

RUTGERS

New Jersey Agricultural
Experiment Station

On-Farm Direct Marketing, Agricultural Management Practices Protections for Farmers in New Jersey

Michelle Infante-Casella

Agricultural Agent/Associate Professor
Rutgers NJAES Cooperative Extension

Why is this Important?

- CADB's have been handling site specific issues and adoption of a statewide AMP would assist the counties from having to review and either adopt or reject individual plans
- The RTF Act lacks details to cover this issue
- Direct marketers are high profile for public nuisance complaints



- It helps **most** direct marketers with nuisance issues
- The AMP will be tested by municipalities and citizens
- An AMP is not mandatory to follow
 - Meant to give RTF protections

- **AMP working group created April, 2010**
- Farm Bureau (Peter Furey, Helen Heinrich, Nicki Goger)
- Rutgers (Michelle Infante-Casella)
- Viticulture (Matty Matarazzo)
- Nursery (Larry Kuser, Nyna McKittrick)
- Ag Tourism/State Board of Ag. (Rich Norz)
- Fruit & Vegetables/State Board of Ag. (Jim Giamarese)
- Local government (Lisa Specca)
- CADB (Brian Wilson – Burlington)
- NJDA (Bill Walker)
- SADC (Susan Payne, Dave Kimmel, Brian Smith)

Goals of the Process

- Develop practical AMPs that farmers, the public, municipalities, and CADBs can use
- Have performance based standards to give statewide guidance to farmers, towns, and others without being overly burdensome
- Add additional information to compliment the RTF Act



- A draft began using the 2006 version of a previous Farm Markets AMP that was developed by Rutgers Cooperative Extension under contract with the SADC
- The new document evolved into broader approach to **consider all types of “on-farm direct marketing”**
- On-Farm Direct Marketing - **“means the on-farm facilities, activities, and events that are used to facilitate and provide for direct, farmer-to-consumer sales”**.
 - Facilities – all types of retail markets – includes farm stands, farm stores, CSA, and PYO
 - Activities and Events – agritourism offerings that fit within the scope of the RTF Act
- Discussion of winery facilities/activities took place
- Wineries are unique as to permits, licensing, etc. and the group thought a separate AMP should be looked into at a later date for this type of enterprise.

- Definitions
- Facilities (farm markets) section
- Activities (agritourism) section
- Events (agritourism) section
- Additional AMP sections
- Hours of operation
- Sanitary facilities
- Lighting
- Signs
- Relevant federal and state laws and regulations



The RTF Act Protects:

- **Farm market facilities:** “Provide for the operation of a farm market, including the construction of building and parking areas in conformance with municipal standards”
- **Activities and events:** “Conduct 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”
- Definition of farm market (for retail markets)
 - Used for the “retail marketing of the agricultural output of a commercial farm, and products that contribute to farm income”
 - At least 51% of the annual gross sales is from the farm's output, or at least 51% of the sales area is devoted to the farm's output

Construction of building and parking areas in conformance with municipal standards



- Any type of farm market, including the permanent & temporary structures, improvements, equipment, and apparatuses necessary to facilitate direct market sales
- Include farm stands, farm stores, CSA facilities, and PYO facilities



- **“Sales area”** – the indoor, outdoor, covered, and uncovered areas whose primary use is the display, marketing, and selling of products; doesn't include PYO fields, pastures with animals, or farm-based recreational activity areas
- **“Products that contribute to farm income”** – For RTF purposes, the other products (the up to 49% of sales or sales area) must be related to the farm's ag output
 - Complementary – items commonly used to facilitate the use or consumption of the farm's ag output, and promotional items
 - Supplementary – the ag output of other farms, and additional customary food and drink items

- **General parking area standards**

- Safe, off-road parking shall be provided
- Ingress/egress, driveways, parking areas arranged to provide safe traffic circulation
- May have areas permanently and temporarily devoted to parking

- **Buffers**

- May use buffers (setbacks, screening) as an effective tool to mitigate impacts on adjacent properties (noise, dust, fumes)
- Primarily for newly established facilities – **50' road and property line setbacks; 100' from adjacent occupied residence**
- Possibility of lesser setbacks with screening and site-specific AMP

OFDM Activities – all must demonstrate required relationship to marketing the farm’s output; OFDM Activities include:

- 1) **“Agriculture-related educational activities”** e.g., school trips; hands-on farming activities; educational displays, ag-related lectures and classes; farm tours; farm open houses
- 2) **“Farm-based recreational activities”** e.g., corn mazes; hayrides; ag animal display/petting areas; farm tours; pony rides; hiking; bird-watching; sleigh rides; hunting and fishing; bonfires; tractor pulls
- 3) **Ancillary entertainment-based activities** - Non-ag offerings commonly used as incidental components of OFDM activities (e.g., background music; face painting; picnic tables)

Activities Section

- Use of structures or improvements
- May use existing or new structures; activities do not adversely impact their continued use for ag production
- Land Use – Activities shall have negligible impact
- Overnight lodging - AMP does not protect overnight lodging
- Safety - Inform visitors of rules; securely store hazardous materials
- Parking areas - Standards similar to facilities section
- Buffers – Standards similar to facilities section
- AMPs for specific activities
 - PYO
 - Choose-and-cut Christmas trees
 - Corn mazes
 - Hayrides and wagon rides
 - Livestock and animal activities



- **Hours of operation**

- 6 am - 10 pm

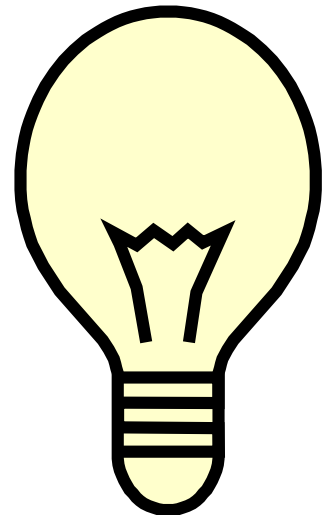
- **Sanitary facilities**

- Must provide facilities (restrooms/porta-potties) if providing seating for eating, if activities/events promote people staying for an extended time, or if required by state retail food code

- Number of facilities is sufficient to accommodate volume of visitors

- **Lighting**

- Need to provide when open after dark



Other Issues



- **Signs**

- Generally accepted to have permanent/temporary signs to promote facilities, activities, and events
- **Includes advance signs on the farm's road (up to 1/2 mile away) and off-site signs, e.g., directional signs; farm business signs; other signs**
- Sign standards for maximum size (16 sq. ft.) and overall combined square footage (160 sq. ft.) – goals: to maintain operator flexibility and **to address potential for "sign pollution"**
- **Doesn't apply to billboards, TODS, primary farm business sign(s)**

Steps Required to Implement

- OFDM AMP Committee Begins meeting – April 2010
- Meetings took place 6 times/yearly – 2010-2011
- Distribute draft AMP – DONE February 2012
- Request comments (90 day period, till April 15, 2012)
- Received feedback from farmers, towns, CADBs, others
- Made revisions to draft, as needed
- Reconvened AMP working group – November 2012
- Reviewed comments and proposed changes
- SADC reviewed of a revised draft AMP
- Final draft published in the state register – June 2013
- Public comment period open – September 2013
- SADC approval – February 2014
- OFDM AMP protections began April 2014

RUTGERS

New Jersey Agricultural
Experiment Station

A photograph of a large field of pumpkins, with several pumpkins in sharp focus in the foreground and many more in the background stretching towards a horizon under a cloudy sky.

Are there Any Questions? Discussion.....

Michelle Infante-Casella
Agricultural Agent/Associate Professor
<http://sare.rutgers.edu>