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September 12, 2023

*Of Counsel:*  
David C. Hasbrouck, Esquire

*Via Email to Brian.Smith@ag.nj.gov*

Brian Smith, Esq.  
NJ State Agricultural Development Committee  
P.O. Box 330  
Trenton, NJ 08625-0330

**RE: Michael E. Halpern – Ocean City Winery, LLC**  
**Block 723, Lot 37, Upper Township, Cape May County, New Jersey**

Dear Mr. Smith:

This firm represents the following residential neighbors of the Ocean City Winery:

Veronica “Vonnie” & Ed Price	Joe Falls
Jack Griffin (Dompierre)	Andrew C. Shawl
Maria Busz	Scott Rullan
Rae Jaffe	Charles Thonsen, Sr.
Heidi Edwards	Karl Ruf
Brian Edwards	Karol Ruf
Doreen Gallagher	Pam Griffin
Jesse & Michelle Swartz	Chuck Griffin
Karolann Kemenosh	Ray & Linda Dolton
Penny & Fran Davish	Jodie & George Steinbronn

Our clients formally appeal the decision of the County Agricultural Development Committee embodied in Resolution CADB-2-2023.

There are at least three reasons why the neighbors assert this decision was either void or mistaken and seek de novo review by the New Jersey State Agricultural Development Committee through the Administrative Law adjudicative process.

Tel: 609.522.7530 | Fax: 609.522.7532 | [KING-BARNES.COM](http://KING-BARNES.COM)

664 Washington Street  
Cape May, NJ 08204

111 East 17th Street | Suite 100  
North Wildwood, NJ 08260

2600 New Road  
Northfield, NJ 08225

It is important to note the neighbors' objections are not exclusively focused on whether the particular SSAMP ultimately approved is an inappropriate use of the property. Rather, their legitimate concern is the SSAMP initially proposed (but withdrawn), or a winery taking advantage of ever-expanding alcohol related uses to which a "grape farm" may be put, will be squeezed into this particular location nestled among a well-established, family-focused neighborhood. To be clear, the farm at issue is NOT a 5-acre farm, and recognizing it as a "farm" bestows protections and expansive opportunities offered to "farms" and "wineries" which will have a devastating, deleterious effect on the neighbors and neighborhood. This former small "tree farm" in the backyard of the neighbors' residences was not, and is not, the intended beneficiary of legislation that permits Bacchus parties, weddings and application of toxic chemicals by men in a full hazmat suits (as often occurs). It is for this reason, and with this in mind, that the neighbors challenge the "commercial farm" status of the purportedly 5-acre farm.

#### **I. Notice of the 5-Acre Hearing was Defective**

The first issue relates to the hearing during which the 5-acre evidence was presented and a decision was made. At that time, the application included an access easement to State Route 9 across an adjacent parcel in common ownership with the Applicant. Yet the published Notice and 200-foot list did not mention or consider the adjacent lot, and property owners within 200 feet of the access road were not provided notice of the hearing. It is the well-established and undisputed law of this State that property that is the subject of a hearing includes property over which the project has an easement for use as access to the development. *Brower Dev. v. Planning Bd. of Clinton*, 255 N.J. Super. 262 (App. Div. 1992); Cox, Zoning and Land Use, § 18-1.2(4)(d). The Notice was therefore defective and any decisions by the Board thereafter are void *ab initio*.

## II. The Property is not a 5-Acre Commercial Farm

Second, the Board did not determine the size of the “Farmhouse” on the property, and when a reasonable amount of land is deducted for the structure and its surrounds, the farm does not achieve the 5 acres required of a commercial farm.

Instead, the County Board made its “commercial farm” determination for all the wrong reasons, and made no ultimate finding on the actual area attributable to the Farmhouse. One Board member, both during testimony (10/14/21 Trans., 60-62) and during the actual voting process (155-156) erroneously claimed five acres could be achieved by combining the acreage of the subject property with Mr. Halpern’s farm on a non-contiguous property in a different taxing district over 60 miles from the subject property. This is not accurate as a matter of law (although the Applicant’s counsel affirmed it). *See Tibor Sipos and Cecily Gentles v. Hunterdon County Agriculture Development Board*, Final Decision, ADC 5173-11 (February 23, 2012) (SADC specifically holding that EACH component part of an aggregated farm must meet all of the criteria for farmland assessment, including the five-acre requirement.).

