

Bergen County Open Space, Recreation, Farmland & Historic Preservation Trust Fund
Bergen County Agriculture Development Board

APPLICATION GUIDE

for

Application to Sell a Development Easement

Please refer to this application guide while preparing your development easement application. These instructions should help to fully explain the application. If at any point you need further assistance, please do not hesitate to contact:

Robert A. Abbatomarco, Administrator
Bergen County Agriculture Development Board
c/o Department of Planning & Economic Development
One Bergen County Plaza, 4th Floor
Hackensack, New Jersey 07601-7076
201-336-6446
201-336-6449 (Fax)

*** Please Note: It is recommended that the landowner obtain legal counsel for preparing and reviewing this application prior to submitting it.**

Application to Sell a Development Easement

1. OFFER TO SELL A DEVELOPMENT EASEMENT

Indicate your offer price on the line provided. This offer must be a “PER ACRE” figure. The appraisal reports assign a per acre figure and the BCADB grants approval based on a per acre figure. When completing this section please also refer to “Attachment A” of the application. This offer price is not a final commitment on the landowner’s or County’s part.

2. LANDOWNER PERMISSION TO PROCEED

ALL landowners must sign the application. The BCADB requires a \$1,000.00 application fee, once the County grants preliminary approval. This will occur after the application deadline. Do NOT send the fee along with the application.

3. LANDOWNER ACKNOWLEDGEMENT

ALL landowners must again sign the application in this section, too.

4. LANDOWNER INFORMATION

- A. Clearly print or type the name, mailing address and phone number of ALL landowners of the premises. Please also supply the name of the primary contact person.
- B. If the company name of the farm is different than the landowner’s name, please include that information. If the company name is the same as the landowner’s, leave this line blank.

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- C. List the name and phone number of any person(s) residing on the premises for purposes of scheduling site visits.

5. PROPERTY DESCRIPTION

- A. List the street address of the premises, such as “1234 West Mill Road.” If no street address exists, please identify where the premises are located. For example, “North side Beacon Hill Road, 0.5 miles east of West Mill Road.”
- B. Provide the Municipal Zoning Designation; for example, R-3 Residential, 3-acre minimum lot size; I-4 Industrial, 40,000 square foot minimum lot size.
- C. List all municipal tax lots or portions of lots that are part of this application. The application provides a section to explain why only a portion of a lot is to be included. Also include the Deed Book and Page reference for the most recent purchase of the premises. This is needed to verify ownership of the premises and must be provided to the appraisers (if application is approved).
- D. Clearly outline the boundaries of the premises on the municipal tax map, on a USDA Soil Survey map, and on a USGS topographic quad map. Use complete, original maps. Partial maps and reproduced copies will NOT be accepted. If you have a Conservation Plan for your farm, a soil survey map will be included in the report.
- E. As accurately as possible, state the acreage of the tax lots that are part of this application.
- F. State the source of the acreage information. Is this the acreage as listed in the deed? On a tax map? From the property survey? If the source is a property survey, then please give the date the survey was prepared.

- G. An “exception” is a portion of a tax lot that is not to be encumbered by the deed restriction prepared by the BCADB. For example, you have a 10-acre farm with no existing residential structures. You may wish to have a portion of the premises available for the future construction of a house. Likewise, you may have an existing house and do not want your homestead placed under the deed restrictions. You may have plans to construct a garage for your automobiles on ground that is currently cultivated. If this ground were covered by the agricultural easement it might be considered an infringement on the deed restrictions.

Please be aware that your ranking can be negatively affected by requesting an exception(s). Please refer to Attachment D for more details. If you answer “yes” to question G on the application, then you need to complete Attachment D for each exception requested.

- H. The net acreage of the premises is the acreage listed in Section 5-E minus the area of all exceptions listed in Section 5-G.
- I. Please list and identify the types of existing residential units on the premises.
- J. List and describe all agricultural structures on the premises. If you have a survey map which identifies the buildings on the premises, then please submit that with your application. Two 20’ diameter silos on Lot 32. A 50’ x 75’ pole barn on Lot 33. Three metal storage sheds on Lot 32.
- K. Give the approximate land area of all of the agricultural buildings described above.

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- L. Indicate whether you own additional farmland assessed property and provide its location as requested.
- M. Is the property listed in question 5-L contiguous to the property listed in question 5-F?
- N. Indicate whether the subject property of this application constitutes all of your agricultural operations.

6. AGRICULTURAL USE AND PRODUCTION

- A. Identify the types of agricultural enterprises on the premises by its Standard Industrial Classification Code (S.I.C. Code). You should indicate one Primary code. The farm may have several Secondary codes or none at all.
- B. Identify the range of agricultural income derived from the property over the last three years. This information will only be used to help determine the agricultural viability of the farm.
- C. Identify the percentage of land use in each of the categories listed. If you are requesting an exception, the exception area should not be included. Please be as accurate as possible but rounding is acceptable. Please be aware that applications with more than 50% woodlands are not eligible for easement purchase. The land use percentages should total 100%. Tillable cropland is land that can be used to produce crops. This includes land under structures utilized for agricultural or horticultural production.
- D. Is the application property currently enrolled in an Eight-Year Farmland Preservation Program? The eight-year program is a limited term deed restriction which requires a farm to remain in active agricultural production. In return, the landowner or tenant farmer, can apply for matching

grants (up to 50%) for soil and water conservation projects. Farms that sell their development rights also receive these benefits.

