

REPORT ON  
PROPOSED AUCTION OF  
SURPLUS RESIDENTIAL PROPERTY

BY  
THE DEPARTMENT OF  
ENVIRONMENTAL PROTECTION

IN THE  
TOWNSHIP OF DELAWARE,  
COUNTY OF HUNTERDON  
Block 59, Lot 11

[*N.J.S.A. 13:1D-52*]

PREPARED BY  
DEPARTMENT OF ENVIRONMENTAL PROTECTION  
GREEN ACRES PROGRAM  
December 19, 2012

## **STATUTORY REFERENCE**

Under *L. 1993, c. 38*, codified at *N.J.S.A. 13:1D-51* through *N.J.S.A. 13:1D-58*, no lands acquired or developed by the State with Green Acres funds, or developed by the State in any other manner and administered by the Department of Environmental Protection (“DEP”), may be conveyed unless the DEP first prepares a report on the proposed conveyance in accordance with *N.J.S.A. 13:1D-52a(1)*, transmits the report to the individuals listed at *N.J.S.A. 13:1D-52a(2)*, makes the report available to the public in accordance with *N.J.S.A. 13:1D-52a(3)* and conducts one or more public hearings as required by *N.J.S.A. 13:1D-52a(4)*. Public notice requirements for the hearings are specified at *N.J.S.A. 13:1D-53* and *-54*. A summary and/or transcript of the public hearing(s) is provided to the DEP Commissioner, the State House Commission and the public under *N.J.S.A. 13:1D-55*. The methodology for valuing lands to be conveyed and the terms of such conveyances are governed by *N.J.S.A. 13:1D-56*.

Once these procedural requirements have been met, the conveyance proposed in this report requires the approval of the DEP Commissioner and the State House Commission. *N.J.S.A. 13:1D-55*; *N.J.S.A. 13:8A-48*; *N.J.S.A. 13:8C-1 et seq.*

## **RATIONALE FOR CONVEYANCE**

### **PROPOSED ACTIONS**

On October 3, 2007 the DEP’s Green Acres Program acquired on behalf of the State approximately 64.28 acres of property for addition to the D&R Canal State Park. The property, known locally as the Stavola Estate, contains one residence and several outbuildings. Although the DEP wished to acquire the acreage surrounding the residence and outbuildings for addition to the State Park system, the DEP’s administering agencies (the Division of Fish and Wildlife, the Division of Parks and Forestry and the Natural Lands Trust) did not have a use for the structures on the property at the time of their acquisition. However, since the previous owners were unwilling to sell the bulk of the property without the structures, it was necessary for the Green Acres Program to acquire the parcels in their entirety in order to acquire the surrounding acreage.

Having determined through the Real Property Review (RPR) process that no other State agency is interested in using or acquiring these buildings, the DEP now proposes to sell the structures on approximately six acres of land at public auction and return the proceeds of the sales to the appropriate Green Acres bond funds.

A brief description of the property to be auctioned follows:

**1680 Daniel Bray Highway Lambertville, New Jersey, Delaware Township, Hunterdon County, Block 59, Part of Lot 11**

A general location map of the property relative to the surrounding region and major roadways is provided as Exhibit 1. An aerial map depicting the six acres and structures proposed for sale is attached as Exhibit 2. Photographs of the structures are attached as Exhibit 3.

The six-acre parcel and associated buildings are located on Block 59, Lot 11 in the Township of Delaware, Hunterdon County, a 64.28-acre tract acquired by the Green Acres Program in 2007 as part of the D & R Canal State Park. The street address of the property is 1680 Daniel Bray Highway (N.J. Route 29) Lambertville, New Jersey. The portion of the property to be auctioned contains a 2-story 3,108 square foot Colonial style frame house originally constructed in 1744 with an addition added in 1811. Additional outbuildings include two barns, one with an attached silo, two corn cribs and a shed.

