Application for Farmland Preservation

NEW JERSEY
State Agriculture Development Committee

Program: ☐ **SADC Easement** ☐ **County PIG** ☐ **Nonprofit Easement**
☐ **SADC Fee Simple** ☐ **Municipal PIG** ☐ **Nonprofit Fee Simple**

Landowner(s):_____

Mailing Address:_____

Farm Address:_____

Email:_____

Primary Phone:_____ Alternate Phone:_____

List of Parcels in this application: County and Municipality only needs to be noted once if all are the same.

County: _____ Municipality: _____ Block: _____ Lot: _____

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Additional Blocks & Lots:

Please submit the following with your application:
☐ copies of your most recent **Farmland Assessment tax forms**
☐ **deeds** for the lots in application.
☐ a **Letter of Interpretation (LOI)** if in the Pinelands Preservation, Agricultural, and Special Ag. Areas.
☐ copies of **Leases** or note below if there are verbal leases for farming, residences or other uses.

Primary Contact ☐ Same as Above

Name:_____ Relation:_____

Phone:_____ Email:_____

Please refer to the *Guide and Resource Booklet for the NJ Farmland Preservation Program* for more information on any of the following sections.

EXCEPTION AREAS

Exception Areas are not covered by the Deed of Easement or restricted to agricultural use. Primary residential development rights retained for an exception area must be specified and considered in the appraisal process. Ancillary residential and non-residential uses are not restricted, unless requested, but such uses are subject to applicable municipal, county, state, and federal laws and regulations. Landowners will not be paid for acreage within exception areas. A general location and acreage are needed for the appraisal process but will later be surveyed for precision. Exception areas cannot be moved or expanded once the farm is preserved.

Please review the Guide & Resource Booklet for more information about exception areas.

☐ **I do not want an Exception Area.**

Exception Area: _____ Acres ☐ Non-severable ☐ Severable

1. Is the exception area for ☐ existing or ☐ future residences? Or ☐ not for residential use.
   - ☐ The exception area will be restricted to ☐ One single-family residence or ____(#) residences
     Type of residence(s) if other: _____
   - ☐ Zero single-family residences: this exception is for flexibility of use.
2. Please describe any existing residences on the next page.
3. If the exception is for future residences, please describe the type and number of residences requested:

4. Does the exception contain the existing/proposed septic & utilities for the residence(s) or other uses?
   ☐ YES ☐ NO Please review the Septic Policy for additional information.
5. Does the exception contain any other buildings? ☐ NO ☐ YES If Yes, please describe below:

Exception Area: _____ Acres ☐ Non-severable ☐ Severable

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4. Does the exception contain the existing/proposed septic & utilities for the residence(s) or other uses?
   ☐ YES ☐ NO Please review the Septic Policy for additional information.
5. Does the exception contain any other buildings? ☐ NO ☐ YES If Yes, please describe below:

Duplicate page if necessary

CURRENT RESIDENTIAL USES OF THE PROPERTY

Please be aware that the number of residential buildings associated with the property can impact the value. All single family and duplex residences will be measured at the time of appraisal. Photo confirmation of heated or finished attics and all basements is required.

Are there any existing residences on the farm?

☐ **NO** ☐ **YES** – Please describe the number and the type of residences.

#_____ single family residences or describe other types below.

Please describe location below including if the residence will be in an exception area. Also identify if the residence has heated/finished basements and/or attic space or any vaulted ceilings as this may be important if the landowner is accepting the statewide formula value – see page 5.

Other residential structures: Please further describe the type & location below.

#_____ of Apartments in (*check all that apply)* in ☐ barn ☐ garage ☐ residence

Describe details & location(s)

#_____ of Trailers or other temporary residences

Describe details & location(s)

#___ Dormitory style structures

Describe details & location – note any separate and related structures (i.e. shared kitchen, bath or laundry)

Are any of the existing residences used for agricultural labor? ☐ **NO** ☐ **YES** If yes, please describe below which residence and what the employees do on the farm:

RESIDUAL DWELLING SITE OPPORTUNITIES

For every **100 acres** without an existing residence or residential exception area, the farm is eligible for one Residual Dwelling Site Opportunities (RDSO). These future residential opportunities need to be approved by the easement holder and/or the SADC and the inhabitants of the residence must be involved in the agricultural activities on the farm.

If eligible, how many RDSOs would you like to reserve? _____

NON-AGRICULTURAL ACTIVITIES

Are there existing non-agricultural uses on the farm? It is important to identify existing nonagricultural uses so they can continue after preservation. Examples include commercial or small businesses, professional home office, some recreational activities, storage and/or processing of other materials or equipment not being used on the farm. Some equine uses such as boarding, lessons and events are considered ancillary uses to equine production activities. A separate questionnaire may be required for equine operations.

Expansion of these uses may be restricted by the Deed of Easement.

☐ **NO** – there are no nonagricultural uses of the property

☐ **YES** Please describe the non-agricultural use, the frequency it occurs and if it is contained within an exception area:

Are there any existing recreational activities that take place on the farm? Examples include hunting, fishing, cross-country skiing, horse trail riding, etc. Some may be permitted under the terms of the Deed of Easement or under the Special Occasion Events Law.

☐ **NO** ☐ **YES** Please describe the recreational use:

OFFERS OR APPROVALS

Do you have any written offers to purchase or lease the property for development? ☐ **NO** ☐ **YES**
If yes, please provide a copy of the offers.

