

COUNTY \_\_\_\_\_

TOWNSHIP \_\_\_\_\_

APPLICANT LAST NAME \_\_\_\_\_

APPLICANT FIRST NAME \_\_\_\_\_



## **Farmland Preservation Program**

### **Application For A Special Permit for a Commercial Nonagricultural Activity on Preserved Farmland N.J.S.A. 4:1C-32.1; N.J.A.C. 2:76-22.1**

For SADC use only

**SADC ID#** \_\_\_\_\_

**Date Received** \_\_\_\_\_

**Staff Reviewer** \_\_\_\_\_

**ELIGIBILITY REQUIREMENTS:** Please complete the following checklist to determine if you are eligible to submit an Application for a Special Permit for a Commercial Nonagricultural Activity on Preserved Farmland

- ❑ The subject farm was permanently preserved under the State Farmland Preservation Program prior to January 12, 2006; or
- ❑ The subject farm was permanently preserved by a county, local government unit or qualifying tax exempt nonprofit organization for farmland preservation purposes prior to January 12, 2006, and subsequently preserved under the State Farmland Preservation Program.
- ❑ There are no severable or nonseverable exceptions identified in the Deed of Easement.
- ❑ The premises meet the definition of a commercial farm pursuant to the Right to Farm Act. A “commercial farm” means:
  1. A farm management unit of no less than five acres producing agricultural or horticultural products worth \$2,500 or more annually, and satisfying the eligibility criteria for differential property taxation pursuant to the Farmland Assessment Act of 1964, N.J.S.A. 54:4-23.1 et seq.; or
  2. A farm management unit less than five acres, producing agricultural or horticultural products worth \$50,000 or more annually and otherwise satisfying the eligibility criteria for differential property taxation pursuant to the Farmland Assessment Act of 1964, N.J.S.A. 54:4-23.1 et seq.

“Farm management unit” means a parcel or parcels of land, whether contiguous or noncontiguous, together with agricultural or horticultural buildings, structures and facilities, producing agricultural or horticultural products, and operated as single enterprise.
- ❑ No other special permit for a commercial nonagricultural activity exists on the premises described in the Deed of Easement.
- ❑ The structure in which the proposed commercial nonagricultural activity is to be located existed on or before January 12, 2006.
- ❑ No federal funds were utilized for the purchase of the development easement on the subject farm.
- ❑ There is no commercial nonagricultural activity in existence on the premises at the time of this application for the special permit or on any portion of the farm not subject to the development easement. [If such an activity exists, please explain on a separate sheet and provide a detailed description].

**If any of the above items are not “checked”, the owner of the premises is not eligible to apply for a special permit to construct a commercial nonagricultural activity. If clarification is needed, please contact the State Agriculture Development Committee at (609) 984-2504.**

**Checklist of Enclosed Items** (ALL checklist items are **REQUIRED** for administrative completeness of this application; Omissions may delay review of this application.)

**PLEASE READ AND FOLLOW THE GENERAL DIRECTIONS FOR COMPLETING THE COMMERCIAL NONAGRICULTURAL ACTIVITY APPLICATION CAREFULLY AND BE SURE TO PROVIDE ALL DOCUMENTATION AS REQUIRED ON THE CHECKLIST**  
COMPLETE Application must be submitted to the owner of the development easement and the State Agriculture Development Committee

- Completed Application and signed
- Schedules "A" through "R" attached
- Current **RECORDED DEED** of Ownership [copy]
- Recorded **DEED OF EASEMENT** [copy]
- TAX MAP** with lot boundaries, exceptions, existing residences, and adjacent land uses clearly identified
- COMMERCIAL FARM** verification including **Farm Tax Assessment ("FA-1") Form** and copies of all supporting documents.
- SURVEY PLAT WITH ALL APPLICATION INFORMATION**
- DIGITAL PHOTOS** of interior and exterior of structure in which the activity is proposed
- DIGITAL PHOTOS** of the exterior of all structures within 200 feet of the structure in which the activity is proposed
- GIS MAP** or 7.5 minute **USGS TOPOGRAPHIC QUAD MAP** with the application lot boundaries delineated
- USDA, NRCS or GIS SOILS MAP** with lot boundaries and exceptions clearly identified
- SOIL CALCULATIONS** including soil map units, acres and percentages of each unit. Include important farmland soils (prime, statewide importance, unique and other).
- Description of any **commercial nonagricultural activity already existing** on the premises
- Proof that the structure that will contain the activity existed as of January 12, 2006
- Application fee of \$1,000 made payable to the State of New Jersey, State Agriculture Development Committee in the form of a money order or bank check
- Signature of owner(s), contract purchaser(s) or estate representative(s) [use additional sheets if necessary]**