- E. Does the farm have a current Soil Conservation Plan? These plans are prepared by the USDA, NRCS at no charge. A soil conservation plan gives guidelines on how a farm can best reduce soil loss and control erosion. A soil conservation plan is considered “current” if no changes have been made to the agricultural operation (filed clearing, crop types, etc.) since the plan was prepared. Indicate the extent the recommendations made in the conservation plan have been implemented.

7. NON-AGRICULTURAL USES

Please refer to the instructions for Attachment B.

8. SUBDIVISION OF THE PREMISES

Has the landowner or a contract purchaser been granted or pursued any subdivision approval? If “yes,” Attachment C must be completed. Please refer to the instructions for Attachment C.

9. SPECIAL CONSIDERATIONS

Identify anything particularly outstanding, unusual important or interesting about the premises. This is an opportunity to relay information about your property that isn’t asked for in other parts of the application. Some points to mention might include: how long the property has been in the family, historic buildings, unique crop or method of farming, location, vistas, etc.

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10. BOUNDARIES

Describe the types of land uses bordering the property.
Identify the adjacent land uses on all sides of the property.
Properties that are isolated from residential development are looked upon more favorably.

11. LIENS, EASEMENTS, RIGHTS-OF-WAY

Please list and explain any and all liens, easements or rights-of-way that exist on the premises. This may include a neighbor's right of access across your property to a private or municipal well. Is the premises part of a bankruptcy judgement?

12. EXCEPTIONS, RESERVATIONS, LICENSES

Please list any and all exceptions, reservations and licenses existing on the premises. This may include a liquor license, a continuing right given to a previous owner, a lease agreement with a hunting club, or the like.

13. ADDITIONAL INFORMATION

The BCADB may require additional information as the application is reviewed and hopes the landowner will cooperate to provide that information.

ATTACHMENT A – OFFER PRICE

This attachment is included to further explain the Offer Price indicated on the first page of the application. Please remember that the per acre asking price is the average per acre value for the entire property.

- A. These questions provide the BCADB with the landowners' expectations regarding the value of the premises and what is felt to be the fair market value of the farm.
- B. This is the opportunity to make any additional comments regarding your offer price made on the first page of the application.

ATTACHMENT B EXISTING NON-AGRICULTURAL USES

Please list the type and extent of any existing non-agricultural uses currently found on the premises. It is imperative that this information be included with the application. The non-agricultural uses will not be included in the deed of easement. Upon purchase of the development rights, the deed of easement filed shall include a list of non-agricultural uses deemed to be existent at the time of purchase and ultimately not subject to any development restrictions. In other words, any non-agricultural uses not listed and included in the deed of easement at the time of purchase will be deemed non-existent and subject to all restrictions.

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ATTACHMENT C – SUBDIVISION OF THE PREMISES

This attachment only needs to be filled out if subdivision approval was granted or pursued.

ATTACHMENT D – EXCEPTIONS

If you are seeking approval of more than one exception, then you must complete an Attachment D for each exception. If you are seeking one exception, but are considering more than one location, then please complete an Attachment D for each location and indicated your preferred location.

Exceptions are those portions of the applicant’s land holdings that are not to be encumbered by the deed restrictions prepared by the BCADB. For instance, the applicant has a 10-acre farm on one tax lot, with no existing residential units. An exception area can be requested for a future residence on the 10-acre farm tract.

- A – C. Give the municipal Block and Lot for where the exception is requested, as well as the size and percentage of the overall premises.
- D. Please give the reasons for requesting the exception.
- E. Indicate whether the exception area will be severable from the remaining farm premises. “Severable” means the ability to sell the exception separate from the remaining farm premises. The BCADB encourages applicants to keep exception areas with the remaining farm.

F. Is there any potential to subdivide the exception? As an example, if a two-acre exception area was requested and the farm is zoned for one residential lot per acre, then the exception could potentially be subdivided. If the applicant was willing to restrict the exception area from future subdivision, the BCADB will view the exception more favorably.

G. Right-to-Farm Language on the deed would read similar to the following:

“Grantor, grantor’s heirs, executors, administrators, personal or legal representatives, successors and assigns or any person to whom title to Exception Area ‘X’ is transferred, as well as the heirs, executors, administrators, personal or legal representatives, successors and assigns of all such persons, are hereby notified and made aware that Exception ‘X’ is adjacent to a parcel (“Premises”) permanently deed restricted under the Agriculture Retention and Development Act, N.J.S.A. 4:1C-11 et seq. Such persons taking title to Exception Area ‘X’ are notified and made aware that agriculture is the accepted and preferred use of the adjacent Premises and that the adjacent Premises shall continue in agricultural use as defined in Section 2 of the Deed of Easement.”

If this language is added to the deed, then the exception is viewed in a more positive manner.

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Before submitting your application, please check to be sure that all of the following information is enclosed:

- A completed “Application to Sell a Development Easement”
- A Tax Map with ALL your property outlined. A partial map is NOT acceptable.
- An original USDA, Natural Resource Conservation Service Soil Survey Map with your premises outlined. A partial map is NOT acceptable.
- An original 7.5-minute USGS topographic quad map with your premises outlined. A partial map is NOT acceptable.
- The Deed Book and Page Reference for each property included in this application.
- Property owner signature(s).
- A copy of your FA-1 Farmland Assessment Report(s).
- Soil Conservation Plan, if applicable.
- Three (3) complete application packets.

Deliver your three (3) application packets to:

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