

# THE COLTS NECK FARMLAND PRESERVATION BULLETIN SUMMER/FALL - 2003

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

Carol Barnett Chairperson  
Kim Rothberg Vice - Chairperson  
Lillian Burry Deputy Mayor, Township Committee Liaison and Farmland  
Committee Member  
John Jacoby Editor  
Todd Edwards  
Chris McGarry  
Tom Orgo  
Patricia Polgar  
Richard Rehm  
James Stuart Committeeman and Member of The Monmouth County Agricultural  
Development Committee

## **FORWARD:**

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

## **COLTS NECK FARMLAND PRESERVED TO DATE**

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

## **THE COMMITTEE**

The Committee is currently chaired by Carol Barnett who also serves as a member of the Colts Neck Board of Adjustment. Kim Rothberg, who previously served as chairperson of the Committee for two and one half years, currently serves as Vice-Chairperson. Tom Orgo provides an irreplaceable source of knowledge and drive because of his extensive work as farmer in Colts Neck for many years. Pat Polger has been a member of the Committee for several years and recently co-chaired the Committee's very successful dinner/forum, discussed below, with Lillian Burry. Lillian is Deputy Mayor and has the responsibility for liaison between the Township Committee and this Committee. In this role, she provides key support and direction to the Committee and is a voting member. She has been associated with and dedicated to Farmland Preservation from its inception and has been the Committee's liaison since then. Christina McGarry, another long-time member of the Committee also is a member of the Board of Adjustment. John Jacoby, who served on the Colts Neck Planning Board for twenty years, was Vice-Chairperson of the Committee for several years. John remains strongly committed to numerous volunteer groups both in Colts Neck and beyond. Recently sworn in are Richard Rehm of Triple-Brook Nurseries on the North side of town, and Todd Edwards, Colts Neck's eagle watcher. Although Richard and Todd are new to the Committee, we look forward to great accomplishments from them. We would also like to recognize Ann Marie Olenik who serves as the Committee's Secretary and keeps us organized.

While not Committee members, the following two individuals are key participants in Colts Neck's Farmland Preservation program. Jim Stuart, who also serves on the Township Committee, attends every meeting of the Committee as a liaison with the Monmouth County Agricultural Development Board on which Jim Serves. Jim provides much

appreciated advice and guidance to the Committee based on his dual roles with the Township and the County. Mr. Andy Strauss has a long history of supporting our Committee as the Township's Farmland Preservation Planner.

We should also acknowledge a number of past members of the Committee who were instrumental in getting the Colts Neck Preservation Program started. Hank Meisner, whose leadership propelled the Farmland Preservation Committee in its infancy, served as the first Chairperson. John Ryan is another past member who generously donated his time at our recent forum. Christopher Gerberding had served the Committee for six years, but unfortunately for the Committee, resigned due to his grueling European schedule. The Committee tragically lost Jim Mitchel in a traffic accident shortly after he assumed the responsibilities of chairperson of the Committee. Jim's ingenuity and financial expertise continues to be greatly missed by the Committee.

### **RECOGNITION FOR THOSE WHO HAVE PRESERVED THEIR LAND**

On August 13, 2003, the Township chose to honor those who have made the commitment to keep their land green for future generations. Plaques and applause were given to those who have worked with the Colts Neck Farmland and Open Space Preservation Committee to preserve their land. Doing the honors were members Deputy Mayor Mrs. Lillian Burry, former chairperson and current vice-chairperson Mrs. Kim Rothberg and Mrs. Pat Polgar. Current chairperson Mrs. Carol Barnett was away on vacation and unable to participate in the program.

Quotations from the September issue of the Colts Neck Journal are repeated here. "These people cared enough to give their land," Mrs. Burry said. Among them are the McCranes, who preserved two different properties totaling 110 acres on Phalanx Road, the Blackburns, with 86 acres on Phalanx Road, the Barclays, whom Mrs. Burry termed "a legacy of Delicious Orchards Fame," who put 100 acres of their Eastmont Orchards on Route 537 and Laird Road into the program, the Sessas, who saved 30 acres of their Victory Stables on Five Points Road, and the Barneys who preserved their 50-acre Tourelay horse farm on Route 537.

"Without reservation, this recognition is due to the vision and tenacity of my husband, Mario Sessa," said Mrs. Irene Sessa, adding there was some skepticism among her family and friends when the idea was first considered. "Farmland preservation barely compensates the owners for the value of their land. However, the intrinsic value of maintaining the landscape of Colts Neck is priceless. It is critical that our township continue to encourage the Farmland Preservation Program." She called Victory Stables, "an oasis amidst the traffic and ongoing development."

