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**LOCAL FARMLAND OWNERS PURSUE SUIT
AGAINST EAST AMWELL DOWNZONING ORDINANCE**

Trenton, NJ (January 25, 2005) – In an unprecedented action to halt the use of downzoning as a municipal planning tool to control population density, a group of farmland owners is appealing to the Superior Court of New Jersey Appellate Division to overturn a 2002 decision upholding the Township of East Amwell's large-lot zoning ordinance. Ordinance 99-06 changed 11,000 acres in the Amwell Valley from three-acre zoning to 10-acre zoning, under the pretext that such zoning preserves farmland agriculture. The plaintiff group consists of the United Farmers and Landowners Organization, nine individual East Amwell farm landowners and the New Jersey Farm Bureau. Oral arguments were presented today.

The plaintiff's basis for appeal is that, far from preserving farmland and agriculture, such downzoning ultimately will curtail land use for agriculture, affecting 60% of the township land, and reduce its value, according to a nationally known real estate and zoning expert who testified at the original trial. Subsequent to that trial, East Amwell imposed a new 15-acre minimum lot size in its former Southland Mountain and Stony Brook districts, putting virtually 93% of the land into 10-acre or more zoning. The Farm Bureau became a plaintiff in the suit, its first such action, because it recognized that not only are many of its members who reside in the township negatively impacted, but such downzoning also sets a dangerous precedent for farmland all over New Jersey.

According to the plaintiff's attorney, Thomas Daniel McCloskey, of the law firm Greenbaum, Rowe, Smith & Davis LLP of Woodbridge, the East Amwell ordinance effectively undoes 50 years of zoning law, which has required local attention to regional housing. "It forces farmers to sell off large parcels of property, when they might only need to sell off one or two small lots to raise needed cash," says McCloskey. "Most egregiously, the township ignored opposition registered against the ordinance by local, county and state agencies of government with jurisdiction over issues of farm preservation, agriculture and agricultural management practices – including the State Agricultural Development Committee, Hunterdon County Agricultural Development Board and the township's own Agricultural Advisory Committee. By this ordinance, East Amwell has found a way to revive the medieval concept of feudalism and impose a form of serfdom on the very farming community it claims to be protecting."

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The New Jersey Farm Bureau opposes downzoning as a farmland preservation tool because large-lot zoning leads to large-lot sprawl, according to Farm Bureau President Richard Nieuwenhuis. “East Amwell is using this farmland zoning as a ruse for a no-growth policy,” says Nieuwenhuis. “The township spurned reasonable compromises offered by the farmer group, which included a cluster option using the existing three-acre zoning as the basis for density.”

“In the farmers’ case, change in zoning from three acres to ten strikes at the heart of a their principal financial asset—the land,” continues Nieuwenhuis. “Farmers’ land is their equity; it’s collateral for loans; it’s their life insurance, health insurance. They must retain reasonable control of its use as a hedge against a day that field crop operations in which they typically engage may no longer be profitable.

“Despite East Amwell’s assertion that the 10-acre zoning will protect farmland, studies show that it actually will use up farmland at a far greater rate than the existing three-acre zoning,” Nieuwenhuis says. “Farmers who might need to sell off a lot or two to meet financial needs now have to sell off 10 acres, which can destroy the integrity of their farming operation. Agriculture authorities, from the New Jersey Secretary of Agriculture to the township’s own Agricultural Advisory Committee, argued that the ordinance was the least productive and most harmful way to support agriculture.”

The New Jersey Farm Bureau is a member organization of more than 19,000 farmers and farm-related entities within the Garden State. It is the only organization solely dedicated to representing the grass- roots interests and directives of its members in educating all levels of government and the public on the farm community’s policies and positions. The Farm Bureau also takes a lead in seeking out initiatives, activities and ventures to enhance the profitability of producer members and the ensure the viability of agriculture in New Jersey -- *the Garden State for Good Reason—Our Farms!*

For further information, contact the New Jersey Farm Bureau, at The Farmhouse, 168 West State Street, Trenton, NJ 08608. Phone 609-393-7163; fax 609-393-7072; email mail@njfb.org; website www.njfb.org

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