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

APPLICANT INFORMATION

Please number each **DUPLICATED** page for THIS SECTION. (e.g., Page 1 of 3)

**Duplicate this sheet as necessary to INDICATE ALL APPLICATION PARTICIPANTS.**

Please enter for each related party applying for easement purchase (landowner of record, contract purchaser, current owner of the easement); If the applicant is an estate represented by an executor, please list the executor as the primary applicant contact if there is more than one applicant/owner. If the applicant is represented by an attorney or other legal representation, please provide that individual's contact information in the appropriate space provided below.

Name (Primary Contact): \_\_\_\_\_  
Address: \_\_\_\_\_  
City: \_\_\_\_\_ State: \_\_\_\_\_ Zip Code: \_\_\_\_\_  
Phone (bus.): \_\_\_\_\_ Fax: \_\_\_\_\_  
Phone (home): \_\_\_\_\_

Type of Application Participation: (check one)

- Sole Proprietor (Husband/Wife)
- Partner of a Partnership
- Executor/Administrator of an Estate\*
- Conservation Organization
- Trustee of a Trust
- Contract Purchaser (Fee Simple)
- Proprietor or Multi-Proprietor
- Corporate Officer in a Corporation
- Institution

Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
City: \_\_\_\_\_ State: \_\_\_\_\_ Zip Code: \_\_\_\_\_  
Phone (bus.): \_\_\_\_\_ Fax: \_\_\_\_\_  
Phone (home): \_\_\_\_\_

\*If Executor or Administrator, set forth date of death of record owner of farm: \_\_\_\_\_

Type of Participation: (check one)

- Sole Proprietor (Husband/Wife)
- Partner of a Partnership
- Executor of an Estate
- Conservation Organization
- Trustee of a Trust
- Contract Purchaser (Fee Simple)
- Proprietor or Multi-Proprietor
- Corporate Officer in a Corporation
- Institution

Primary Contact if not applicant/owner \_\_\_\_\_  
Address: \_\_\_\_\_  
City: \_\_\_\_\_ State: \_\_\_\_\_ Zip Code: \_\_\_\_\_  
Phone (bus.): \_\_\_\_\_ Fax: \_\_\_\_\_  
Phone (home): \_\_\_\_\_

- Lawyer or Legal Representative
- Realtor of a Real-estate Agency
- Other

Place an "x" on the appropriate line: \_\_\_\_\_ This is an initial application  
\_\_\_\_\_ This is a re-application (explain on a separate sheet)

**BLOCK, LOT & ACREAGE**

Please number each **DUPLICATED** page for **THIS SECTION ONLY** (e.g., Page 1 of 3)

Duplicate this sheet as necessary to **INDICATE EACH LOT and its ACREAGE SEPARATELY.**

County / Municipal Code: \_\_\_\_\_ Block: \_\_\_\_\_ Lot: \_\_\_\_\_ Acres: \_\_\_\_\_

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County / Municipal Code: \_\_\_\_\_ Block: \_\_\_\_\_ Lot: \_\_\_\_\_ Acres: \_\_\_\_\_

County / Municipal Code: \_\_\_\_\_ Block: \_\_\_\_\_ Lot: \_\_\_\_\_ Acres: \_\_\_\_\_

County / Municipal Code: \_\_\_\_\_ Block: \_\_\_\_\_ Lot: \_\_\_\_\_ Acres: \_\_\_\_\_

TOTAL: \_\_\_\_\_

ACREAGE BASED ON:

Tax map acres

Survey acres

## **GENERAL APPLICATION INFORMATION**

THE REQUEST FOR A SPECIAL PERMIT FOR A COMMERCIAL NONAGRICULTURAL ACTIVITY IS FOR THE FOLLOWING PURPOSE:

**(Check one)**

- Conversion of an existing residential unit for residential purposes (includes bed and breakfast)
- Conversion of an existing residential unit for nonresidential purposes
- Conversion of an existing structure without improvements
- Conversion of an existing structure with improvements
- Conversion of an existing structure with an expansion up to 500 square feet