**COLTS NECK TOWNSHIP AWARDED AN \$8,700,000.00**

## **PLANNING INCENTIVE GRANT BY THE STATE AGRICULTURAL DEVELOPMENT COMMITTEE**

The Planning Incentive Grant (PIG) program was established by the New Jersey Legislature in June 1999 in order to preserve contiguous farmland that will promote the long-term viability of agriculture as an industry in the State of New Jersey.

While the Colts Neck Farmland Preservation and Open Space Committee has preserved close to 700 acres of Colts Neck farmland via State, County and Local programs, these programs focused primarily on large land parcels. The Planning Incentive Grant (PIG) allows the Township to streamline their preservation process and also accommodate smaller parcels that may not have qualified if submitted alone to previously existing programs that were discussed at length in the Winter/Spring issue of the Bulletin. It should be understood that the PIG will not replace the Traditional Farmland Preservations. Instead, it is intended to provide the Township another option where the Township planners have more flexibility and control in driving the Farmland Preservation Process to yield a more effective result. Such a result should have more contiguous fertile preserved parcels of farmland rather than simply preserving parcels randomly located throughout the Township.

In preparing the Township's successful PIG Application, the Farmland Preservation Committee identified an "Arc" of farmland in the Township that we believe, when considered together, has critical value that may not be recognized as isolated applications. In total, the Committee has identified 37 parcels of land totaling 1149 acres in the grant application. Around June 1, 2003 Colts Neck Township did in fact receive an \$8.7 million grant, to be spread over six years, providing about \$1.5 million per year to preserve new properties under the PIG program.

One can gain a measure of the impact of the PIG on land parcel size of candidate parcels by comparing the average size of parcels in the Township's PIG Application, (31 acres), with the average size of parcels that have been preserved using the traditional programs, (68 acres).

The Farmland and Open Space Preservation Committee wants to emphasize the point that the Committee wants landowners who have been included in this initial PIG Application, to realize that their property has been included because of its zoning, geographic location or by its close proximity to other lands already being farmed. While the Committee hopes that landowners will consider participation in this grant program, they need to understand that participation in the program is strictly voluntary.

The Committee also wants those landowners who have not been included in this initial PIG Grant Application to be aware that the Committee is still interested in preserving their land parcels. Depending upon geographic location, some parcels may be added to this PIG Application by amendment. In other cases, the Traditional Options may be used, or another

separate PIG Application may be made in the future.

## **FARMLAND PRESERVATION FORUM**

Following the preparation of the Application for the above-described Planning Incentive Grant, members of the Colts Neck Farmland and Open Space Preservation Committee organized and sponsored a forum for property owners who were interested in hearing more about Farmland Preservation programs including the PIG and the various related benefits for landowner participants. The forum was held at Christopher's Café on May 20, 2003. About 40 property owners attended the dinner/seminar, during which numerous aspects of the Township's Farmland Preservation programs were explained and discussed.

Deputy Mayor Lillian Burry, a member of the Farmland Preservation Committee and Liaison with the Township Committee moderated the event and introduced the two key speakers. Mr. Andrew Strauss, Colts Neck's Consultant/Planner reviewed the various preservation options available to Colts Neck landowners and answered many questions about the differences between each option. Mr. Robert Neff, an expert in Trusts and Estates talked about the tax implications of the preservation programs and related financial issues from the landowner's perspective.

Mr. Strauss, who has worked in land use since 1985, discussed the various preservation programs at the state, county and local level including the new Planning Incentive Grant discussed above. He said the PIG gives the Township more flexibility and will allow more decision making to be done at the local level. Mr. Strauss also pointed out "Colts Neck is in a very good position as it has excellent soils." "Very few municipalities have the confidence, or the means, or the willingness to take the initiative that Colts Neck has."

Mr. Neff, a Yale graduate with a Georgetown law degree, provided details on planning for the distribution of one's estate and property, including tax advantages, etc. that landowners need to be aware of regarding participation in the various preservation programs discussed by Mr. Strauss.

Following the forum, three property owners immediately called Mrs. Burry to sign up under the PIG program. Each of those properties is about seven acres. One is on Clover Hill Road, another is on Laird Road and the third is on Route 34. Two are horse farms, while the third is a herb farm, Mrs. Burry said, declining to release the names of the owners or exact addresses, due to the sensitivity of the negotiations during the application and approval process, in accordance with Committee policy. Two owners have already completed the application process, she added, and more have expressed interest in the program since.