The proposed lot will be a conforming zoning lot and will be large enough to qualify for farmland assessment if the purchaser's use of the property meets the other qualifications of the Farmland Assessment Act. As shown on Exhibit 2, the proposed lot has been configured to (1) include as much tillable acreage as possible between the main residence and the existing right of way for a natural gas pipeline that crosses through Block 59, Lot 11 and (2) preserve the majority of the frontage of Lot 11 in State ownership (see Assessment of Recreational Impact, below). As a condition of the sale, a "no further subdivision" restriction will be placed on the lot.

Block 59 Lot 11 was rezoned by Delaware Township from Light Industrial (I-1) to Agricultural/Residential (A-1) in 2010. The purposes of the regulations applying to the A-1 Zone, as stated in the Delaware Township Land Use Ordinance, Article III, Zoning Regulations, are as follows: *"to encourage the permanent dedication of tracts of farmland for continuing agricultural use and woodland preservation; implement the land use element of the Master Plan; and bring the Township into compliance with State and County policies and the purposes of the Municipal Land Use Law."* Permitted uses, including but not limited to agriculture and single-family homes, as well as conditional uses, are stipulated in the ordinance. Attachment #1 contains the regulations governing the A-1 District as stated in the Township of Delaware Land Use Ordinance, Revised through November 10, 2003. Based on this zoning, the DEP anticipates including in the deed for the proposed lot restrictions and/or covenants limiting the future use of the property to single-family residential or agricultural uses in order to prevent future uses of the six-acre parcel from negatively impacting the surrounding State Park.

Based on consultation with the State Historic Preservation Office, preservation restrictions will be imposed on the main house. The property is a contributing resource to the Delaware and Raritan Canal Historic District and represents a valuable example of an eighteenth century rambling stone farmhouse with nineteenth century additions along with associated nineteenth and twentieth century outbuildings. As such, at the time the auctioned property deed is transferred, a historic preservation and conservation easement will be executed and conveyed either to the State Historic Trust or to a nonprofit organization deemed acceptable by the DEP Green Acres Program.

In addition, the property contains a Native American site that was recorded by Alanson Skinner and Max Schrabisch in the early 20th century. The archaeological site has the potential to yield important information to enhance our current understanding of New Jersey prehistory. Therefore, an archaeological easement will be placed on the property at the time of sale and will be conveyed either to the State Historic Trust or to a nonprofit organization deemed acceptable by the DEP Green Acres Program.

As required by N.J.S.A. 13:1D-56, the deed for the auctioned property will also include statutory language requiring compensation to the State if the property is rezoned within 25 years of the purchase in a manner that increases the value of the lands.

Upon successful completion of the public hearing process, the proposed conveyance will require the approval of the DEP Commissioner and the State House Commission under *N.J.S.A. 13:8A-48* and *N.J.S.A. 13:8C-31*. The DEP hopes to secure these approvals by the middle of 2013 and to refer these properties to the Department of Treasury for auction in late 2013. The auction will be for current fair market value, under terms and conditions established by DEP in consultation with the Department of Treasury.

Although the attached aerial map (Exhibit 2) already delineates a proposed lot size of six acres, the DEP reserves the right to adjust the proposed lot size, up to a maximum of seven (7) acres, in order to accommodate minor adjustments requested by the Division of Parks and Forestry, the successful bidder, and/or the Department of Treasury. In addition, the block and lot numbers involved in this transaction area subject to change.

## **ADVANTAGES AND DISADVANTAGES**

If the proposed conveyance does not occur, the DEP would be required to either maintain or demolish the buildings in question. Demolition of these structures would be quite costly, and the DEP does not currently have funds to allocate for demolitions. In addition, demolition of certain of the buildings proposed for auction would not be appropriate given their historical significance. Considering the locations of the house relative to the surrounding acreage and the generally good condition of the buildings, the DEP recommends separating out this lot and recouping as much of the cost of the residential portion of this parcel as possible. Once the proposed conveyance is completed, the DEP will not have to commit any financial and staff resources for the maintenance of the buildings. The surrounding land will continue to be managed by DEP and will remain undeveloped and available to the public for recreational purposes.

