

CHAPTER 76
STATE AGRICULTURE DEVELOPMENT
COMMITTEE

Authority

N.J.S.A. 4:1C-5f, 4:1C-10.4 and 13:8C-1 et seq.

Source and Effective Date

R.2004 d.403, effective October 1, 2004.
 See: 36 N.J.R. 2322(a), 36 N.J.R. 4927(a).

Chapter Expiration Date

Chapter 76, State Agriculture Development Committee, expires on October 1, 2009.

Chapter Historical Note

Chapter 76, State Agriculture Development Committee, was adopted as R.1984 d.58, effective March 19, 1984. See: 15 N.J.R. 2086(a), 16 N.J.R. 518(b).

Subchapter 2, Agricultural Management Practices, was adopted as R.1984 d.84, effective April 2, 1984. See: 16 N.J.R. 95(b), 16 N.J.R. 707(c).

Subchapter 3, Creation of Farmland Preservation Programs, was adopted as R.1984 d.229, effective June 18, 1984. See: 16 N.J.R. 579(a), 16 N.J.R. 1471(c).

Subchapter 4, Creation of Municipally Approved Farmland Preservation Programs, was adopted as R.1984 d.230, effective June 18, 1984. See: 16 N.J.R. 582(a), 16 N.J.R. 1475(a).

Subchapter 5, Soil and Water Conservation Project Cost-Sharing, was adopted as R.1984 d.418, effective September 17, 1984. See: 16 N.J.R. 1636(a), 16 N.J.R. 2426(a).

Subchapter 6, Acquisition of Development Easements, was adopted as R.1984 d.419, effective September 17, 1984. See: 16 N.J.R. 1637(a), 16 N.J.R. 2427(a).

Subchapter 7, Review of Non-Agricultural Development Projects in Agricultural Development Areas, was adopted as R.1987 d.482, effective November 16, 1987. See: 19 N.J.R. 1009(a), 19 N.J.R. 2132(a).

Subchapter 8, Acquisition of Farmland in Fee Simple, was adopted as R.1989 d.48, effective January 17, 1989. See: 20 N.J.R. 2501(a), 21 N.J.R. 160(a).

Subchapter 9, Emergency Acquisition of Development Easements, was adopted as R.1989 d.214, effective April 17, 1989. See: 21 N.J.R. 231(a), 21 N.J.R. 981(b).

Pursuant to Executive Order No. 66(1978), Chapter 76, State Agricultural Development Committee, was readopted as R.1989 d.453, effective July 31, 1989. See: 21 N.J.R. 1601(a), 21 N.J.R. 2472(b).

Subchapter 10, Appraisal Handbook Standards, was adopted as R.1993 d.391, effective August 2, 1993. See: 25 N.J.R. 1811(a), 25 N.J.R. 3461(a).

Pursuant to Executive Order No. 66(1978), Chapter 76, State Agricultural Development Committee, was readopted as R.1994 d.393, effective June 28, 1994. See: 26 N.J.R. 1419(a), 26 N.J.R. 3159(b).

Pursuant to Executive Order No. 66(1978), Chapter 76, State Agricultural Development Committee, was readopted as R.1999 d.198, effective May 28, 1999, and Subchapter 2A, Agricultural Management Practices: Generally Accepted Operations and Practices, was adopted by R.1999, d.198, effective June 21, 1999. See: 31 N.J.R. 816(a), 31 N.J.R. 1603(a).

Subchapter 11, Committee Acquisition of Farmland Development Easements, was adopted as Emergency New Rules by R.1999 d.317, effective August 20, 1999, to expire October 19, 1999. See: 31 N.J.R. 2646(a). The provisions of R.1999 d.317 were readopted as R.1999 d.390, effective October 19, 1999. See: 31 N.J.R. 2646(a), 31 N.J.R. 3625(a).

Subchapter 12, Nonprofit Acquisition Projects: Project Eligibility, Conditions and Limitations, Subchapter 13, Nonprofit Acquisition Projects: Application Process, Subchapter 14, Nonprofit Acquisition Projects: Award Criteria, Subchapter 15, Nonprofit Acquisition Projects: Determination of Eligible Land Cost, and Subchapter 16, Nonprofit Acquisition Projects: Project Agreement, Negotiations for Purchase of Project Site, Disbursements, Accounting and Recordkeeping Requirements, were adopted as R.2000 d.95, effective March 6, 2000. See: 31 N.J.R. 4144(a), 32 N.J.R. 788(b).