Another Board Member explained his decision on the five-acre issue as follows: “My vote for yes was because you’ve got 5.2 acres in a preserved program. That’s it.” (155). This was a reference to the Soil Conservation designation the Applicant submitted to the Board, which included three different “Fields,” Field 2 being 0.42 acres and consisting primarily of the Farmhouse. (**Exhibit A**) (the conservation designation was also made BEFORE a 2020 expansion of the Farmhouse to the rear). However, the conservation designation does not eliminate the need to subtract the Farmhouse and its surrounds from the acreage calculation under the Right to Farm Act. The best evidence available from the Soil Conservation document indicates the farm parcel

consists of Fields 1 and 3 totaling 4.76 acres, plus the Farmhouse and surrounds of Field 2 containing .42 acres. The commercial farm therefore totals only 4.76 acres, not the required five acres, based on the parcels indicated by the Soil Conservation map.

Although the Applicant conceded the "Farmhouse" cannot be counted in calculating the five-acre requirement under the Right to Farm Act (20-21), and the Township Engineer testified the Assessor had repeatedly refused to grant the property Farmland Assessment status because it failed to demonstrate it had 5 acres of cultivated land, there was *still* no finding of fact by the Board regarding the area determined to be the Farmhouse and its surrounds

Further, the minimum lot size for the zone in which this property exists is 40,000 square feet, or approximately 1 acre. The minimum rear yard for the R-zone is 50 feet. The smallest minimum rear yard in the entire township is 30 feet. (Resort Residential/House of Worship) (**Exhibit B-Zoning Bulk Chart**). Applying these minimums to the actual residential structure existing on the site, the resulting area attributable to the Farmhouse is approximately 16,000 square feet, with a 30-foot rear yard, and 19,000 square feet with a 50-foot rear yard. (**Exhibit C-Lot Map**). Even the smaller 16,000 square foot Farmhouse (.367 acres) results in a reduction of acreage from 5.22 to 4.85. This is almost identical to the Soil Conservation parcel breakdown showing .42 acres for the parcel upon which the Farmhouse structure is located, and leaving 4.76 acres for the remaining parcels. This simply is not a 5-acre commercial farm if the Farmhouse and its surrounds are excluded, as they must be.

The neighbors' overriding point is that this "farm" is squeezed into a residential neighborhood in which a historic tree farm was harmless and acceptable. However, legislation for the modern farm, including that which permits growing, processing and selling intoxicating

substances for parties and events, did not anticipate these activities would take place on a small property surrounded by the back yards of families with children. In fact, as indicated on the attached chart, the average size farm in Cape May County is **62** acres, in adjacent Atlantic County it is **106** acres, and in the State of New Jersey it is **89** acres. (**Exhibit D-Farm Summary**).

Fortunately, this property does not truly qualify as a commercial farm because, excluding the Farmhouse, it does not meet the 5-acre minimum requirement.

### **III. The Approved SAAMP Provides Inadequate Buffering from the Surrounding Residential Properties**

Finally, expert and public testimony sought and justified additional buffering between the farming activity and neighboring residential properties. Testimony was directed at both quality of buffering and quantity of buffer between the farming area where pesticide spraying takes place and the neighboring backyards where children play. The neighbors' legitimate position is that the existing buffering is inadequate, and they wish to provide personal and expert testimony seeking to improve the quality and quantity of buffering, if in fact this property is determined to be a commercial farm.

### **CONCLUSION**

As set forth above, notice of the first hearing on this application was defective. On the merits, the property does not qualify as a "commercial farm," because it does not include 5 acres. If it is to be squeezed into this location, additional buffering is appropriate.

