	20 acres tract 4,000 square foot lots
Mobile Home Park District II	MHD-II	10 acres tract 3,500 square foot lots
Generational Housing 1	GH-1	10 acre tract Max. Residential Density 105 units
Generational Housing 2	GH-2	25 acre tract Max. Residential Density 280 units
Generational Housing 3	GH-3	10 acre tract Max. Residential Density 387 units



Generational Housing 4	GH-4	10 acre tract Max. Residential Density 120 units
Generational Housing 5	GH-5	10 acre tract Max. Residential Density 200 units
Generational Housing 6	GH-6	10 acre tract Max. Residential Density 45 units
Generational Housing 7	GH-7	2 acre tract Max. Residential Density 258 units
Generational Housing 8 Overlay	GH-8	3 acre tract Max. Residential Density 92 units

Appendix H  
Marlboro Township Sewer Service Area

# MARLBORO TOWNSHIP STATEWIDE SEWER SERVICE AREA




**Legend**

**Statewide Sewer Service Area**

- Bayshore Regional SA WMP
- Western Monmouth UA WMP

Statewide Sewer Service Area layer acquired from NJDEP data



**TOWNSHIP OF MARLBORO  
MONMOUTH COUNTY, NEW JERSEY**

0 1,500 3,000 4,500 6,000 7,500 9,000 Feet

1 inch = 5,067.166377 feet  
1 inch = 0.96 miles

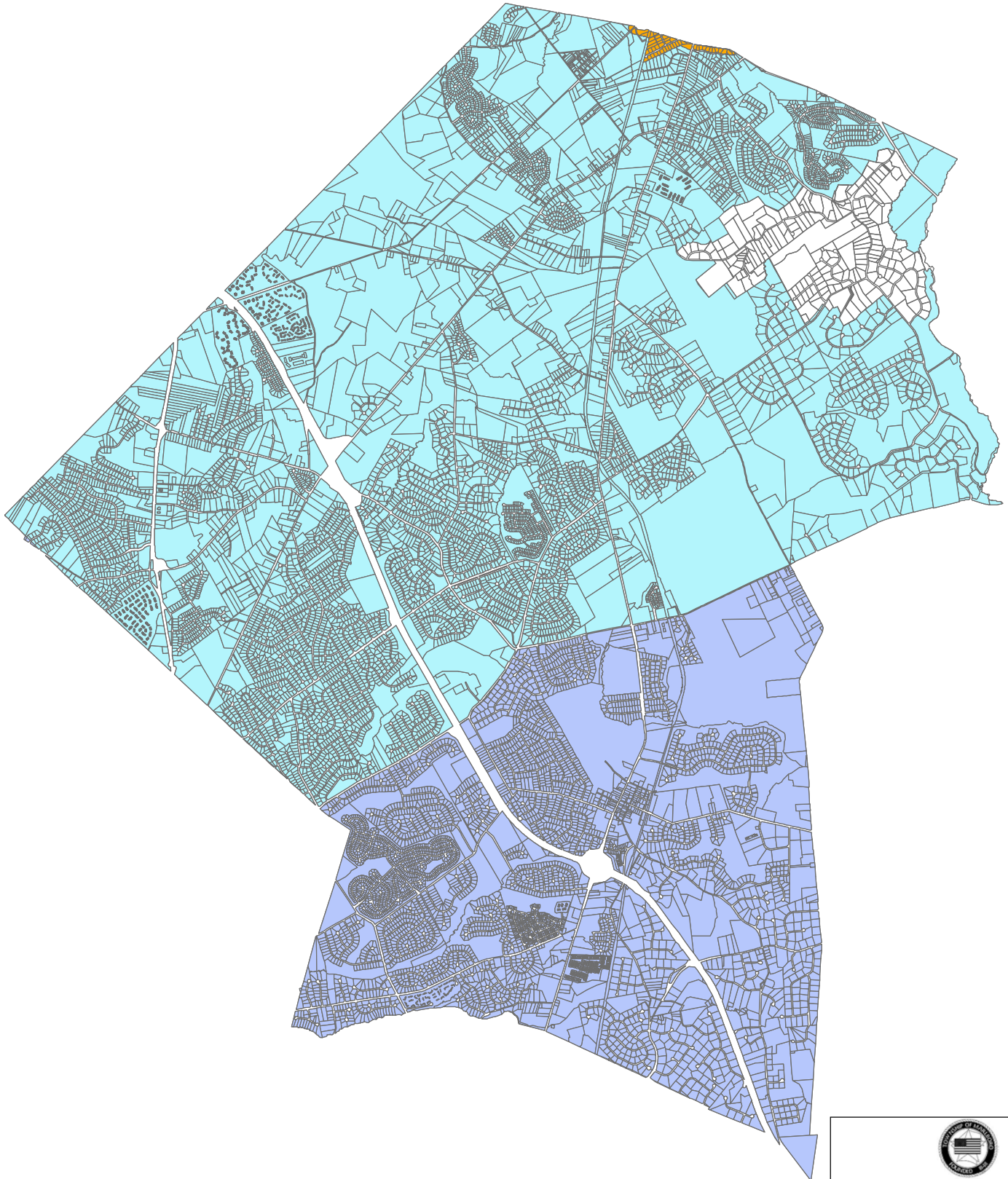
DATE: 08-24-2011 BY: Scott Queller Township IT Department  
REVISED: 2/14/2023 BY: Scott Queller