Subchapter 2B, Supplemental Agricultural Activities, was adopted as R.2000 d.97, effective March 6, 2000. See: 31 N.J.R. 3882(a), 32 N.J.R. 787(b).

Subchapter 17, Planning Incentive Grants, was adopted as R.2000 d.263, effective June 19, 2000. See: 32 N.J.R. 1102(a), 32 N.J.R. 2223(a).

Subchapter 18, Agricultural Mediation Program, was adopted as R.2001 d.98, effective March 19, 2001. See: 33 N.J.R. 3(a), 33 N.J.R. 999(a).

Subchapter 19, Valuation of Development Easements in the Pinelands Area, was adopted as R.2001 d.121, effective April 2, 2001. See: 33 N.J.R. 152(a), 33 N.J.R. 1083(a).

Subchapter 20, Farmland Stewardship Program, was adopted as R.2002 d.68, effective March 4, 2002. See: 33 N.J.R. 2958(a), 34 N.J.R. 1034(a).

Subchapter 21, Administrative Grants to Counties, was adopted as R.2002 d.69, effective March 4, 2002. See: 33 N.J.R. 3597(a), 34 N.J.R. 1038(a).

Chapter 76, State Agriculture Development Committee, was readopted as R.2004 d.403, effective October 1, 2004. See: Source and Effective Date.

Subchapter 17, Planning Incentive Grants, was repealed and Subchapter 17, County Planning Incentive Grants, and Subchapter 17A, Municipal Planning Incentive Grants, were adopted as new rules by R.2007 d.197, effective July 2, 2007. See: 38 N.J.R. 4929(a), 39 N.J.R. 2483(a).

Subchapter 22, Special Permit for Commercial Nonagricultural Activity on Preserved Farmland, and Subchapter 23, Special Permit for Installation of Personal Wireless Service Facility on Preserved Farmland, were adopted as new rules by R.2008 d.137, effective June 2, 2008. See: 39 N.J.R. 2568(a), 40 N.J.R. 2663(b).

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New Rule, R.1999 d.367, effective October 18, 1999.
 See: 31 N.J.R. 2023(a), 31 N.J.R. 3081(c).
 Amended by R.2000 d.450, effective November 6, 2000.
 See: 32 N.J.R. 2636(a), 32 N.J.R. 3974(a).
 In (a) and (c), substituted references to 2000 for references to 1999.

2:76-2A.7 Natural resource conservation agricultural management practice

(a) The purpose of this section is to establish a generally accepted agricultural management practice for the implementation of a farm conservation plan for the conservation and development of soil, water and related natural resources on farmland.

(b) The following terms, as used in this section, shall have the following meanings:

“District” or “Soil Conservation District” (SCD) means a governmental subdivision of this State, organized in accordance with the provisions of N.J.S.A. 4:24-1 et seq.

“Farm conservation plan” means a site specific plan developed by the landowner and approved by the local soil conservation district which prescribes needed land treatment and related conservation and natural resource management measures including forest management practices that are determined practical and reasonable to conserve, protect and develop natural resources, to maintain and enhance agricultural productivity and to control and prevent non-point source pollution.

“United States Department of Agriculture, Natural Resources Conservation Service, (NRCS) Field Office Technical Guide” means a composite of national, regional, State and local data and standards derived primarily from local universities, NRCS and conservation district offices and cooperating conservation agencies which administer natural resource conservation programs.

(c) The implementation of a farm conservation plan on farmland shall be a generally accepted agricultural management practice recommended by the Committee.

1. A farm conservation plan shall be prepared in conformance with the following:

i. United States Department of Agriculture, Natural Resources Conservation Service (NRCS) Field Office Technical Guide (FOTG), revised April 20, 1998, incorporated herein by reference, as amended and supplemented; and

ii. Forest management practices shall be in accordance with standards and specifications adopted by the New Jersey Department of Environmental Protection, Bureau of Forest Management where such standards and specifications are not included in the NRCS FOTG.

2. For purposes of this recommended agricultural management practice, a farm conservation plan which

includes recommendations concerning land application of sewage sludge-derived products is not recommended as a generally accepted agricultural management practice by the Committee.