Sincerely,  
KINGBARNES

*/s/Richard M. King, Jr.*

Richard M. King, Jr., Esquire

A

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ITEM 3

**USDA** VINELAND SERVICE CENTER  
1318 S MAIN RD BLDG 5A  
VINELAND, NJ 08360-6511

NICHOLAS SAUMWEBER  
DISTRICT CONSERVATIONIST

### Conservation Plan

MICHAEL E. HALPERN  
648 LINWOOD AVENUE  
COLLINGSWOOD, NJ 08108

Tract 681 is a preserved farm in Marmora, Upper Township, New Jersey, Block 723 Lot 37. The property is 5.2 acres and includes the site of a 3 acre commercial wine grape vineyard. This land was previously managed as a Christmas tree farm and has since converted for the growth of commercial wine grapes. Long term goals for the property include an on-site tasting room and fully accessible winery operation, the structure for which was built in 2017. The winery farm will consist of 30 rows of wine grapes. There is existing conservation cover between each row of "Kentucky 31" tall fescue, installed by the owner/operator. All irrigation to wine grapes have been upgraded to micro irrigation, and irrigation water is closely monitored to ensure accurate watering, following years of irrigation water management at a Cumberland County property. These practices were completed by the owner/operator and were not installed as any part of an existing NRCS program or application. There is interest in beautifying the surrounding landscape, especially near the tasting barn, with native vegetation to attract butterflies and hummingbirds for the enjoyment of winery visitors. There is little invasive plant pressure on the property that is currently being managed (bamboo, English ivy, Japanese honeysuckle). Michael is looking for cost share assistance to install a fence or other barrier surrounding the residential properties that border the farms edge to protect the grapes from drift of household chemical use and fertilizers/herbicides used by neighbors. There are two wells on the property, one which is not functioning due to the need for an electric pump replacement. An ephemeral gully has been regraded and laid with crushed stone to allow for a parking area for winery visitors and transport of farm commodities into and off of the farm. This heavy use area was not installed as part of an existing conservation plan with NRCS. Should Michael prefer to move forward with applying for financial assistance in any of the following recommendations, or request technical assistance in planning and job sheet creation, please contact the Vineland USDA service center.

#### Conservation Cover(327)

**Proposed future action** – Pollinator Habitat - Establish permanent native grass, legume, and/or forbs along with wildflowers where indicated on the Conservation Plan Map. Certified seed must be used for the planned species to be planted. The cover will be established to enhance wildlife habitat, improve soil quality, and manage plant pests. Complete specifications and requirements of the seeding can be found in the attached New Jersey Installation and Guide Sheet for Pollinators with further recommendations made at the landowners request. Attachments: New Jersey Installation and Guide Sheet for Pollinators.  
**Operation and Maintenance:** The lifespan of this practice is 5 years. It is the producer's responsibility to maintain this practice for its designated lifespan. Inspections and maintenance are required to obtain the desired results of the practice. A maintenance program shall be followed that is consistent with the purpose of this practice, its intended life, and criteria for its design. Required actions and maintenance during the 5 year service life of the practice includes: a) if wildlife habitat enhancement is a purpose, maintenance practices and activities shall not disturb cover during the reproductive period for the desired species. Exceptions should be considered for periodic burning or mowing when necessary to maintain the health of the plant community b) maintenance measures must be adequate to control noxious weeds and other invasive species c) To benefit insect food sources for grassland nesting birds, spraying or other control of noxious weeds shall be done on a "spot" basis.

Tract	Field	Proposed Amount	Month	Year	Applied Amount	Date
681	1	0.05 ac				

Total:	0.05 ac		
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**Hedgerow (422)**

**Proposed future action** – Create a boundary delineation of farm to separate from surrounding residential properties to intercept airborne particulate matter. Hedgerows shall be established using woody plants or perennial bunch grasses producing erect stems attaining average heights of at least 3 feet persisting through the winter. If using woody species, refer to the New Jersey Tree and Shrub Planting Technical reference for acceptable species, planting rates and methods. Plants selected must be suited and adapted to soil and site conditions, climate, and conservation purpose. Species shall be selected that do not host pests or diseases that could pose a risk to nearby crops. Hedgerows shall be aligned along boundaries of fields to differentiate land management units. Screening hedgerows provide privacy, hide unsightly areas from view and reduce noise. Hedgerows shall be located where they most completely obstruct a line of sight or offensive sound. Selected plants shall attain a height and fullness sufficient to break the line of sight and baffle sound. The hedgerow will be oriented as close to perpendicular to the prevailing wind as much as possible. Hedgerow density on the upwind side shall be at least 50% at maturity. Hedgerow density adjacent to the particulate source shall be at least 65% at maturity.