*Dean Staknys*

DEAN STAKNYS, PE  
ASST TOWNSHIP ENGINEER




Appendix I  
Marlboro Township Potable Water Service Area

# MARLBORO TOWNSHIP POTABLE WATER SERVICE AREA




**Legend**

**Potable Water Service Area**

-  Gordon's Corner WC
-  Marlboro Twp Water Utility Division
-  Matawan Borough DW

Potable Water Service area layer acquired from NJDEP data




**TOWNSHIP OF MARLBORO  
MONMOUTH COUNTY, NEW JERSEY**

0 1,500 3,000 4,500 6,000 7,500 9,000 Feet

1 inch = 5,067.166377 feet  
1 inch = 0.96 miles

DATE: 08-24-2011 BY: Scott Queller Township IT Department  
REVISED: 2/14/2023 BY: Scott Queller

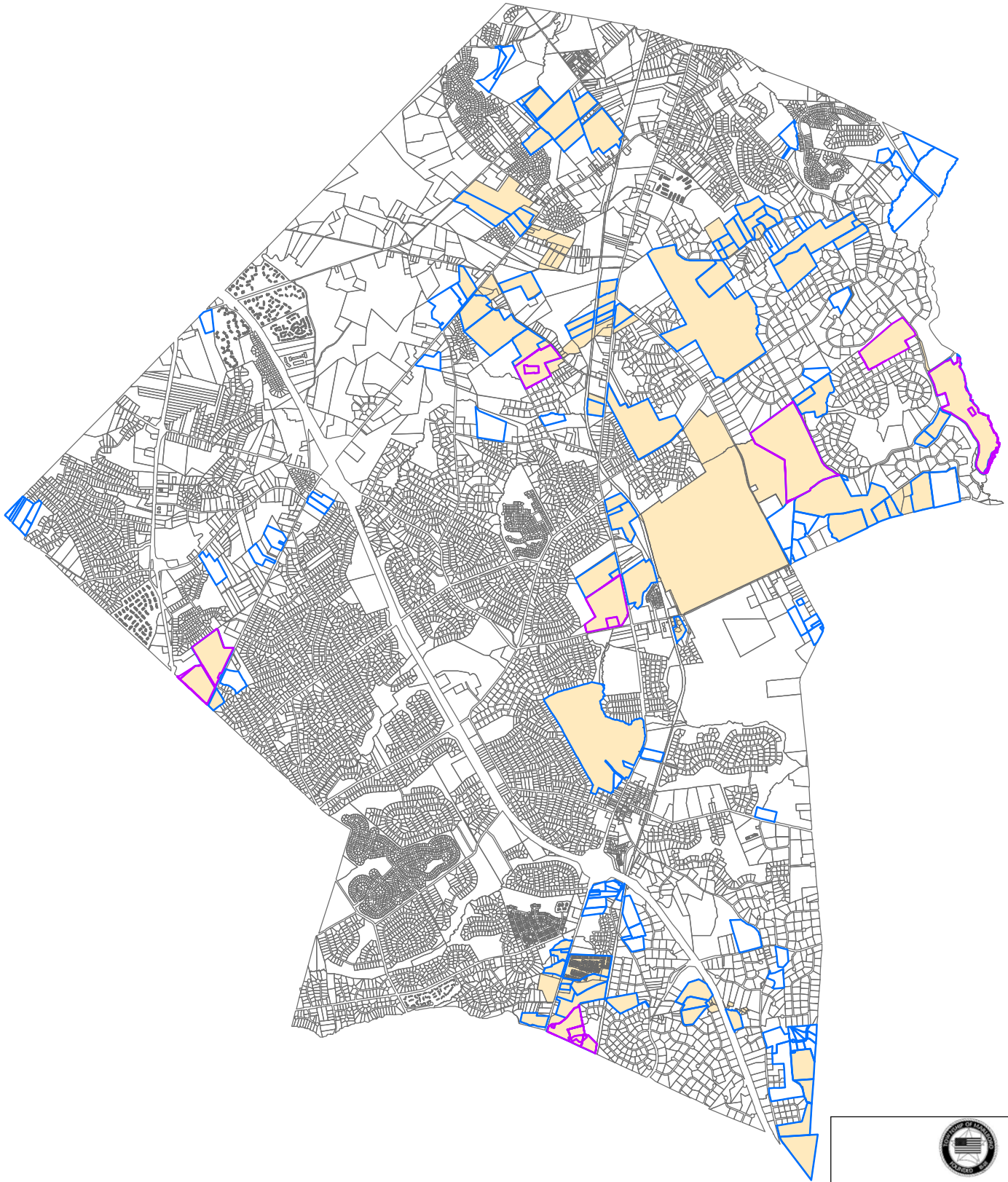


DEAN STAKNYS, PE  
ASST TOWNSHIP ENGINEER




Appendix J  
Marlboro Township Agricultural Development Areas



# MARLBORO TOWNSHIP AGRICULTURAL DEVELOPMENT AREAS



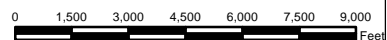
## Legend

-  Preserved\_Farmland
-  Marlboro QFARMs
-  NJ Agricultural Development Areas

Marlboro QFARMs layer generated from Township Assessor MODIV data  
Preserved Farmland layer acquired from County  
NJ Agricultural Development Areas acquired from NJDASADC data



## TOWNSHIP OF MARLBORO MONMOUTH COUNTY, NEW JERSEY



1 inch = 5,067.166377 feet  
1 inch = 0.96 miles  
DATE: 08-24-2011 BY: Scott Queller Township IT Department  
REVISED: 2/14/2023 BY: Scott Queller