## **ENVIRONMENTAL ASSESSMENT**

### **Assessment of Environmental Impact and Impact on Plants, Endangered and Non-Game Species**

The DEP is not aware of any threatened or endangered plant or animal species on the portion of the property proposed for conveyance. This area has been in continuous residential use for between 40 and 250 years.

### **Assessment of Recreational Impact**

The DEP does not anticipate that the proposed auction will have any adverse impact on the use by the public of the surrounding acreage acquired by the State in 2007. As discussed above, the DEP only acquired the buildings now proposed for auction in order to acquire the surrounding acreage for addition to the State's Park System.

In configuring the proposed lot, the DEP has attempted to preserve the majority of the frontage of Block 59, Lot 11 in State ownership in order to retain the opportunity to develop a trail corridor in this area in the future. A portion of the Delaware and Raritan Canal State Park is located directly across Route 29 from the area proposed for public auction. In this location, a small bridge crosses the canal and provides pedestrian and bicycle access to Route 29. In the future, it may be possible to connect this access point to a trail network on the remainder of Block 59, Lot 11 and to other public lands in the surrounding area. However, such a connection will most likely require the approval of the New Jersey Department of Transportation due to the need to cross Route 29.

## **ECONOMIC ASSESSMENT**

At the time of acquisition, the appraisals commissioned by the Green Acres Program as part of the purchase set a fair market value for the entire property of \$1,878,000, broken down as follows:

\$485,000.00	Structures (3 acres) averaged
\$1,393,000.00	Vacant (49.43 acres) averaged

The DEP does not have a precise appraisal figure for the current proposal to auction off most of the structures on the six-acre portion of Lot 11. Given current market conditions, it is unclear whether the value of the area to be auctioned has increased or decreased. However, even if the value of this area has decreased, auctioning off the structures will save the State money in the long run by avoiding maintenance, security and/or demolition costs. The fair market value of the property will be determined for auction purposes by an appraisal commissioned by the Department of Treasury.

Returning this money to the appropriate Green Acres bond fund will allow the State to acquire additional open space, consistent with the goals of the various Green Acres bond acts and the Garden State Preservation Trust Act, *N.J.S.A. 13:8C-1 et seq.*

In addition, the auction of these structures will allow the Township of Delaware to continue to collect residential property taxes on the proposed lot (even if the new lot qualifies for farmland assessment.)

### **PUBLIC HEARINGS**

In accordance with *N.J.S.A. 13:1D-52a(4)*, public hearings will be scheduled on the proposed conveyance as follows:

**1680 Daniel Bray Highway Lambertville, New Jersey, Delaware Township, Hunterdon County, Block 59, Lot 11**

The **first public hearing** will be held on Thursday, February 21, 2013 at 6:30 PM at:

Delaware Township Municipal Building  
570 Rosemont-Ringoes Road  
P.O. Box 500  
Sergeantsville, NJ 08557

The **second public hearing** will be held on Friday, March 8, 2013 at 4:00 PM at:

New Jersey Department of Environmental Protection  
4th Floor Large Conference Room  
501 East State Street  
Trenton, New Jersey 08625

A copy of the public hearing notice for the proposed sale is attached to this report as Exhibit 4. This report, including the public hearing notice and any other information released to the public about the proposed conveyance, will be posted online at <http://www.state.nj.us/dep/greenacres/notices.html>.