In addition to the speakers and the landowners, the dinner forum was attended by the entire Township Committee and the Farmland and Open Space Preservation Committee.

Consensus feedback from these Township officials is that the forum was very useful and informative and the guests were quite impressed with the entire event.

**CONSERVATION EASEMENTS LIGHTEN TAXES (EXCERPTS THAT HAVE BEEN TAKEN FROM AN ARTICLE IN THE WALL STREET JOURNAL – AUGUST 9, 1999)**

People who turn to conservation easements are usually motivated by their love of the land. But tax incentives are increasingly part of their rationale, thanks both to the enormous increase in real-estate values and recent tax law changes.

“Estate taxes are driving this”, says Stephen J. Small, a Boston attorney who specializes in land-preservation issues. When a death occurs, families that own property that has appreciated markedly in value may be forced to sell it just to cover estate taxes. These taxes now start at 37% for anything over \$1,000,000.00.

A conservation easement cuts the value of property by selling or donating the building or development rights. Their value is then deducted from the market value of the property for estate tax purposes. Often the difference is sufficient for families to find little or no estate tax is owed when the owner dies with an easement in place. These rights are given up in a deed.

Any such easement, however, places restrictions on heirs and future buyers of the property. While a conservation easement lowers property values, it doesn't create any impediment to future sales.

People who have sold or donated easements say it is the ability to leave a lasting mark that remains the strongest incentive. While we are here, we have the right to affect what happens to this land in perpetuity. That is a great power and a great right.

**MATT SHIPKEY BECOMES NEW AGRICULTURAL RESOURCE SPECIALIST FOR THE MONMOUTH COUNTY PLANNING BOARD**

Matt Shipkey joined the staff of the Monmouth County Planning Board's Environmental Planning Section in June of 2003. As the new Agricultural Resource Specialist, replacing Karen Fedosh (Colvin), Matt helps to administer the County's Farmland Preservation program and will be working closely with the Colts Neck Farmland and Open Space Preservation Committee in the preparation and processing of preservation applications.

Mr. Shipkey obtained a Bachelor's degree in Environmental Design from SUNY-Buffalo and a Master's in Planning with a focus in sustainable development from the University of

British Columbia School of Community and Regional Planning. He also attended classes at Canisius College in Buffalo, NY, and the Graduate School of Design at Harvard University.

Mr. Shipkey comes to Monmouth County with several years of planning experience. His previous responsibilities include the development and implementation of projects pertaining to growth management and farmland preservation for Whatcom County, Washington. And, for various Buffalo-based organizations, he studied pedestrian traffic trends, surveyed inner-city business owners, utilized Geographic Information Systems (GIS), and prepared a GIS training manual.

Matt's many community activities include volunteering for the University of British Columbia Botanical Garden, serving on the Marilla, NY Conservation Advisory Board, where he first had the opportunity to work in the field of farmland preservation, etc.

Please join us in welcoming Matt to his new role at the Monmouth County Planning Board. Matt's office address is Hall of Records Annex, One East Main Street, Freehold, NJ 07728. His phone number is 732-431-7460 and his FAX number is 732-409-7540. Matt can also be reached via the Internet at [mshipkey@co.monmouth.nj.us](mailto:mshipkey@co.monmouth.nj.us).

### **USEFUL INTERNET LINKS**

The following are selected Internet Links that are provided here to assist Colts Neck Landowners desiring access to additional information relating to Farmland Preservation and other agricultural issues:

**State Agriculture Development Committee (SADC) – <http://www.state.nj.us/agriculture/sadc/sadc.htm>**

**NJ Farm Bureau – <http://www.njfb.org/>**

The following link will provide access to the Blood-Horse Magazine article of July 19, 2003 by Leigh McKee and Doug Ford entitled "Disposition of Development Rights". The article provides examples of conservation easements and illustrates the associated income tax consequences. The link to this article is:

**<http://ownership.bloodhorse.com/viewstory.asp?id=17933>**

The Blood-Horse article also refers to Web sites that provide additional information to assist in proper planning early in the conservation easement process to maximize the tax benefits. These are:

**The American Farmland Trust's Web site ([www.farmlandinfo.org](http://www.farmlandinfo.org)), and**

The Nature Conservancy's Web Site ([www.nature.org](http://www.nature.org))