

(Note: This OpEd piece by Kate Millsaps also appeared in the Sunday Daily Record)

N.J. Highlands Act seeks to preserve agriculture, not penalize farmers

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BY KATE MILLSAPS

New Jersey Highlands Coalition

In his recent op-ed column, Richard Nieuwenhuis of the New Jersey Farm Bureau spread misconceptions and altered facts to urge the governor to reconsider many of the policies and programs currently in place in the Highlands region.

Nieuwenhuis claims the TDR (transfer of development rights) program is “virtually inoperable” but the Highlands Development Credit Bank has \$10 million available to begin making development credit purchases. However, the bank has received only 11 applications from landowners.

Gov. Christie’s budget proposal specifies that \$4.4 million will be available to municipalities for Highlands planning grants. A portion of this funding can be used by municipalities to study the feasibility of establishing receiving zones.

Currently 11 municipalities have been provided grants by the Highlands Council to consider this option. The Highlands Regional Master Plan was adopted only 19 months ago. If allowed a reasonable time frame for the TDR program to mature and receiving zones to be established, it will succeed, as it did in the Pinelands, where more than 12,000 acres were preserved.

The planning area was not intended to be the portion of the Highlands where sprawl development could continue to encroach. The Highlands Act clearly states the goals of growth in the planning area: “appropriate patterns of compatible residential, commercial, and industrial development, redevelopment, and economic growth, in or adjacent to areas already utilized for such purposes, and discourage piecemeal, scattered, and inappropriate development.”

In fact both the planning and preservation areas share many similar goals under the Highlands Act, including the protection of water supply, conservation of resources, and preservation of environmentally sensitive areas. Characterizing the planning area as the region designated as the Highlands growth area is a serious misinterpretation of the Highlands Act.

It is important to recognize that the standards in place in the Highlands region are intended to protect the water supply for 5.4 million residents and the state’s major economic sectors. Septic density standards ensure that wells are not contaminated. Restrictions on impervious cover assure water is recharged into the region’s aquifers.

Protection of the state's water supply, its other critical resources, and environmentally sensitive areas was the legislative intent. The Council and DEP were mandated by the Act to ensure that these protections are put in place.

Policies and objectives in the Regional Master Plan protect the agricultural industry and farmers of the region. More than 65 percent of Highlands farmers are tenant farmers. They are not the minority of large landowners who want to be "compensated" for the perceived loss of development potential.

Recently, in denying their appeal, the New Jersey Appellate Division declared that the Farm Bureau "asserts a diminution in the value of their land, which would appear more directly related to their interest in selling or developing their land rather than farming it."

Consider that the largest "farmer" in the Highlands today is the Toll Brothers, "America's Luxury Home Builder." It is not in their interest to maintain those lands in agricultural production but to develop them, displacing tenant farmers and diminishing agriculture as a vital industry in the Highlands. The Regional Master Plan, on the other hand, seeks to preserve agriculture as a vital economic engine.

The concerns expressed by Nieuwenhuis raises the question: Whom does the Farm Bureau truly represent? The Toll Brothers, or the farming community?

Kate Millsaps is the campaign and grassroots coordinator of the New Jersey Highlands Coalition in Boonton, N.J.

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