

Chester Township farmers see no relief for land values

Property owners pessimistic about fair compensation

By BOB THOMAS, Staff Writer

Published: Jul 9th, 7:09 AM

CHESTER TWP. - Re-establishing a dual-appraisal system of land valuation for the state's farmers in the Highlands still won't provide the relief it promises, according to farm owners.

Gov. Chris Christie is expected to sign legislation to return a system of dual land appraisals in the Highlands. The dual appraisal clause expired in June 2009.

A Senate bill, passed on Monday, June 28, would extend dual appraisal for properties in the Highlands region until June 30, 2014. It was co-sponsored by Sen. Steve Oroho, R-Morris. An identical measure was approved in the state Assembly in May.

Property owners who preserve land using the dual method would get the higher value between the land's market value today or its value in April 2004, when the Highlands Act was approved.

"It will always be the number before the Highlands," said David Shope, Long Valley resident and landowner in Hunterdon County. "A whole lot of people will never have funds available. In 2014 the state will be still be broke, or about as broke as it is now."

Shope said the issue is not over getting attention but getting fair returns on their properties.

"It's not just a matter of raising your hand to get preserved," he said. "Many farm owners have been told in no uncertain terms that they will never get their land approved."

Shope said those who are approved will simply be put on the end of a long list that doesn't stand a chance of getting preservation money.

Hope Springs

Andy Drysdale of Chester Township said he is hopeful that something comes of the dual appraisal reinstatement, if Christie signs it into law.

"I find it hard to believe that anything good can happen if they don't have the money," Drysdale said. "It was in effect for five years (until June 2009) and it didn't do any good then."

Still, Drysdale is hopeful.

"Just that you can't pay just a few landowners when there's thousands of them," he said.

Bill Shoop is a Long Valley land owner who has applied for preservation funds and been rejected by the Morris County Agricultural Development Board.

"They don't have any money, so how are they going to pay for it? And they still don't want to put a tax on the water," Shoop said.

He was referring to a plan to raise funds through a water tax to compensate landowners. The tax plan has not gained state approvals.

It's been a week of ups and downs for Highlands area farmowners.

A stakeholders meeting organized by the state Department of Environmental Protection (DEP) at the County College of Morris on Tuesday, June 29, pleased neither farmers nor environmentalists.

"We were led to believe this would be a serious commitment to harmed land owners," said Deborah Post, owner of Riamede Farm on Oakdale Road in Chester. "Instead we got filibustering from anyone who owned a house with half-an-acre under it."

Shope said a "harmed land owner" is one who has open space land that hasn't been compensated at its true value.

"They tried to dilute our voices," said Post.

She said the proponents of the Highlands Act were a louder voice than the harmed land owners.

"We don't have lobbyists. I believe that the DEP noticed the strategy and were not pleased. Surprisingly, I sincerely think they are trying to focus on what needs to be done but they have a long learning curve to catch up," Post said.

Julia Somers, executive director of the New Jersey Highlands Coalition, representing numerous environmental groups, said her efforts to take part in the meeting weren't successful.

"I'm a landowner in the Highlands region and I'm in favor of its policies to protect our water and preserve for the environment," she said.

Shope said the "second string" and not the leaders of the environmental groups were at the meeting.

"Nothing new here," Shope said.

The DEP had good news for the landowner group when it confirmed that it will take a renewed look at the issue of septic density regulation.

Septic density restrictions, which in some cases allow just one septic per 88 acres, have been targeted by Highlands Act foes as the backbone of the Highlands Master Plan restrictions.

"That's probably the most important thing that has happened," said Drysdale. "Before the Highlands Act somebody won a prize for studying septic and coming up with 1.6 acres needed for each one. Then the act passes and all of a sudden, it goes to 88 acres. Hopefully, more reasonable people are now involved."

Shope said he'd been told off the record by a DEP official that the methodology behind the septic rules was "a little squishy."

"It's all based upon Lisa Jackson's DEP decisions," said Shope.

Jackson was the DEP commissioner under former Democratic Gov. Jon Corzine. She is now the administrator of the U.S. Environmental Protection Agency.

"It's all based upon a cascade of worst case assumptions. In February, a judge gave DEP a six month extension to defend the science. It's indefensible," Shope said.

Shope said rainfall amounts were based upon the record drought of 1965, as if that lack of rainfall was an annual event.

"Now, DEP has almost said by looking at it again that the science would not stand up in court," he said.

Both Shope and Shoop are among nine farmers who are attempting to overturn the Highlands Act and have taken their case to the U.S. Supreme Court.

Shoop said the group has spent between \$50,000 and \$75,000 in pursuing their claim that the act unconstitutionally deprives the land owners of their property values.

Those values can be repaired, Post said. She cited a similar situation in Colorado, where homebuilding near Aspen is tied to the purchase of preservation credits. She said the Highlands credit bank should be able to operate in the same way here.

"If you look at Highlands Development Credits (HDCs) on the council website, you'll see that a lot of farmers have no value to their land, according to the Highlands Council," she said.

Post said that could be changed if proposed new homes in the Highlands required an expenditure of a credit for every few thousand square feet.

"That would create a demand for the credits in the market place," she said.

Post also said the viewpoint of the Highlands Council could be changed if Christie fills the 10 open council seats, including that of chairman.

"We need a green conservative council, a council that would interpret the Highlands Act in a minimalist manner," Post said.