### **EXHIBITS AND ATTACHMENTS**

Exhibit 1 .....	General Location Map
Exhibit 2 .....	Auction Site Map
Exhibit 3 .....	Photographs of Structures
Exhibit 4.....	Public Hearing Notice
Attachment 1 .....	Excerpt from Delaware Township Land Use Ordinance

## **CONTACT INFORMATION**

For further information, please contact:

Richard Osborn, Team Leader  
Bureau of Legal Services and Stewardship  
Green Acres Program  
Department of Environmental Protection  
Mail Code 501-01  
P.O. Box 420  
Trenton, NJ 08625-0420  
(609) 984-0631  
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John G. Trontis, CPRP, Assistant Director  
State Park Service  
Department of Environmental Protection  
Mail Code 501-04  
P.O. Box 420  
Trenton, NJ 08625-0420  
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[john.trontis@dep.state.nj.us](mailto:john.trontis@dep.state.nj.us)

## **DISTRIBUTION LIST**

Richard Boornazian, Assistant Commissioner, Natural and Historic Resources Group, New Jersey DEP  
Mark Texel, Director, State Park Service, New Jersey DEP  
John G. Trontis, CPRP, Assistant Director, State Park Service, New Jersey DEP  
Daniel Saunders, Administrator, Historic Preservation Office, New Jersey DEP  
Martha Sapp, Acting Administrator, Green Acres Program, New Jersey DEP  
Ray Cantor, Chief Advisor, Office of the Commissioner, New Jersey DEP  
Dave Chanda, Director, Division of Fish and Wildlife, New Jersey DEP  
Judeth Yeany, Chief, Bureau of Legal Services and Stewardship, Green Acres Program, New Jersey DEP

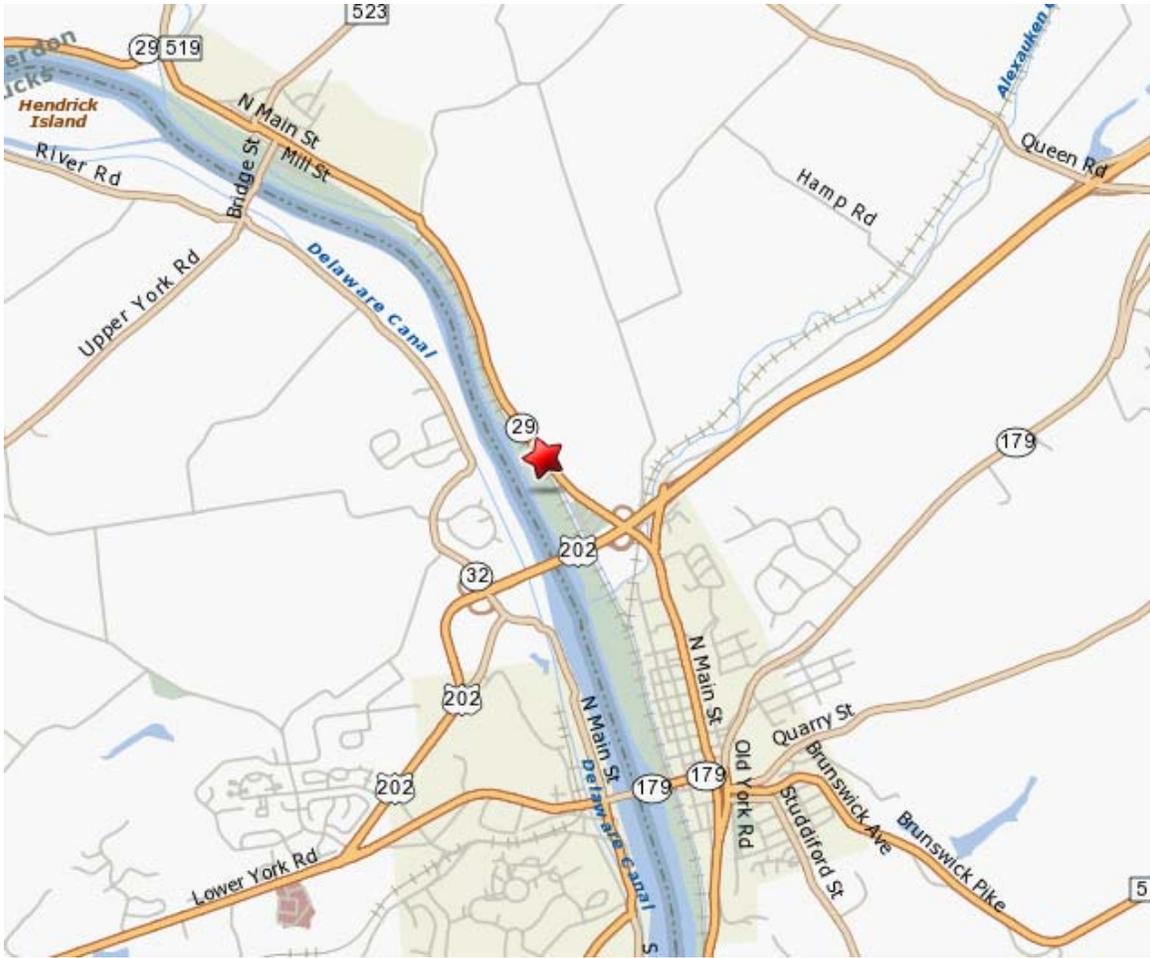
Hon. Roger Locandro Jr., Mayor, Township of Delaware  
Judith A. Allen, RMC, Clerk, Township of Delaware

Cynthia J. Yard, County Administrator, County of Hunterdon  
Mary H. Melfi, Clerk, County of Hunterdon

Hon. Paul A. Sarlo, Chair, Senate Budget and Appropriations Committee  
Hon. Jim Whelan, Chair, Senate State Government, Wagering, Tourism & Historic Preservation  
Committee  
Hon. Bob Smith, Chair, Senate Environment and Energy Committee

Hon. Nelson T. Albano, Chair, Assembly Agriculture and Natural Resources Committee  
Hon. L. Grace Spencer, Chair, Assembly Environment and Solid Waste Committee  
Hon. John J. Burzichelli, Chair, Assembly Appropriations Committee  
Hon. Linda Stender, Chair, Assembly State Government Committee

Robert J. Shaughnessy, State House Commission



**Exhibit 1**

**General Location Map:  
1680 Daniel Bray Highway Lambertville, New Jersey**

**Delaware Township, Hunterdon County  
Block 59, Lot 11**



Route 29

Building "A"

Building "B"

Building "C"

Building "E"

Building "D"

D & R Canal State Park

D & R Canal State Park

Utility Easement

Exhibit 2

Former Stavola Estate Property  
Auction Site Map  
Delaware Twp., Hunterdon Co.  
Block 59 Lot 11 6.00 Ac.

0 50 100 200 Feet



3-23-2011

Exhibit 3: Photos of Structures



Building A: House Front

1680 Daniel Bray Highway (State Route 29)  
Municipality: Delaware Township  
County: Hunterdon  
Block: 59  
Lot: 11 (p/o)  
Size: 5.45 acres



Building A: House End



Building A: House Rear



Building B: Shed

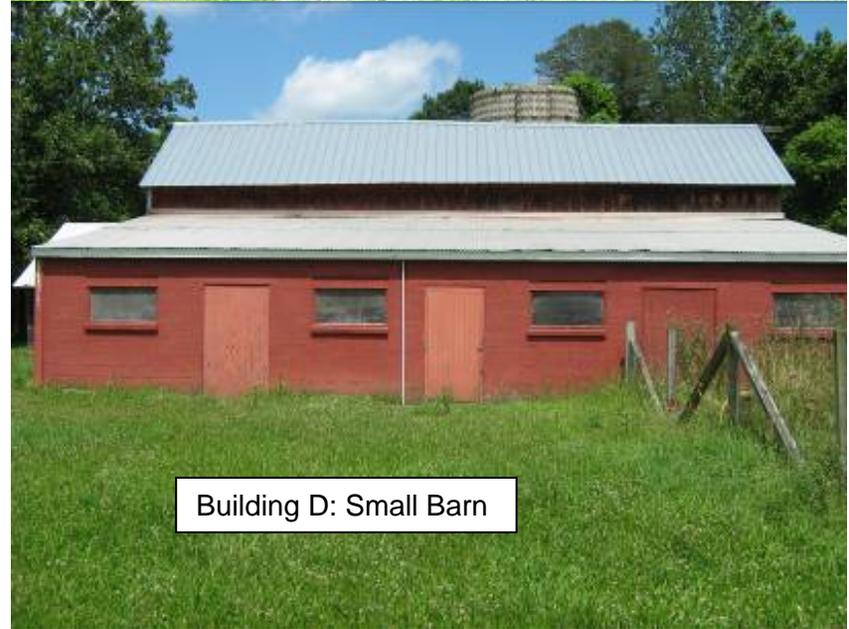


Building C: Corn Crib



Building D: Small Barn on Left

Building E: Large Barn on Right



Building D: Small Barn

## PUBLIC HEARING NOTICE

**Department of Environmental Protection  
Green Acres Program  
Notice of Public Hearings on Proposed Auction of Surplus Residential Property in  
the Township of Delaware, Hunterdon County**

**Take Notice** that in accordance with *N.J.S.A. 13:1D-51* through *-58*, the State of New Jersey, Department of Environmental Protection, Green Acres Program, will hold two **public hearings** to seek comments on the proposed auction of surplus residential property in the Township of Delaware, Hunterdon County.

The property proposed for auction is located within 64.28 acres of property acquired by the Green Acres Program in 2007 for the Division of Parks and Forestry as an addition to the Delaware and Raritan Canal State Park. The property is known locally as the Holcombe House or Stavola Estate and contains one residence and several outbuildings. The street address for the property to be auctioned is 1680 Daniel Bray Highway (NJ Route 29) Lambertville, New Jersey 08530. The Department proposes to auction approximately six acres within Block 59, part of Lot 11 in the Township of Delaware, Hunterdon County along with the following structures:

- a 2-story frame and stone farm house
- a 2-story barn
- a 1-story barn with silo attached
- a 1-story shed
- two corn cribs

A copy of a report analyzing the proposed transaction, including photographs of the structures and a more detailed description of each structure, is available online at [www.nj.gov/dep/greenacres/notices.html](http://www.nj.gov/dep/greenacres/notices.html).

The exact lot size, minimum bid price and other auction conditions will be determined in consultation with the Department of Treasury prior to the auction. As a condition of sale, a “no further subdivision” restriction will be placed on the entire lot and a historic preservation restriction will be placed on the main residence and other associated structures. The department also anticipates imposing an archaeological restriction on a portion of the property.

As required by *N.J.S.A. 13:1D-57*, the proceeds of the sale will be returned to the Garden State Preservation Trust Fund (or other appropriate Green Acres bond fund) for use in future open space acquisitions. State House Commission approval is required for this proposal. If approved, the Department anticipates that the auction will occur in fall 2013.

The **first public hearing** on the proposed auction of this property will be held on:

Thursday, February 21, 2013 at 6:30 PM at the  
Delaware Township Municipal Building  
570 Rosemont-Ringoes Road, P.O. Box 500  
Sergeantsville, NJ 08557

The hearing record for the first public hearing will close on Thursday, March 7, 2013. Interested persons may obtain information from Richard Osborn in the Green Acres Program or John Trontis in the Division of Parks and Forestry at the addresses below and may submit written comments to Mr. Osborn until the close of business on Thursday, March 7, 2013.