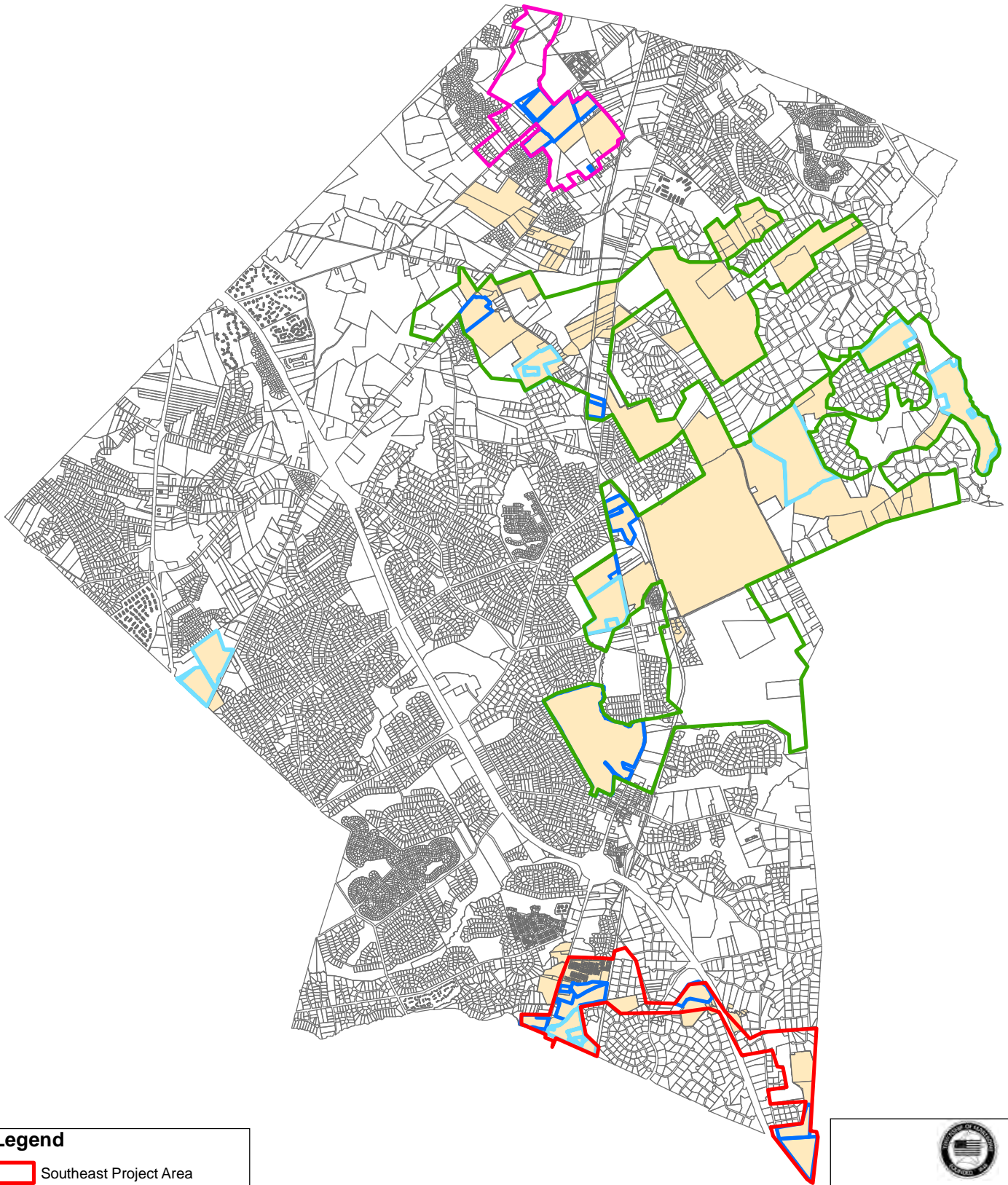
*Dean Staknys*

DEAN STAKNYS, PE  
ASST TOWNSHIP ENGINEER

Appendix K  
Marlboro Township Project Areas Map




# MARLBORO TOWNSHIP PROJECT AREAS MAP



**Legend**

- Southeast Project Area
- Northerly Project Area
- Central Project Area
- Preserved Farmland
- Target Farms
- Agricultural Development Areas

Target Farms layer generated from Township Assessor MODIV data  
 Preserved Farmland layer acquired from County  
 Project Area layer acquired from County  
 Agricultural Development Areas acquired from NJDASADC data



**TOWNSHIP OF MARLBORO  
MONMOUTH COUNTY, NEW JERSEY**

0 1,500 3,000 4,500 6,000 7,500 9,000 Feet

1 inch = 5,067.166377 feet  
1 inch = 0.96 miles

DATE: 08-24-2011 BY: Scott Queller Township IT Department  
REVISED: 2/14/2023 BY: Scott Queller

*Dean Staknys*

DEAN STAKNYS, PE  
ASST TOWNSHIP ENGINEER

Appendix L  
Trust Fund Ordinance

Township of Marlboro, NJ  
Tuesday, January 24, 2023

## Chapter 30. Farmland, Open Space and Historic Sites

### Article II. Municipal Open Space, Recreation and Farmland and Historic Preservation Trust Fund

#### § 30-8. Fund created.

- A. Pursuant to N.J.S.A. 40:12-15.7c, there is hereby established an account which shall be known and designated as the "Municipal Open Space, Recreation and Farmland and Historic Preservation Trust Fund" which shall be maintained in accordance with N.J.S.A. 40A:4-1 and 40A:5-1 and shall be used exclusively for the purposes authorized by the voters of the municipality. Any interest or other income earned on moneys deposited into the municipal trust fund shall be credited to the fund to be used for the same purposes as the principal.
- B. In the discretion of the Chief Financial Officer, for purposes of efficiency and/or convenience, a separate account may be established within the municipal trust fund for the deposit of revenue to be expended for each of the purposes specified in the proposition approved by the voters of the municipality.