New Rule, R.2000 d.96, effective March 6, 2000.
 See: 31 N.J.R. 3881(a), 32 N.J.R. 787(a).

2:76-2A.8 Agricultural management practice for on-farm compost operations operating on commercial farms

(a) Pursuant to the authority of N.J.A.C. 1:30-2.2, the State Agriculture Development Committee hereby adopts and incorporates by reference the Natural Resource, Agriculture, and Engineering Service’s “Field Guide to On-Farm Composting,” NRAES-114, as the agricultural management practice for on-farm compost operations operating on commercial farms, provided that:

1. Biosolids, including sludge derived materials, paper sludge, cotton sludge, slaughter wastes, and solid wastes subject to regulation under N.J.A.C. 7:26 are not part of the compost mixture;

2. The finished compost product is not distributed or sold to off-farm users;

3. The production or use of compost on a commercial farm be in accordance with the requirements of the Water Pollution Control Act, N.J.S.A. 58:10-1 et seq., N.J.A.C. 7:26A, N.J.A.C. 7:14A and this section;

4. Only finished compost meeting the product quality criteria at N.J.A.C. 7:26A-4.5(c) shall be land applied to commercial farms; and

5. The location of compost areas and the land application of compost to commercial farms shall be in conjunction with and conformance to a farm conservation plan prepared by the United States Department of Agriculture-Natural Resources Conservation Service (“USDA-NRCS”) and approved by the Soil Conservation District.

(b) Within one year of the start-up of the composting operation, commercial farm operators shall attend a composting course sponsored by the Rutgers Extension County Agricultural or Resource Management Agents or other courses approved by the New Jersey Department of Environmental Protection.

(c) Copies of the “Field Guide to On-Farm Composting” may be purchased from the Natural Resource, Agriculture, and Engineering Service, Cooperative Extension, 152 Riley Robb Hall, Ithaca, NY 14853-5701. Purchasing information is also available on the Natural Resource, Agriculture, and Engineering Service’s site on the World Wide Web at <http://www.NRAES.ORG>.

New Rule, R.2002 d.94, effective March 18, 2002.
 See: 33 N.J.R. 2564(a), 34 N.J.R. 1262(c).

2:76-2A.9 Fencing installation agricultural management practice for wildlife control

(a) The installation of fencing on farmland for protection against wildlife damage shall be a generally accepted agricultural management practice recommended by the Committee.

1. The installation of fencing on farmland for protection against wildlife damage shall be performed in accordance with the following:

i. With respect to high-tensile woven wire fencing, the Rutgers Cooperative Extension publication entitled "High-Tensile Woven Wire Fences for Reducing Wildlife Damage," FS 8XX, which the State Agriculture Development Committee hereby adopts and incorporates by reference, as amended and supplemented, pursuant to N.J.A.C. 1:30-2.2;

ii. With respect to electric fencing, the Rutgers Cooperative Extension publication entitled "Vertical Seven-Wire Deer Control Fence," FS 151, which the State Agriculture Development Committee hereby adopts and incorporates by reference, as amended and supplemented, pursuant to N.J.A.C. 1:30-2.2; and

iii. The particular fence manufacturer's installation instructions and guidelines.

2. Pursuant to N.J.S.A. 4:1C-9, N.J.A.C. 2:76-2.3 and N.J.A.C. 2:76-2.4, a commercial farm operator shall request a site specific agricultural management practice recommendation from the appropriate County Agriculture Development Board or the State Agriculture Development Committee in counties where no County Agriculture Development Boards exist, when installing, maintaining or utilizing a type of fence not specifically recommended in this agricultural management practice.

3. Copies of "High-Tensile Woven Wire Fences for Reducing Wildlife Damage" and "Vertical Seven-Wire Deer Control Fence" may be obtained from Rutgers, The State University of New Jersey, Publications Distribution Center, RCE, Cook College, 57 Dudley Road, New Brunswick, NJ 08901-8520.

New Rule, R.2002 d.93, effective March 18, 2002.
See: 33 N.J.R. 2566(a), 34 N.J.R. 1263(a).