The **second public hearing** will be held on:

Friday, March 8, 2013 at 4:00 PM at the  
Department of Environmental Protection  
3rd Floor Large Conference Room  
501 E. State Street  
Trenton, New Jersey 08625

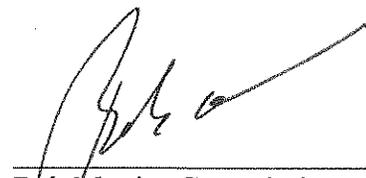
The hearing record for the second public hearing will close on Friday, March 22, 2013. Interested persons may obtain information from Richard Osborn in the Green Acres Program or John Trontis in the Division of Parks and Forestry at the address below and may submit written comments to Mr. Osborn until the close of business on Friday, March 22, 2013.

Persons wishing to make oral presentations at either of the public hearings are asked to bring a written copy of their comments to the hearing for use by the Department. For further information on the proposal, please contact:

Richard Osborn, Team Leader  
Bureau of Legal Services and Stewardship  
Green Acres Program  
Department of Environmental Protection  
Mail Code 501-01  
P. O. Box 420  
Trenton, NJ 08625-0420  
(609) 984-0631  
[richard.osborn@dep.state.nj.us](mailto:richard.osborn@dep.state.nj.us)

John G. Trontis, CPRP, Assistant Director  
State Park Service  
Department of Environmental Protection  
Mail Code 501-04  
P.O. Box 420  
Trenton, NJ 08625-0420  
(609) 292-2772  
[john.trontis@dep.state.nj.us](mailto:john.trontis@dep.state.nj.us)

DATE: 12/11/2012



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Bob Martin, Commissioner  
Department of Environmental Protection

## Attachment #1

Excerpted from: Land Use Ordinance  
Township of Delaware, Hunterdon County, New Jersey  
Revised November 10, 2003

### Article III Zoning Regulations

#### Section 3:5 Regulations Applying to the A-1 Zone

3:5.1 General. The purposes of the A-1 Zone are to encourage the permanent dedication of tracts of farmland for continuing agricultural use and woodland preservation; implement the land use element of the Master Plan; and bring the Township into compliance with State and County policies and the purposes of the Municipal Land Use Law.

#### 3:5.2 Use Regulations.

A. Permitted uses. Any of the following uses shall be permitted:

1. Agriculture is the principal permitted use in the A-1 Zone, including single-family residences and accessory buildings for housing of farm labor that conform to federal and state laws and regulations and the requirements of Section 3:5.3 and 4, herein, housing for animals, and selling and storing farm products and storing farm equipment.
2. Single Family Detached dwelling as a principal structure.
3. Single Family Detached with Lot Size Averaging development.
4. Single Family Detached Cluster development.
5. Village Cluster development (Section 3:5.5 H.).
6. Flag Lot subdivisions (Section 3:5.5 F.).
7. Lots on a Private Access Way (Section 3:5.5 G.).
8. Accessory buildings clearly incidental to agricultural and residential uses, including:
  - a. Private garage not to exceed three (3) spaces per dwelling except for agricultural use.
  - b. Home Occupations meeting the standards set forth in Section 11:5 of this Ordinance.
  - c. Swimming pools.
  - d. Tennis courts.
  - e. Signs subject to the provisions of Section 11:9 of this Ordinance.
  - f. Fences and hedges subject to the provisions of Section 11:3 of this Ordinance.

- g. Other customary accessory structures and uses that are incidental and subordinate to the principal residential and/or agricultural structure and use.
  9. PWSFs as permitted at Section 3:1.22 C.
  10. Second Principal Dwelling on a Tract of Thirty (30) Acres or More (Section 3:5.5.H.).
- B. Conditional uses. The following non-agricultural uses shall be permitted as conditional uses subject to approval by the Planning Board as described in Article IV of this Ordinance.
  1. Bed & Breakfast establishments.
  2. Caretaker's and Guest Quarters as defined in this Ordinance. Caretaker's and Guest Quarters shall meet the standards set forth in Section 4:3 of this Ordinance.
  3. Conversion of existing accessory buildings into dwelling units.
  4. Churches, synagogues, parish houses and similar religious uses provided they are near a hamlet, village, or town center.
  5. Government buildings and services that are necessary to the health, safety, convenience and general welfare of the inhabitants of the Township.
  6. Public utility installations.
  7. ECHO (Elder Cottage Housing Opportunity) units.
  8. Farm Rental Units on Large Lots.
  9. Accessory apartments for low and moderate income housing.
  10. Public and private schools.
  11. PWSFs as permitted and regulated at Section 4:17.1, et seq.