#### § 30-9. Utilization of funds.

- A. In accordance with N.J.S.A. 40:12-15.7c, the Municipal Open Space, Recreation and Farmland and Historic Preservation Trust Fund shall be funded through the dedication to the fund of an amount of \$0.01<sup>[1]</sup> per \$100 of assessed valuation of each annual tax levy. State and county financing shall also be received into the fund, in accordance with the Farmland Preservation Programs, and as otherwise provided by law. The fund shall also be permitted to accept donations and testamentary bequests.  
[Amended 10-10-2002 by Ord. No. 2002-29; 11-2-2010]  
*[1] Editor's Note: The previous fee of \$0.02 per \$100 of assessed valuation (commencing in 2002) was reduced to \$0.01 per \$100 of assessed valuation by referendum held at the November 2, 2010, General Election.*
- B. The funds accumulated within the trust fund/funds may be utilized only for costs incurred regarding the acquisition of land and/or development rights in land for farmland preservation, open space, passive recreation and conservation or for historic preservation purposes, including appraisal costs and other items of expense permitted by law in connection with the acquisition or as a down payment for the issuance of bonds for the same purpose at the discretion of the Township Council. The Township Council is to determine the properties or development rights to be acquired by gift, purchase or by eminent domain proceedings, pursuant to N.J.S.A. 20:3-1 et seq., within the financial constraints it establishes.  
[Amended 10-10-2002 by Ord. No. 2002-29]
- C. The fund may also be used for any purposes authorized by the voters of the municipality pursuant to N.J.S.A. 40:12-15.7 et seq.

Appendix M  
Right to Farm Ordinance

§ 220-36 **Right to farm.**

[Added 2-16-2006 by Ord. No. 2006-1]

**A.** Findings and legislative intent.

**(1)** The Township Council recognizes the benefits to society in general, the community and its neighborhoods from horticulture, commercial and home agriculture and animal husbandry, hereafter called "farming," by the preservation of open space and the preservation of the aesthetics of the rural countryside and the supplying of present and future generations with the bounties resulting from such activities; and

**(2)** The Township Council has determined that such horticulture, agricultural and animal husbandry uses are necessary to humankind and that the right to carry on such pursuits should be protected for the benefit of the residents of the Township of Marlboro; and

**(3)** The Township Council finds and determines that farmers must be secure in their ability to earn a livelihood and to utilize acceptable, necessary and recognized farming procedure and techniques; and

**(4)** The Township Council finds and determines that the right to operate a farm is a natural right and is hereby ordained to exist, in accordance with § **220-35D(15)**, as a permitted use everywhere in the Township, regardless of zoning designations and regardless of whether specified as permitted uses therein.

**B.** Definitions. As used in this section, the following words shall have the following meanings:

**FARM**

A parcel or parcels of land, whether contiguous or noncontiguous, together with buildings, structures and facilities, which are actively devoted to agricultural or horticultural use, including, but not limited to, cropland, pasture, idle or fallow land, woodland, wetlands, farm ponds, roads, and enclosures related to agricultural pursuits, and which:

**(1)**

Consist of no less than five acres and produce agricultural or horticultural products worth \$2,500 or more annually; or

**(2)**

Consist of less than five acres and produce agricultural or horticultural products worth \$50,000 or more annually.

**C.** The right to operate a farm is a natural right and is hereby ordained to exist, in accordance with § **220-35D(15)**, as a permitted use everywhere in the Township, regardless of zoning designations and regardless of whether specified as permitted uses therein.

**D.** In accordance with the purposes and preambles set forth herein, the following nonexclusive list of farming activities shall be deemed established as accepted, recognized and entitled to encouragement and protection:

**(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)** The housing and grazing of animals and use of range for fowl.

**(3)** The operation of public and private stables, riding academies, horse breeding, training, and boarding facilities.

**(4)** Housing and employment of necessary farm laborers.

**(5)** Erection of essential agricultural buildings, including those dedicated to the processing and packaging of the output of commercial farms and ancillary to agricultural and horticultural production.