2:76-2A.10 (Reserved)**2:76-2A.11 Aquaculture agricultural management practice**

(a) Pursuant to the authority of N.J.A.C. 1:30-2.2, the State Agriculture Development Committee hereby adopts and incorporates by reference the manual entitled "Recommended Management Practices for Aquatic Farms," published by Rutgers Cooperative Extension and the New Jersey Department of Agriculture in 2004, with a revision date of March 2004, as the agricultural management practice for aquaculture activities on commercial farms, with the following conditions:

1. If the Board or Committee determines that the publication "Recommended Management Practices for Aquatic Farms" does not completely address an agricultural activity being considered for protection under the Right to Farm Act, N.J.S.A. 4:1C-1 et seq., the Board or Committee shall decide whether those aspects of the activity not addressed by the publication comply with generally accepted agricultural operations or practices.

i. In making these decisions, the Board or Committee may consult with the Aquaculture Technical Committee, a body consisting of aquaculture professionals with technical expertise, as well as with the other agencies, organizations, and persons specified at N.J.A.C. 2:76-2.3(d).

2. All recommendations in "Recommended Management Practices for Aquatic Farms" shall become mandatory requirements with which a farmer must comply to receive the protections of the Right to Farm Act, N.J.S.A. 4:1C-1 et seq.

3. Section VI, Part Two, entitled "Aquatic Organism Importation" of "Recommended Management Practices for Aquatic Farms" is excluded from the Aquaculture Agricultural Management Practice.

(b) Rutgers Cooperative Extension and the New Jersey Department of Agriculture will update its publication as changes in industry standards warrant. The adoption and incorporation by reference in (a) above does not include future supplements and amendments.

(c) Copies of "Recommended Management Practices for Aquatic Farms" may be obtained from the New Jersey Department of Agriculture, Fish and Seafood Development Program, PO Box 330, Trenton, NJ 08625, and from the Department's website at <http://www.state.nj.us/agriculture/rural/seafood/aquaculture.htm>.

New Rule, R.2005 d.36, effective January 18, 2005.
See: 36 N.J.R. 3461(a), 37 N.J.R. 262(b).

SUBCHAPTER 2B. SUPPLEMENTAL AGRICULTURAL ACTIVITIES**2:76-2B.1 Determination basis**

Pursuant to N.J.S.A. 4:1C-9(i), the supplemental agricultural activities contained in this subchapter are determined to be eligible to receive the protection of the Right to Farm Act, N.J.S.A. 4:1C-1 et seq.

2:76-2B.2 Eligibility of pick-your-own operations for Right to Farm protections

(a) As used in this section, "pick-your-own operation" means a direct marketing alternative wherein retail or wholesale customers are invited onto a commercial farm in order to harvest agricultural, floricultural or horticultural products.

(b) A pick-your-own operation is determined to be a permissible activity entitled to receive the protections and benefits of the Right to Farm Act, provided that the commercial farm operation of which the pick-your-own operation is a component meets the criteria as set forth in N.J.S.A. 4:1C-9.

agricultural retention board established pursuant to N.J.S.A. 4:1C-17.

“Committee” means the State Agriculture Development Committee established pursuant to N.J.S.A. 4:1C-4.

“Development easement” means an interest in land less than fee simple absolute title thereto, which enables the owner to develop the land for any nonagricultural purpose as determined by the provisions of N.J.S.A. 4:1C-11 et seq., P.L. 1983, C.32 and any relevant rules or regulations promulgated pursuant hereto.

SUBCHAPTER 3. CREATION OF FARMLAND PRESERVATION PROGRAMS

Law Review and Journal Commentaries

Farmlands—Municipal Land Use. Judith Nallin, 136 N.J.L.J. No. 12, 70 (1994).

2:76-3.1 Applicability

This subchapter provides for any eligible landowner to voluntarily petition a county agriculture development board or a subregional agricultural retention board for the creation of a farmland preservation program.

“Farmland preservation program” means any voluntary program, the duration of which is at least eight years, authorized by law enacted subsequent to the effective date of the “Farmland Preservation Bond Act of 1981,” P.L. 1981, C.276, which has as its principal purpose the long term preservation of significant masses of reasonably contiguous agricultural land within agricultural development areas adopted pursuant to N.J.S.A. 4:1C-11 et seq., P.L. 1983, C.32 and the maintenance and support of increased agricultural production as the first priority use of that land.

2:76-3.2 Definitions

As used in this subchapter, the following words and terms shall have the following meanings:

“Petition” means a formal written document adopted by the board, which an eligible landowner must submit to the board when applying for inclusion in a farmland preservation program.

“Agreement” means a legally binding written document between the landowner(s), and the board which must be signed by both parties and certified by the State Agriculture Development Committee to signify approval of a petition for creating a farmland preservation program.

“Premises” means the property under easement which is defined by the legal metes and bounds description in the Agreement.

“Agricultural Development Area” hereinafter referred to as ADA, means an area identified by a board pursuant to the provisions of N.J.S.A. 4:1C-18 and certified by the State Agriculture Development Committee.

“Soil and water conservation project” means any project designed for the control and prevention of soil erosion and sediment damages, the control of pollution on agricultural lands, the impoundment, storage and management of water for agricultural purposes, or the improved management of land and soils to achieve maximum agricultural productivity.

“Board” means a county agriculture development board established pursuant to N.J.S.A. 4:1C-14 or a subregional

Amended by R.1986 d.196, effective June 2, 1986.
See: 18 N.J.R. 508(a), 18 N.J.R. 1193(b).
Added definition “premises”.

2:76-22.7 Review by board or nonprofit easement owner

(a) If a board or a qualifying tax exempt nonprofit organization owns the development easement, it shall review an application for a special permit using the criteria set forth in N.J.A.C. 2:76-22.6, prior to the Committee's review.

(b) The board or qualifying tax exempt nonprofit organization shall confirm that it has the following documents related to the development easement:

1. A copy of the recorded deed of easement;
2. A copy of the title policy issued at the time the deed of easement was recorded;
3. A copy of the original survey of the premises; and
4. A complete application for a commercial nonagricultural activity special permit.

(c) The board or qualifying tax exempt nonprofit organization shall inform the Committee of its decision to approve or disapprove the issuance of the special permit, state the reasons for its decision, and submit the following to the Committee for review:

1. Notification of any commercial nonagricultural activities already in existence on the land at the time of application for the special permit or on any portion of the farm that is not subject to the development easement;
2. The recommended time period for which the special permit shall be effective, and any conditions of approval;
3. A resolution of the board or qualifying tax exempt nonprofit organization setting forth the approval or denial of the application and the reasons therefore;
4. Confirmation that the owner of the premises is not in violation of any provision of the deed of easement; and
5. A checklist of documents provided by the applicant to the board/qualifying tax exempt nonprofit organization.

2:76-22.8 Committee review and issuance of permit

(a) The Committee, as the owner of a development easement, shall review an application and in its sole discretion may issue a special permit pursuant to N.J.S.A. 4:1C-32.1 and this subchapter.

(b) If a development easement is owned by a board or qualifying tax exempt nonprofit organization, the Committee, upon receipt of a complete application and notice of approval by the board or qualifying tax exempt nonprofit organization, shall decide whether to issue a permit based on its review of the application using the criteria set forth in this subchapter.

1. Approval of an application by a board or qualifying tax exempt nonprofit organization shall not be binding on the Committee if the Committee makes an independent

determination that the application does not meet the criteria set forth in this subchapter.

2. If an application has been denied by a board or qualifying tax exempt nonprofit organization, no further action by the Committee is required.

3. If the Committee is missing any of the following documents related to the preservation of the premises, the board or qualifying tax exempt nonprofit organization shall provide the Committee with the documents upon request:

- i. A copy of the recorded deed of easement;
- ii. A copy of the title policy; and
- iii. A copy of the original survey of the premises.

(c) The Committee shall inform the applicant of its decision to approve or deny the application and shall also inform the board or qualifying tax exempt nonprofit organization that owns the development easement.

(d) The Committee may issue a special permit that will be conditioned on, and which will become effective only upon, the applicant's receipt of all necessary local, State and Federal approvals, provided that if such approvals contain any requirements for implementation of the nonagricultural use that are inconsistent with N.J.S.A. 4:1C-32.1, this subchapter, or the special permit itself, the special permit will be deemed denied.

(e) The Committee may include other reasonable requirements to limit, to the maximum extent possible, the intensity of the permitted activity and its impact on the land and surrounding area.

(f) When issuing a special permit, the Committee shall:

1. Identify the time period for which the special permit shall be effective; and
2. Stipulate a time period during which the landowner must exercise the special permit and initiate the commercial nonagricultural activity.

i. The Committee may provide for an extension up to six months upon a showing of special circumstances or need presented by the applicant.

ii. If the owner fails to exercise the special permit and initiate the commercial nonagricultural use within the period designated by the Committee, the special permit shall automatically expire, unless an extension is approved by the Committee pursuant to (f)2i above.