3:5.3 Table of Performance Regulations. All performance regulations shall be met. If any regulation herein is less restrictive than a performance standard in Section 12:1, Natural Resource Calculations, in its effect on a particular lot or tract, then the more restrictive regulation shall govern.

PERMITTED USES	MINIMUM SIZE OF TRACT (ACRES)	OPEN SPACE RATIO (1)	MINIMUM LOT			MINIMUM YARD SETBACKS (FEET)				
			AREA	WIDTH (2) (FEET)	DEPTH (FEET)	PRINCIPAL BUILDING			ACCESSORY BUILDING	
						FRONT	SIDE	REAR	FARM	OTHER
Single Family Detached	3.0		3.0 Acres	250	400	50	50	100		10
Single Family Detached w/Lot Size Averaging	12.0		1.5 Acres (3)	<b>150</b>	<b>200</b>	50	<b>40</b>	<b>50</b>		10
Single Family Detached Cluster	12.0	.70	30,000 SF (4)	115	250	25 (5)	15	40		10
Village Cluster (6)	100	.82								
Village House			14,000 SF	115	130	15 (5)	10	40		10
Zero Lot Line House			14,000 SF	110	130	15	20 (7)	40		10
Twin House			12,000 SF	90	130	15	10	40		10
Flag Lot	4.0 (8)		4.0 Acres (8)	Flagpole Width 50 feet	400	75	75	75		10
Lot on a Private Access Way	6.0		3.0 Acres	150	400	25	25	75		10
Agriculture and Other Uses	3.0		3.0 Acres						75	

- (1) Open space ratio for the purpose of site capacity calculations. See Section 12:1.
- (2) Width at required minimum building setback line measured from the existing or proposed right-of-way as set forth in the Delaware Township Master Plan.
- (3) Lot shall average three acres with no further subdivision permitted.
- (4) Each lot shall be one and one half acres with development permitted only in a 30,000 square foot area; development, except for a septic sewage disposal system, shall be prohibited on remaining land, which shall be deed restricted open space.
- (5) Corner lots shall provide the minimum required front yard setback from both streets.
- (6) Requires public sewage disposal system.
- (7) One side only.
- (8) Lot size exclusive of the area of the flagpole.

#### Additional Requirements

1. Maximum gross density for all uses in the A-1 zone shall be one dwelling unit for each three (3) acres.
2. Maximum building height for all uses except agricultural buildings and structures in the A-1 zone shall be 35 feet.
3. Impervious coverage shall be limited for all uses within the A-1 zone. The purpose of a maximum impervious surface limit is to reduce stormwater runoff, control soil erosion and sedimentation and promote groundwater recharge. It is recognized that the reasonable use of smaller lots requires that they be permitted a higher ratio of impervious coverage to lot area than larger lots; the higher impervious surface ratio permitted in the development of smaller lots will be offset by the increased open space requirements associated with the creation of the smaller lots.

Maximum impervious surface ratios for all uses in the A-1 zone shall be as follows:

<u>Lot Area</u>	<u>Ratio</u>
14,000 square feet or less	.75
14,001 to 30,000 square feet	.45
30,001 to 43,560 square feet	.30
43,561 square feet to two acres	.20
Over 2 acres to 3 acres	.17
Over 3 acres to 4 acres	.15
Over 4 acres to 5 acres	.12
Over 5 acres	.10

4. See Sections 11:12.1 C. and D. for applicable open space performance standards.