**(6)** Construction of fences.

**(7)** The operation and transportation of large, slow-moving equipment over roads within Marlboro Township.

**(8)** Control of pests, including but not limited to insects and weeds, predators and diseases of plants and animals.

**(9)** 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.

**(10)** Use of any and all equipment, including but not limited to irrigation pumps and equipment, aerial and ground seeding and spraying, tractors, harvest aides, traps, and animal and bird control devices.

**(11)** Storing, processing and packaging of the agricultural output of the farm.

**(12)** The wholesale and retail marketing (with attendant signage), including pick your own marketing, and sales of agricultural output of farms or commercial farms, including related products that contribute to farm income, including the construction buildings and parking areas in accordance with the applicable standards set forth in this Chapter **220**.

**(13)** Replenishment of soil nutrients and improvement of soil tilth.

**(14)** The 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, pesticides, and herbicides in accordance with labeled instructions as approved by the New Jersey Agricultural Experiment Station and the United States Environmental Protection Agency.

**(17)** Installation of wells, ponds and other water resources for agricultural purposes such as irrigation, sanitation and marketing preparation.

**(18)** 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, fumes, and lighting associated with these practices.

**(19)** Any other agricultural activity determined by the State Agriculture Development Committee to be a generally accepted agricultural management practice within the meaning of N.J.S.A. 4:1C-1, et seq.

**E.** The activities afforded the protections of this section in Subsections **B** and **C** must be performed in conformance with applicable federal and state law.

**F.** No agricultural activity, operation, or facility conducted or maintained in a manner consistent with relevant federal and state laws shall be or become a nuisance, public or private. Whatever inconvenience may be caused to others not of the farming community by such uses and activities so conducted is legal for the farmer and is more than offset by the benefits from farming to the neighborhood, to the community, and to society in general by the preservation of open space, the beauty of the countryside and clean air, and by the preservation and continuance of farming operations in Marlboro Township and in New Jersey as a source of agricultural products for this and future generations.

**G.** If a seller conveys a new or existing dwelling on a property within 1,500 feet in any direction of a farm, the seller shall inform purchasers that they are near an active farm and, therefore, may be subjected to the noises, odors, dust, and/or fumes that an active farm may produce.

**H.** For the purpose of giving due notice of nearby farming uses to proposed new residential areas adjacent to or within 1,500 feet of farmland or unimproved land that is suitable for farming, the Planning Board shall require an applicant for an adjacent major or minor subdivision, as a condition of approval of such application, to include a provision

in each and every contract for and deed conveying all or any portion of the lands thereby subdivided, as well as on filed subdivision maps, the following record notice to and waiver by grantees of such present or future proximate farming uses, which such provision shall be made to run with the land:<sup>11</sup>

"The grantee acknowledges that this property is within 1,500 feet of an active farm use, acknowledges that there are presently or may in the future be farm uses adjacent to, or in close proximity to this property, from which may emanate noise, odors, dust and fumes. By acceptance of this conveyance, the grantee does hereby waive any and all objections to such farming activities. No structures, storage of materials, or parking of vehicles shall be permitted in any agricultural buffer area required pursuant to Subsection **F** of § **220-144** of the revised General Ordinances of the Township of Marlboro."



Appendix N  
Bibliography and Referenced Websites

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New Jersey's Farmland Assessment Act. 2005. <chrome-extension://efaidnbmnnnibpcajpcglclefindmkaj/https://www.state.nj.us/agriculture/pdf/farmlandassessmentguide.pdf>

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United States Department of Agriculture Natural Resources Conservation Service (USDA-NRCS). <https://www.nrcs.usda.gov/>