Does the property have major subdivision or site plan approval? ☐ **NO** If Yes, note which below

- ☐ Subdivision / Site Plan Application submitted and deemed complete by the Municipality
- ☐ Preliminary Subdivision / Site Plan Approval
- ☐ Final Subdivision / Site Plan Approval

The SADC will need to review all available site plan materials to determine whether it can be considered in the appraisal process. Note any details on the offer or development application or approval below.

STATEWIDE FORMULA

Pursuant to P.L. 2023, c.245 and N.J.A.C. 2:76-26 et seq. the SADC has established a Statewide Farmland Preservation Formula as an alternative method for the valuation of farmland easements. The SADC will certify an unrestricted market value per acre, of which 50% will be used as the base value for the Statewide Formula. The Statewide Formula worksheet will be provided in combination with the SADC's Certified Value.

The Statewide Formula includes a potential increase for the following:

* Do you have a water usage certification or registration issued by NJDEP pursuant to N.J.A.C. 7:20A?
☐ **NO** ☐ **YES** If Yes, a copy may need to be supplied.

* Do you have a woodland management plan or forest stewardship plan for the upland forest?
☐ **NO** ☐ **YES** If Yes, a copy needs to be supplied.

The Statewide Formula includes a potential increase in the development easement value by 5% of the per acre certified market value unrestricted for property of unique importance as defined below:

"Property of unique importance" means Property that is significant because of its value to the municipality or local region due to its unique attributes, the preservation of which supports the local economy or the goals of the municipal or regional master plan. The Property will meet this definition if, at a minimum, its unique attributes are easily identifiable, supported by sufficient evidence, and such attributes are not assigned value in other Formula categories. Examples of a "Property of unique importance" may include, but not be limited to, properties that have historical or cultural significance, properties that provide an important viewshed, or properties that produce a niche agricultural product or service.

Please indicate if this property has qualities to be considered of unique importance pursuant to the above definition and provide documentation of support:

The Statewide Formula offers voluntary deed restrictions (Pursuant to 2:76-26.9) for a 5% increase of the per acre certified market value unrestricted for each of the following restrictions to be included in the Deed of Easement. You can indicate now if you would like to include these additional restrictions or the decision can be made at the time an offer for preservation is presented.

1. **A 10 percent impervious cover limitation. ☐ YES ☐ NO**

   For the purpose of the Deed of Easement, Impervious Cover means any structure or surface that prevents the infiltration of water into the land. Examples include, but are not limited to, pavement, sidewalks, surfaced driveways or parking areas, machine compacted soil or stone area, rooftops, buildings, barns, sheds, houses, garages, greenhouses, hoophouses, plastics or other impermeable ground covers. This term shall not apply to seasonal structures that remain in place for no more than 180 days, unimproved farm lanes, areas of field-based agriculture or seasonal ground coverings. This limitation does not include public roads or other roads owned or controlled by parties with rights superior to those rights conveyed to Grantee.

2. **A maximum house size limitation of 2,500 sq ft of heated living space*. ☐ YES ☐ NO**

   a) This restriction shall apply to any residential buildings on the portion of the property being preserved or on a non-severable exception area.
   b) If any existing residential building is rendered uninhabitable by an event beyond the landowner's control, the residence can be rebuilt within the square footage existing as of the date of preservation, or 2500 square feet of heated living space.
   c) If the residence(s) is already over 2,500 sq ft and you select this restriction, you will not be able to expand the residence once preserved.

   ***** *This restriction includes finished basements and attics.*

ACKNOWLEDGEMENT

Please note that all houses must be measured by the appraiser, this will include verifying the finishes, if any, in the attic and basement if needed. The appraisal must include the appraiser's sketch as well as photos of the basement.

Please submit a copy of the deeds to the property along with the most current Farmland Assessment form(s) and any leases. If the property is in the Pinelands, a Letter of Interpretation (LOI) is required.

If the landowner is a corporation we will need:

- Copy of Certificate of Incorporation
- Copy of By-Laws with any amendments and schedules
- Corporate Resolutions authorizing the preservation of the property

If the landowner is a Limited Liability Company (LLC), we will need:

- Operating Agreement
- Certificate of Formation

If the farm proceeds to preservation, any mortgages or liens will have to be paid off or subordinated to the deed of easement prior to or at closing. Please contact your local coordinator and/or SADC Preservation Coordinator with questions.

Applicant Signature:
By signing below, you affirm that you are an owner of the property or otherwise have the authority to act on behalf of the owner. You also affirm that you received the Guide and Resource Booklet for the NJ Farmland Preservation Program, which includes important information about farmland preservation and a copy of the standard Deed of Easement. When applying for farmland preservation, your name is added to our contact list. You may opt out at any time.

Signature: _____ Date: _____

Signature: _____ Date: _____

Signature: _____ Date: _____

Signature: _____ Date: _____

Signature: _____ Date: _____

If you have any questions, please contact your SADC Farmland Preservation Coordinator

- Atlantic, Camden, Cape May, Cumberland, & Gloucester: Heather Siessel heather.siessel@ag.nj.gov
- Bergen, Burlington, Hunterdon, Mercer, & Middlesex: Daphne Bacon daphne.bacon@ag.nj.gov
- Morris, Passaic, Somerset, Sussex, & Warren: David Zaback david.zaback@ag.nj.gov
- Monmouth, Ocean, & Salem: Katie Mazzella katie.mazzella@ag.nj.gov
- Preservation Program Manager: Stefanie Miller stefanie.miller@ag.nj.gov

Comments or Questions: