



COUNTY _____

TOWNSHIP _____

APPLICANT LAST NAME(S) _____

APPLICANT FIRST NAME(S) _____

Farmland Preservation Program **Application for a Special Permit for a** **Rural Microenterprise Activity on Preserved Farmland**

Authority: N.J.S.A. 4:1C-32.1; N.J.S.A. 4:1C-32.3; N.J.A.C. 2:76-22.1 et seq.; N.J.A.C. 2:76-22A.1 et seq.

RURAL MICROENTERPRISE: A small-scale business or activity that is fully compatible with agricultural use and production on the premises, does not, at any time, detract from, diminish, or interfere with the agricultural use of the premises, and is incidental to the agricultural use of the premises. Rural microenterprise shall not include a personal wireless service facility defined and regulated pursuant to N.J.S.A. 4:1C-32.2.

Class One: Customary Rural Activities

These activities rely on the equipment and skills historically possessed by the agricultural community, such as snow plowing, bed and breakfasts, bakeries, woodworking, and craft-based businesses.

Class Two: Agricultural Support Services

These services have a direct and positive impact on agriculture by supplying needed equipment, supplies, and services to the surrounding agricultural community, such as veterinary practices, seed suppliers, and tractor or equipment repair shops

For SADC use only

SADC ID# _____

Date Received _____

Staff Reviewer _____

Please complete the pre-application checklist before filling out the application.

I. PRE-APPLICATION CHECKLIST: Please complete the following checklist to determine if you are eligible to submit an application for a Special Permit for a Rural Microenterprise Activity on Preserved Farmland. If any of the below items are not “checked,” it is not likely you will be eligible to apply for a special permit to engage in a rural microenterprise activity. If clarification is needed, please contact the State Agriculture Development Committee at (609) 984-2504.

Land and Landowner Requirements:

- The subject farm was permanently preserved by the SADC, a county, or qualifying tax exempt nonprofit organization prior to January 12, 2006.
- There are no portions of the farm excluded from preservation in the deed of easement, including severable and non-severable exceptions.
- The premises meets 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.
 3. A farm management unit that is a beekeeping operation producing honey or other agricultural or horticultural apiary-related products, or providing crop pollination services, worth \$10,000 or more annually.

"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 a single enterprise.

- No other special permit for a rural microenterprise activity exists on the premises described in the Deed of Easement.
- No federal funds were utilized for the development easement purchase on the subject farm.
- The owner of the premises is a farmer. “Farmer” means a person who owns and operates the premises subject to the following:
 1. Exclusive of any income received from the rental of lands, realized gross sales of at least \$2,500 for agricultural or horticultural products produced on the premises during the calendar year immediately preceding submission of an application for a special permit;
 2. Continues to own and operate the premises and meet the income threshold every

year during the term of the special permit; and

3. The definition of “farmer” is satisfied when the owner and operator of the premises are comprised of one or more of the same individuals, whether singly or as manager(s)/owner(s) of a business entity.

- The premises is in compliance with the deed of easement, as determined by the Committee.

Note: The SADC will communicate with the easement holder to ascertain if the premises is in compliance with the deed of easement and will apprise the applicant.

- The rural microenterprise will not interfere with the use of the qualifying land for agricultural or horticultural production.

- The total area of land and structures devoted to supporting the rural microenterprise will not exceed a one-acre envelope on the qualifying land.

- The rural microenterprise will not have an adverse impact upon the soils, water resources, air quality, or other natural resources of the land or the surrounding area.

- The location, design, height, and aesthetic attributes of the rural microenterprise preserve the natural and unadulterated appearance of the landscape and structures.

- The rural microenterprise consists of, and accommodates, only a single business or use; multiple businesses or nonagricultural uses are not permitted.

Structures:

- A rural microenterprise activity can utilize an existing farm structure, but structures designated in the deed of easement as agricultural labor housing can NOT be used to support an RME activity.

- No new structures will be constructed on the premises to support a rural microenterprise. Any structure constructed on the premises since the date of the conveyance of the easement, and in accordance with the farmland preservation deed restrictions, is eligible for a special permit for a rural microenterprise only after a period of five years following completion of its construction.

- Improvements will not be made to the interior of a non-residential structure in order to adapt it for residential use.

The structure complies with one of the following regarding alterations or improvements:

- a) The building will not be substantially altered or finished to support the microenterprise.

Note: If this box is checked, the entire floor area of existing residential or agricultural building space may be used to support a rural microenterprise. “Substantially altered or finished” means that improvements are required to the structure, such as installation of new walls, insulation, flooring, lighting, HVAC systems, sanitary plumbing, and associated wiring); or

- b) No more than 2,500 square feet of the interior of existing residential or agricultural building space will be substantially altered or finished to support the rural microenterprise.

Exception: At the request of the owner, the Committee may allow the alteration or finishing of more than 2,500 square feet and up to 100 percent of an existing heritage farm structure, provided that the owner agrees to place on the structure, in a form approved by the Committee, a heritage preservation easement, which shall be recorded against the premises, shall be held by the Committee, and shall run with the land. If applicable, please see Heritage Preservation Requirements, Section III of this application.

- No more than 500 square feet of total footprint area of the existing building space will be expanded.

Note: No expansion of up to 500 square feet is permitted unless necessary to the operation or functioning of the rural microenterprise and the area of the proposed footprint of the expansion is reasonably calculated, based solely upon the demands of accommodating the rural microenterprise, and does not incorporate excess space.

- Improvements made to the exterior of a structure will be compatible with the agricultural character of the premises and will not diminish the historic or cultural character of the structure.
- Repairs made to the interior or exterior of a building provided will not diminish the historic or cultural character of the structure.

Public Utilities:

- No public utilities, except for electric service, including water, gas, or sewage, other than those already existing and available on the qualifying land will be extended to the qualifying land for purposes of the rural microenterprise.

Well and Septic:

- On-site septic and well facilities may be established, expanded, or improved for the purpose of supporting the rural microenterprise as long as such improvements will not extend beyond a one-acre envelope.

Note: Any improvements to the land that are undertaken for these purposes shall be limited to those that are necessary either to protect public health and safety or to minimize disturbance of the premises and its soil and water resources. At no time shall a change in wastewater facilities required for the rural microenterprise activity render land located outside of the one-acre envelope, which otherwise would have been suitable for agricultural production, incapable of supporting agricultural production activities.

Outside Storage:

- No more than a combined total of 5,000 square feet of land will be utilized for the outside storage of equipment, vehicles, supplies, products, or by-products, in association with the rural microenterprise.

Note: Any improvements to the land that are undertaken for these purposes shall be limited to those that are necessary either to protect public health and safety or to minimize disturbance of the premises and its soil and water resources.

Parking and Employment:

The rural microenterprise is not a high traffic volume business, and is undertaken in compliance with the following parking and employment restrictions. A high traffic volume business means a business for which the volume and frequency of visitors, deliveries, truck, and other vehicle traffic exceeds the number of designated parking spaces under normal conditions or creates a nuisance for neighboring properties or the municipality.

- ❑ The area dedicated to customer parking will not exceed 2,000 square feet or provide for more than 10 parking spaces. The number of parking spaces will be sufficient to accommodate visitors to the rural microenterprise under normal conditions.
- ❑ Improvements to the parking area will be limited to those improvements that are required to protect public health and safety or minimize the disturbance of soil and water resources on the premises.

Note: No new improvements to farm lanes, including new ingress and egress improvements, curbing, or changes needed to accommodate a new traffic pattern, shall be created unless such improvements are necessary to provide access to the rural microenterprise or to protect public health and safety. Any such necessary improvements must minimize the disturbance of the premises and its soil and water resources as determined by the Committee.

- ❑ At peak operational periods, the maximum number of employees or workers who are associated with the rural microenterprise and work on the premises will not exceed four full-time employees, or the equivalent, in addition to the owner or operator.

Lighting and Signs:

- ❑ Adequate lighting will be provided to ensure safe movement of pedestrians and vehicles during working hours. The height, intensity, and number of lighting facilities may not be in excess of what is customary for agricultural use and is consistent with the agricultural setting. Any new lighting will be compatible with the agricultural use of the property and surrounding land use of adjacent properties and the lighting shall not cause glare or intrusion of light onto neighboring properties.
- ❑ Only directional signs indicating where persons visiting the rural microenterprise activity should drive and/or park is permitted along with one (1) flush-mounted sign, that shall not exceed 20 square feet may be placed on the structure, and will not be illuminated internally.

If all boxes are checked, continue to the next page to begin the application.

Start application here. For assistance in completing any part of the application, please contact the SADC. Applicants are encouraged to participate in a pre-application meeting prior to submitting an application.

II. APPLICATION

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

Block, Lot & Acreage- Entire Preserved Parcel

Please indicate on which Block/ Lot the Rural Microenterprise Activity will be located. Duplicate this sheet as necessary.

County: _____ Township: _____ Block: _____ Lot: _____ Acres: _____

County: _____ Township: _____ Block: _____ Lot: _____ Acres: _____

County: _____ Township: _____ Block: _____ Lot: _____ Acres: _____

County: _____ Township: _____ Block: _____ Lot: _____ Acres: _____

TOTAL ACREAGE: _____

THE REQUEST FOR A SPECIAL PERMIT FOR A RURAL MICROENTERPRISE ACTIVITY IS FOR THE FOLLOWING PURPOSE:

(Check all that apply)

- Use of an existing residential unit for residential purposes (includes bed and breakfast)
- Use of an existing residential unit for nonresidential purposes
- Use of an existing structure without substantial alterations
- Use of an existing structure with substantial alterations
- Use 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 if you do not have a copy). **ATTACH AS SCHEDULE "A."**

2. Proof that the premises is a commercial farm (provide copies of appropriate documentation, e.g., farmland assessment forms, invoices, tax returns) verifying the property qualifies as a “commercial farm” (see definition on p. 2 of this application). **ATTACH AS SCHEDULE “B.”**

3. An aerial map of the portion of the premises on which the proposed microenterprise activity will be located, that identifies and labels:

i. The structure(s) in which the rural microenterprise activity will be located, including identification of the size and total footprint of the structure(s) and the area(s) intended to be used for the microenterprise activity;

ii. The proposed expansion of any existing structures to accommodate the rural microenterprise activity;

iii. All existing structures and proposed site improvements;

iv. The location of proposed vehicular access to the rural microenterprise activity;

v. Identification of the location and dimensions 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 the proposed parking spaces; and

vi. Existing and proposed landscaping, signs, lighting, and screening devices.

Notes about mapping: *The following are some resources (with aerial photography and other information) that you could use to help create your map:*

- *NJ Map – online tool developed by Rowan University:*
<https://www.njmap2.com/parcels/all>
- *NJ-GEOWEB – online tool provided by NJDEP:*
<http://www.nj.gov/dep/gis/geoweb splash.htm>
- *Web Soil Survey – online tool provided by USDA NRCS:*
<http://websoilsurvey.sc.egov.usda.gov/>
- *Farm conservation plan – includes a map created by NRCS for your farm conservation plan:* <https://www.nrcs.usda.gov/wps/portal/nrcs/main/nj/contact/local/>
- *Rutgers Cooperative Extension – If you need assistance with mapping, your local Rutgers Cooperative Extension Agent may be able to help you with creating a GIS map:*
<https://njaes.rutgers.edu/county/>
- *Google MyMaps – online tool provided by Google:*
<https://www.google.com/mymaps>

ATTACH MAP AS SCHEDULE “C.”

4. Photographs (preferably digital, with one printed copy and one electronic copy) of:

i. The entire interior and exterior of the structure(s) in which the rural microenterprise is being proposed;

ii. The entire exterior of all structures located on the premises that are within one-half mile of the structure(s) in which the rural microenterprise activity is proposed; and

iii. The 360 degree viewshed of the surrounding landscape as photographed at multiple angles from the location of the proposed rural microenterprise activity outward for a visual distance of approximately one-half mile. **ATTACH AS SCHEDULE "D."**

5. Identify and describe the type, nature, location, and frequency of any preexisting nonagricultural use or activity use or activity, or preexisting rural microenterprise activity, already in existence on the premises at the time of application for the special permit. **ATTACH AS SCHEDULE "E1."**

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."**

6. Provide proof that the structure(s) that will contain the proposed activity was or were in existence at least five years before the date of the special permit application. In addition:

i. Identify and describe any improvements made to the structure since the January 12, 2006.

ii. State whether you intend to construct a new agricultural building to take the place of the structure to be used for the rural microenterprise activity and if so, the type, size, and location of the replacement structure(s). **ATTACH AS SCHEDULE "F."**

7. Describe the proposed rural microenterprise activity including, but not limited to:

i. All improvements and utilities that will be needed to accommodate the activity;

ii. An estimate of the time needed for completion of any improvements;

iii. Whether the activity is associated with the agricultural operation, and if so, how;

iv. Whether the activity will be operated by the owner or family member or if it will be leased and, if so, to whom;

v. Whether the activity is seasonal or year-round;

vi. The proposed hours of operation;

vii. If an expansion of an existing structure to accommodate the activity is proposed:

(1) The purpose and proposed use of the expansion;

(2) A justification for the proposed size of the structure, including an explanation as to why the expansion is necessary for the rural microenterprise activity and whether the proposed size is based solely on the need to accommodate the rural microenterprise activity;

(3) The size of the total footprint of the proposed expanded structure and a sketch of the proposed expansion on the aerial photograph required in Paragraph 4. Above. **ATTACH AS SCHEDULE "G."**

8. Provide the requested permit duration up to a maximum of 20 years. Attach a copy of any proposed lease agreements that will be necessary for the proposed rural microenterprise activity. **ATTACH AS SCHEDULE "H."**

9. Attach copies of all Federal, State and/or municipal approvals of the proposed activity, including written confirmation that the proposed rural microenterprise activity is a permitted use under municipal zoning ordinances, or that a use variance has been granted. If the applicant does not have the approvals at the time of application for the rural microenterprise activity, the Committee may issue a special permit conditioned on the receipt of such. **ATTACH AS SCHEDULE "I."**

10. Enclose a nonrefundable application fee in the amount of \$250.00 made payable to the State Agriculture Development Committee in the form of a money order or bank check.

Note: If the Committee deems the application incomplete, the applicant shall, within 120 days of receipt of written notice, provide the necessary information, unless otherwise extended by the Committee. If the applicant does not provide the Committee with the necessary information within the 120-day period, unless extended by the Committee, the application shall be deemed rejected. If the application is deemed complete, the applicant shall be notified in writing.
ATTACH IN AN ENVELOPE AND LABEL AS SCHEDULE "J."

Please complete the Structures Section if the proposed rural microenterprise activity involves the use of an existing structure.

STRUCTURES

EXISTING STRUCTURE (CHECK ONE ONLY)

- Standard Single Family Residence
- Duplex
- Dormitory
- Apartment
- Agricultural Building
- Manufactured Home with Perm. Foundation
- Manufactured Home without Foundation
- Single Family with apartment
- Other _____

Is the structure used as the primary residence? **YES NO**

Is the structure for agricultural labor housing? **YES NO**

Is the structure under a lease or rental agreement? **YES NO**

If yes, please describe:

Existing Size:

Identify the heated living area of the structure: _____ Square feet

Identify the unheated living area of the structure: _____ Square feet

Identify the area occupied by patios, garages, porches, etc.: _____ Square feet

Proposed Expansion (if applicable):

- Yes
- No

If yes, please describe:

Identify the area of the proposed expansion: _____ Square feet

Proposed Alterations/Finishing (if applicable):

- Yes
- No

If yes, please describe proposed exterior and interior alterations/finishing:

Identify the interior area of the proposed alterations/finishing: _____ Square feet
Identify the exterior area of the proposed alterations/finishing: _____ Square feet

UTILITIES

Are any new or extended public utilities proposed?

- Yes
- No

If yes, please describe:

ON-SITE SEPTIC AND WELL FACILITIES

Are any existing, expanded, or new on-site septic and water supply facilities proposed?

- Yes
- No

If yes, please describe:

Identify the area of the proposed expansion: _____ Square feet

OUTSIDE STORAGE

Is any outside storage of equipment, vehicles, supplies, products, or by-products proposed?

- Yes
- No

If yes, please describe:

Identify the area of the proposed storage: _____ Square feet

PARKING

Are any new or expanded parking facilities proposed?

- Yes
- No

If yes, please describe:

Identify the area of the proposed parking: _____ Square feet

LIGHTING AND SIGNS

Is any new lighting or signage proposed?

- Yes
- No

If yes, please describe:

Identify the area of the proposed signage: _____ Square feet

Only complete this section if more than 2,500 square feet of existing interior residential or agricultural building space in a structure is proposed to be finished.

III. HERITAGE PRESERVATION REQUIREMENTS:

The Committee may allow the alteration or finishing of up to 100 percent of the structure if the following requirements are met:

1. The structure must first be designated a Heritage Farm Structure by the SADC.

“Heritage Farm Structure” means a building or structure that is significantly representative of New Jersey’s agrarian history or culture and that has been designated as such by the Committee.

2. The owner agrees to place on the Heritage Farm Structure, in a form approved by the Committee, a Heritage Preservation Easement, which shall be recorded against the premises, shall be held by the Committee, and shall run with the land.

“Heritage Preservation Easement” means an interest in land less than fee simple absolute, stated in the form of a deed restriction executed by or on behalf of the owner of the land, appropriate to preserving a building or structure that is significant for its value or importance to New Jersey’s agrarian history or culture to limit alteration in exterior form or features of such building or structure.

Is the applicant interested in using more than 2,500 square feet of a structure(s) for a rural microenterprise activity subject to the above Heritage Preservation Requirements? **(applicants considering this option are encouraged to participate in a pre-application meeting with SADC staff before submitting an application).**

YES NO

If yes, was the structure(s) built before 1960?

YES NO

If yes, please include documentation that the structure was built before 1960.
ATTACH AS SCHEDULE “K”

ALL checklist items are REQUIRED for administrative completeness of this application; omissions may delay review of this application.

IV. CHECKLIST OF ENCLOSED ITEMS:

- Completed Application and signed (below)
- Schedules “A” through “J” attached
- Current **RECORDED DEED** of Ownership [copy]
- TAX MAP** with boundaries, exceptions, existing residences, and adjacent land uses identified

- COMMERCIAL FARM** verification including **Farmland Assessment (“FA-1”) Form** and copies of all supporting documents.
- AN AERIAL PHOTOGRAPH** of the portion of the premises on which the proposed rural microenterprise activity will be located; that identifies and labels existing structures, proposed site improvements, the location of parking area, and existing and proposed landscaping, signs, lighting, and screening devices.
- DIGITAL PHOTOS** (one printed copy and one electronic copy) of the entire interior and exterior of the structure(s) in which the rural microenterprise activity is proposed
- DIGITAL PHOTOS** (one printed copy and one electronic copy) of the entire exterior of all structures located on the premises that are within **one-half mile** of the structure(s) in which the rural microenterprise activity is proposed
- DIGITAL PHOTOS** (one printed copy and one electronic copy) of the 360 degree viewshed of the surrounding landscape demonstrated by taking photographs from multiple angles from the location of the proposed rural microenterprise activity outward for a visual distance of approximately one-half mile
- Application fee of \$250.00 made payable to the State of New Jersey, State Agriculture Development Committee in the form of a money order or bank check
- Heritage Preservation documentation, if applicable, and attached as Schedule “K”
- Signature of owner(s), contract purchaser(s) or estate representative(s) [use additional sheets if necessary]**

Signature

Date