Appendix O

N.J.A.C. 2:76-6.16 Criteria for Eligible Farms

**Section 2:76-6.16 - Criteria for evaluating development easement applications**

- (a) The evaluation shall be based on the merits of the individual application and the application's contribution to its respective project area. The weight factor assigned to each criterion identifies the relative importance of the specific criterion in relation to the other criteria.
- (b) The criteria listed in (c), (d), (e), (f), (g), and (h) below shall be combined to demonstrate the degree to which the purchase would encourage the survivability of the municipally approved program in productive agriculture.
- (c) The soil quality criterion (weight 15) is as follows:
  - 1. Priority will be given to soils which exhibit superior quality, require minimal maintenance and have a greater potential for long term viability for a variety of agricultural purposes.
  - 2. Factors to be considered are as follows:
    - i. Prime soils identified by the U.S.D.A., Soil Conservation Service;
    - ii. Soils of Statewide importance as identified by the New Jersey Department of Agriculture, State Soil Conservation Committee; and
    - iii. Other soils which are specifically suited for the production of specialty crops and are being used or intended to be used for that purpose.
- (d) The tillable acres criterion (weight 15) is as follows:
  - 1. Priority will be given to the proportion of the land that is deemed tillable.
  - 2. Factors to be considered and deemed to be tillable will be lands devoted to cropland harvested, cropland pastured and permanent pasture. For purposes of evaluating these factors, the following terms shall have the following meanings:
    - i. "Cropland harvested" means land from which a crop was harvested in the current year. Cropland harvested shall include the land under structures utilized for agricultural or horticultural production.
    - ii. "Cropland pastured" means land which can be and often is used to produce crops, but its maximum income may not be realized in a particular year. This includes land that is fallow or in cover crops as part of a rotational program.
    - iii. "Permanent pasture" means land that is not cultivated because its maximum economic potential is realized from grazing or as part of erosion control programs. Animals may or may not be part of the farm operation.

- (e) The boundaries and buffers criterion (weight 20) is as follows:
1. Priority will be given to the greatest proportion of boundaries with buffers which help protect the integrity of the individual application and/or project area from conflicting nonagricultural uses.
  2. Factors to be considered are as follows:
    - i. The type and quality of buffers, including:
      - (1) Compatible uses as follows:
        - (A) Deed restricted farmland (permanent);
        - (B) Deed restricted wildlife areas;
        - (C) Eight year programs;
        - (D) Farmland (unrestricted);
        - (E) Streams (perennial) and wetlands;
        - (F) Parks (limited public access);
        - (G) Parks (high use);
        - (H) Military installations;
        - (I) Highways (limited access);
        - (J) Golf course (public); and
        - (K) Other compatible buffers.
      - (2) Conflicting uses as follows:
        - (A) Residential; and
        - (B) Other;
      - (3) Negative consideration:
        - (A) Exceptions which adversely affect the applicant's agricultural operation (weight 10); and
    - ii. Percentage of boundaries buffering the individual application.
- (f) The local commitment criterion (weight 20) is as follows:
1. Priority will be given where municipal and county land use regulations and policies support the long term viability of the agricultural industry.

2. Factors to be considered are as follows:
    - i. Zoning ordinances and densities which discourage conflicting nonagricultural development;
    - ii. Absence of sewer or other growth leading infrastructure;
    - iii. Consistency with municipal, county, state and regional plans;
    - iv. Municipal commitment to actively participate in the Agriculture Retention and Development Program;
    - v. Right to farm and other ordinances supporting agriculture; and
    - vi. Community financial support for the project area.
- (g) The size and density criterion (weight 20) is as follows:
1. Priority will be given to larger masses with higher density of the lands dedicated to farmland preservation.
  2. Factors to be considered are as follows:
    - i. The size of the individual application;
    - ii. The size of the individual application in relation to the average farm size in the respective county; and
    - iii. The density of the individual application in relation to the project area. Density shall be recognized as the reasonable contiguity, within one-half mile, of lands encompassed by development easement purchase applications, development easements purchased, other permanently deed restricted farmlands, farmland preservation programs and municipally approved programs.
- (h) The board's highest ranked application (weight 10) will be given priority consideration to recognize local factors which encourage the degree to which the purchase would encourage the survivability of the municipally approved program in productive agriculture and degree of imminence of change of the land from productive agriculture to nonagricultural use.
- (i) Factors which determine the degree of imminence of change of the land from productive agriculture to nonagricultural use criterion (weight 10) are as follows:
1. Priority will be given to minimizing the negative impacts caused by the imminent conversion of agricultural land to a nonagricultural use.
  2. Factors to be considered are as follows:

- i. The degree of imminence of change; and
- ii. The impact of the conversion.

**N.J. Admin. Code § 2:76-6.16**