### **DETAILED INFORMATION TO BE PROVIDED WITH THE APPLICATION:**

1. Copy of recorded deed of the record owner: (Obtain from the office of the county clerk)  
ATTACH AS SCHEDULE "A"
2. Copy of recorded deed of easement: (Obtain from the office of the county clerk)  
ATTACH AS SCHEDULE "B"
3. Proof that the premises is a commercial farm: (Provide copies of farmland assessment forms, invoices, tax returns, etc. verifying that the farm management unit of five acres or greater produced agricultural or horticultural products worth \$2,500 or more annually, and satisfying the eligibility criteria for differential property taxation pursuant to the Farmland Assessment Act of 1964, N.J.S.A. 54:4-23.1 et seq., or a farm management unit of less than five acres, produced agricultural or horticultural products worth \$50,000 or more annually and otherwise satisfying the eligibility criteria for differential property taxation pursuant to the Farmland Assessment Act of 1964, N.J.S.A. 54:4-23.1, et seq.  
ATTACH AS SCHEDULE "C"
4. Survey plat identifying the premises including identification and labeling of all existing structures, streams, other features and identification of the structure in which the commercial nonagricultural activity is proposed. The survey plat shall also include:
  - Identification of any proposed expansion of the existing structure.
  - Description of how access (ingress/egress) will be provided.
  - Identification of the area that will be used to accommodate parking, including the number of existing parking spaces, the number of parking spaces that will be needed and delineation of proposed parking spaces.
  - Set forth whether any of the parking area(s) are or will be utilized by existing equipment or vehicles.ATTACH AS SCHEDULE "D"

5. Digital photographs of the interior and exterior of the structure in which the commercial nonagricultural activity is proposed (hard copy and digital copy).  
ATTACH AS SCHEDULE "D1"
6. Digital photographs of the exterior of all structures within 200 feet of the structure in which the commercial nonagricultural activity is proposed (hard copy and digital copy).  
ATTACH AS SCHEDULE "D2"
7.
  - a. Identify and describe any commercial nonagricultural activity already in existence on the premises at the time of the application for the special permit or on any portion of the farm (severable or non-severable exception area) that is not subject to the deed of easement..  
ATTACH AS SCHEDULE "E1"
  - b. If you have previously obtained a special permit for a personal wireless service facility, attach a copy of the permit to this application. ATTACH AS SCHEDULE "E2"
8. Provide proof that the structure that will contain the proposed activity existed on the date of enactment of N.J.S.A. 4:1C-32.1 (January 12, 2006). (Provide tax records, survey, building permit or other verification). In addition:
  - Identify and describe any improvements made to the structure since the enactment of N.J.S.A. 4:1C-32.1 (January 12, 2006).
  - Identify whether you intend to construct a new agricultural building to take the place of the structure to be used for the nonagricultural use.
  - Identify any new agricultural structures constructed anywhere on the premises within the three years preceding the date of this application. Include a description of the use of the newly constructed structure(s) and identify what function other structures located on the premises previously served and the function served by the newly constructed structure(s).ATTACH AS SCHEDULE "F"
9. Describe the proposed commercial nonagricultural activity including the following details:
  - All improvements and any new utilities that will be needed to accommodate the commercial nonagricultural activity.
  - Whether the activity is associated with the agricultural operation and if so, how, including: information identifying whether the activity is operated by the owner or family member or if it is being leased and to whom; whether the activity is seasonal or year-round, and proposed hours of operation
  - If an expansion of an existing structure is proposed, the purpose or use of the expansion and necessity in supporting the operation or functioning of the commercial nonagricultural activity, including a description that the area of the proposed footprint of the expansion is reasonably calculated based solely on the need to accommodate the commercial nonagricultural activity and explanation as to how the location, design, height and aesthetics of an expansion preserve the natural and unadulterated appearance of the landscape and structures.
  - An estimate of the cost and the time needed for completion of the improvements.
  - Identification of the requested time period for which the special permit will be effective, provided that any request for an effective period of over five years requires justification as to why the activity should be extended. Provide a copy of any lease agreements if appropriate.ATTACH AS SCHEDULE "G"

