

ASSEMBLY, No. 3736

STATE OF NEW JERSEY 219th LEGISLATURE

INTRODUCED MARCH 16, 2020

Sponsored by:

Assemblyman RONALD S. DANCER

District 12 (Burlington, Middlesex, Monmouth and Ocean)

SYNOPSIS

Authorizes subdivision of certain preserved farms into smaller preserved farms under certain circumstances.

CURRENT VERSION OF TEXT

As introduced.



1 **AN ACT** concerning preserved farms, and supplementing P.L.1983,
2 c.32 (4:1C-11 et seq.).

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4 **BE IT ENACTED** *by the Senate and General Assembly of the State*
5 *of New Jersey:*

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7 1. a. Notwithstanding the provisions of P.L.1983, c.32 (4:1C-
8 11 et seq.) or any other law, or any rules or regulations adopted
9 pursuant thereto, or the provisions of any deed or development
10 easement held for farmland preservation purposes by the State
11 Agriculture Development Committee, to the contrary, the owner of
12 the land for which the development easement is held by the
13 committee, may subdivide the land, and sell or otherwise convey, a
14 parcel or parcels of the land resulting from the subdivision to
15 another person or persons, provided that:

16 (1) the subdivision of the land results in agriculturally viable
17 parcels, excluding any acreage set aside for residential dwelling
18 sites or other permitted buildings or development;

19 (2) the land remains in the farmland preservation program;

20 (3) the agricultural restrictions and specifications are recorded
21 on the deed, including but not limited to, any allocated residential
22 dwelling site opportunity which may pertain to the parcel; and

23 (4) the person acquiring a parcel resulting from the subdivision
24 agrees to comply with the agricultural deed restrictions for farmland
25 preservation purposes established on the land.

26 The State Agriculture Development Committee may not
27 unreasonably withhold approval of the subdivision pursuant to this
28 subsection based on its determination of whether the resulting
29 parcel or parcels are agriculturally viable.

30 b. The person acquiring the parcel shall be eligible to use any
31 residential dwelling site opportunity allocated to the parcel prior to
32 its sale, and the residential dwelling site opportunity shall remain
33 with the parcel. However, the committee may restrict the use of a
34 residential dwelling site opportunity based on buildings that may be
35 present on the parcel at the time of sale, and the person acquiring
36 the parcel shall not be eligible for any residential dwelling site
37 opportunity that has been used prior to the sale, or is not allocated
38 or does not otherwise pertain to the parcel prior to its sale.

39 c. Upon the closing of the sale or conveyance of the parcel
40 pursuant to subsection a. of this section, the parcel and the person
41 acquiring the parcel shall be subject to all the requirements and
42 provisions of the applicable farmland preservation program,
43 including inspections to ensure compliance with the use restrictions
44 and other requirements of the program.

45 d. Provided that the subdivision, sale, or conveyance of the
46 parcel is consistent and in compliance with the provisions of this
47 section except as otherwise provided in subsection e. of this section,
48 this section, shall not be construed to prevent:

1 (1) the subsequent sale or conveyance of any parcel sold or
2 otherwise conveyed pursuant to subsection a. of this section;

3 (2) the further subdivision of the sold or conveyed parcel and
4 the sale or conveyance of additional parcels; or

5 (3) the further subdivision of the original land subdivided into
6 the sold or conveyed parcel or parcels pursuant to subsection a. of
7 this section.

8 e. The State Agriculture Development Committee, for a
9 specific period of time not to exceed five years from the date of
10 acquisition of the parcel or the most recent subdivision, may
11 restrict:

12 (1) the person acquiring the parcel subject to the provisions of
13 this section from subdividing that parcel; or

14 (2) the original owner of land for which a development
15 easement is held by the committee for farmland preservation
16 purposes from additional subdividing of the land.

17 If the committee determines that any further subdivision of the
18 parcel or land cannot result in agriculturally viable parcels, the
19 committee may permanently prohibit any further subdivision of the
20 parcel or land, as applicable.

21 f. No provision of this section shall be construed to interfere
22 with any municipal authority to approve or restrict the subdivision
23 of property pursuant to the "Municipal Land Use Law," P.L.1975,
24 c.291 (C.40:55D-1 et seq.).

25 g. For the purposes of this section, "agriculturally viable
26 parcel" means an agriculturally viable parcel as defined in the State
27 Agriculture Development Committee policy entitled "Division of
28 Permanently Preserved Farmland," and specifically, a parcel
29 capable of sustaining a variety of agricultural operations that yield a
30 reasonable economic return under normal conditions solely from the
31 parcel's agricultural output.

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33 2. This act shall take effect immediately.

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STATEMENT

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38 This bill allows for the subdivision of farmland for which the
39 State holds a development easement, and for the sale or conveyance
40 of the resulting parcel or parcels provided that the requirements in
41 subsection a. of section 1 of the bill are met. The bill also allows
42 for such subdivided parcels to be sold again or to be further
43 subdivided, provided there is compliance with all the requirements
44 of the bill and the farmland preservation program.