(g) In the event that the record owner obtains a special permit from the Committee, and subsequently contracts for the sale of the premises, the contract purchaser of the premises may seek approval to continue the commercial nonagricultural activity special permit after conveyance of the property by applying for a new special permit pursuant to N.J.A.C. 2:76-22.5, prior to the actual sale.

1. The contract purchaser shall provide a copy of the executed contract for the purchase of the premises as part of his or her application.

2. The contract purchaser must obtain a special permit issued by the Committee pursuant to N.J.A.C. 2:76-22.8 prior to the conveyance of the premises.

(h) Upon the death of the record owner of the premises, the heir(s) or estate representative may apply for a special permit pursuant to N.J.A.C. 2:76-22.5 to avoid termination of the special permit.

1. The heir(s) or estate representative may apply for and obtain Committee approval for a special permit within six months of the record owner's death.

2. The special permit shall automatically expire six months from the date of death of the record owner of the property holding that permit unless the heir(s) or estate representative applies for and obtains a special permit, or applies for and obtains an extension of the six-month period, within that time.

3. Upon request by the estate representative or heir(s), the Committee may extend the period to apply for and obtain approval of the special permit for up to one year where required for settlement of estate issues provided that the period of any such extension shall not exceed the period of the initial special permit.

(i) All application fees submitted to the Committee pursuant to this subchapter are nonrefundable, regardless of whether a special permit is issued, and shall be used for farmland preservation purposes.

2:76-22.9 Special permit

(a) No more than one special permit for a commercial nonagricultural activity shall be valid at any one time for use on the premises.

(b) The standard duration of a special permit approved by the Committee shall not exceed five years.

1. A special permit may be approved for a duration greater than five years, but not more than 20 years, if the applicant provides sufficient justification pursuant to N.J.A.C. 2:76-22.5(a)9viii.

(c) No special permit shall be valid for more than 20 years unless an application for renewal is approved by the Committee and a board or qualifying tax exempt nonprofit organization, if appropriate.

1. Renewal of a special permit may be sought within two years of the date of scheduled permit expiration.

2. There shall be no fee for permit renewal.

(d) The special permit shall not run with the land, and each special permit shall explicitly state this, in addition to the following:

1. The permit shall automatically terminate if there is a change in the record ownership of the premises subject to the following:

i. The contract purchaser of the premises obtains approval for a special permit prior to the conveyance of the premises pursuant to N.J.A.C. 2:76-22.8(g); or

ii. Upon the death of the record owner of the premise, the heir(s) obtains approval for a special permit pursuant to N.J.A.C. 2:76-22.8(h);

2. The owner/seller of the restricted premises and the purchaser of the restricted premises shall notify the Committee, the owner of the development easement, and the municipality in the event there is a change in record ownership of the premises after a special permit has been issued; and

3. The commercial nonagricultural activity shall cease immediately upon a change in record ownership of the premises, except as provided for in (d)1 above.

i. An application may be submitted pursuant to N.J.A.C. 2:76-22.5, if the new owner of the premises wishes to continue the commercial nonagricultural activity. The application shall be treated as a new application, and the new owner shall be required to comply with all procedures set forth in N.J.A.C. 2:76-22.5, including payment of an application fee.

(e) The special permit shall not be assigned or conveyed in any manner.

(f) The special permit shall be recorded by the owner of the premises with the County Clerk's Office in the same manner as a deed.

1. A copy of the recorded special permit shall be provided to the Committee, the municipality, the owner of the development easement and to any owner of land that was subdivided from the initial preserved farm, if applicable.

(g) The special permit shall be displayed in clear view on the structure(s) for which it was issued.

2:76-22.10 Signs

(a) The placement of signs on the premises for purposes related to the commercial nonagricultural activity is prohibited except for the following:

i. Directional signs indicating where persons visiting the nonagricultural use should drive and/or park; and

ii. One flush-mounted sign, not to exceed 20 square feet to be placed on the structure, which shall not be illuminated internally.

(b) Nothing in this section shall be construed to permit the use of signs in a manner inconsistent with municipal, county, or Department of Transportation requirements or standards.