10. Describe in detail all local zoning and land use approvals that are required, as well as any other applicable approvals that may be required by federal, State or local law, rule, regulation or ordinance in connection with the proposed commercial nonagricultural use. ATTACH AS SCHEDULE "H"
11. Attach copies of all federal, state and/or municipal approvals of the proposed activity, including written confirmation that the proposed commercial nonagricultural activity is a permitted use under municipal zoning ordinances, or that a use variance has been granted. ATTACH AS SCHEDULE "I"
12. Explain how the commercial nonagricultural activity will not interfere with the use of the land for agricultural purposes. ATTACH AS SCHEDULE "J"
13. Explain how the commercial nonagricultural activity will not interfere with the use of the land and structures in their existing condition. ATTACH AS SCHEDULE "K"
14. Explain how the commercial nonagricultural activity will not have an adverse impact upon the soils, water resources, air quality or other natural resources of the land or the surrounding area. ATTACH AS SCHEDULE "L"
15. Identify the location of the proposed commercial nonagricultural activity on a:
  - a. USDA, NRCS soils map based on SSURGO version 2.2 standards or newer; the mapping units shall identify prime soils, soils of statewide importance, unique and/or of local importance;
  - b. USGS topographic quadrangle map;
  - c. current tax map; and
  - d. NJ Department of Environmental Protection wetlands map.

PLEASE NOTE: The maps and map scales must provide easily visible and comprehensible information for SADC review given the size of the subject premises and of the proposed structure(s), use(s) and facilities set forth in the application.

ATTACH AS SCHEDULE "M"

16. Describe the amount of traffic or business that may be generated on a daily, weekly and annual business and anticipated peak times of the year; include in your answer the planned or anticipated volume and frequency of visitors, deliveries, truck and other vehicular traffic. ATTACH AS SCHEDULE "N"
17. Describe the maximum number of employees needed and identify this need on a daily, weekly and annual basis for anticipated peak times of the year. ATTACH AS SCHEDULE "O"
18. Describe in detail all proposed lighting which will support the commercial nonagricultural activity. ATTACH AS SCHEDULE "P"



19. Describe in detail all proposed signs which will support the commercial nonagricultural activity. ATTACH AS SCHEDULE "Q"
20. Enclose an application fee in the amount of \$1,000 made payable to the State Agriculture Development Committee in the form of a money order or bank check. ATTACH IN AN ENVELOPE AS SCHEDULE "R".

**RESIDENCES**

Complete the following if the proposed commercial nonagricultural activity involves the conversion of an existing residential unit.

**RESIDENCE (CHECK ONE ONLY)**

- |   |  |
|---|--|
| <input type="checkbox"/> Standard Single Family Residence | <input type="checkbox"/> Manufactured Home with Perm. Foundation |
| <input type="checkbox"/> Duplex                           | <input type="checkbox"/> Manufactured Home without Foundation    |
| <input type="checkbox"/> Dormitory                        | <input type="checkbox"/> Single Family with apartment            |
| <input type="checkbox"/> Apartment                        | <input type="checkbox"/> Other _____                             |

- |   |            |           |
|---|------------|-----------|
| Is the structure the Primary Residence?             | <b>YES</b> | <b>NO</b> |
| Is the structure for agricultural labor housing?    | <b>YES</b> | <b>NO</b> |
| Is the structure under a lease or rental agreement? | <b>YES</b> | <b>NO</b> |

**Existing Size:**

- Identify the heated living area of the residential unit: \_\_\_\_\_ Square feet  
 Identify the unheated living area of the residential unit: \_\_\_\_\_ Square feet  
 Identify the area occupied by patios, garages, porches, etc.: \_\_\_\_\_ Square feet

**Proposed Expansion (if applicable) (Limit not to exceed 500 sq. ft.)**

- Yes
  - No
- Identify the area of the proposed expansion: \_\_\_\_\_ Square feet

**Proposed Conversion or finished Area (if applicable)**

**Note: No more than 2,500 sq. ft. of the interior of an existing residential structure may be converted or finished for use requiring improvements including but not limited to installation of new walls, insulation, flooring, lighting, HVAC, systems.**

- Yes
  - No
- Identify the area of the proposed expansion: \_\_\_\_\_ Sq. feet

**Proposed new or expanded utilities (if applicable)**

**Note: No expansion of waste water facilities is permitted, including but not limited to connection to public wastewater facilities or expansion of sewage or septic capacity.**

**No new public utilities not already available on the premises shall be permitted, including but not limited to water, gas, electric or sewage.**

- |   |            |           |
|---|------------|-----------|
| <b>Are any new or expanded utilities necessary?</b> | <b>YES</b> | <b>NO</b> |
|---|------------|-----------|