**Operation and Maintenance** - Inspections and maintenance are required to obtain the intended functions of a hedgerow planting. A maintenance program shall be followed that is consistent with the purpose of this practice, its intended lifespan, and criteria for its design. Item to inspect and maintain during the 15 year design life of a Hedgerow planting is to control undesired weed species, especially if a state listed noxious weed. Vegetation shall be protected from the unwanted fire and grazing throughout its lifespan. Pests shall be monitored and controlled. Periodic applications of nutrients may be needed to maintain plant vigor. Renovation activities shall be scheduled to prevent disturbance during the wildlife nesting season. Supplemental planting may be required when survival is too low to produce a continuous hedgerow.

Tract	Field	Proposed Amount	Month	Year	Applied Amount	Date
681	1	1200 ft				
Total:		1200 ft				

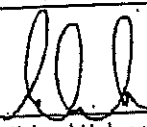
**Pumping Plant (533)**

**Proposed future action**— Install a pumping plant to deliver water for efficiency of water on irrigated land, and improve energy use efficiency. The pumping plant will be located where indicated on the conservation plan map. The pumping plant will be installed based on an engineering design that is developed according to and certified as meeting current NRCS standards and specifications. Guidance on required safety measures will be included in the design package. In order to comply with all local, state and federal law regulations, the operator will obtain all necessary permits prior to construction. An Operation and Maintenance plan will be included with the design package; the operator should be familiar with this plan prior to construction and should review the O&M plan annually to ensure that the practice is maintained for the intended purpose and lifespan. For a write up and further details on obtaining this plan, contact your Vineland USDA service center.


Tract	Field	Proposed Amount	Month	Year	Applied Amount	Date
618	2	1				
Total:		1				




CERTIFICATION OF PARTICIPANTS

  
Michael Halpern  
7-11-18  
Date

CERTIFICATION OF:

DISTRICT CONSERVATIONIST  
  
NICHOLAS SAUMWEBER  
7/16/18  
Date

CONSERVATION DISTRICT  
  
Cape Atlantic Conservation District Date  
7/16/18

PUBLIC BURDEN STATEMENT

According to the Paperwork Reduction Act of 1995, an agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a valid OMB control number. The valid OMB control number for this information collections is 0578-0013. The time required to complete this information collection is estimated to average 45/0.75 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection information.

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The above statements are made in accordance with the Privacy Act of 1974 (5 U.S.C 522a). Furnishing this information is voluntary; however failure to furnish correct, complete information will result in the withholding or withdrawal of such technical or financial assistance. The information may be furnished to other USDA agencies, the Internal Revenue Service, the Department of Justice, or other state or federal law enforcement agencies, or in response to orders of a court, magistrate, or administrative tribunal

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USDA Office of the Assistant Secretary for Civil Rights  
1400 Independence Avenue, SW.  
Washington, DC 20250-9410

Or call toll free at (866) 532-9992 (voice) to obtain additional information, the appropriate office or to request documents. Individuals who are deaf, hard of hearing, or have speech disabilities may contact USDA through the Federal Relay service at (800) 877-8339 or (800) 845-6136 (in Spanish). USDA is an equal opportunity provider, employer, and lender. Persons with disabilities who require alternative means for communication of program information (e.g., Braille, large print, audiotape, etc.) should contact USDA's TARGET Center at (202) 720-2600 (voice and TDD).

Soils Map **ITEM 7**

Date: 6/12/2018

Customer(s): MICHAEL E. HALPERN  
District: CAPE ATLANTIC CONSERVATION DISTRICT  
Approximate Acres: 5.2

Field Office: VINELAND SERVICE CENTER  
Agency: USDA-NRCS  
Assisted By: B. Dobrzynski  
State and County: NJ, Cape May County, New Jersey  
Land Units: Farm 461, Tract 681

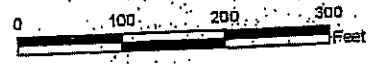


Prepared with assistance from USDA-Natural Resources Conservation Service

RECEIVED  
JUL 02 2021  
ASSESSOR



1 inch = 163 feet



USDA  Legend

 Tract 681 Boundary

 soil\_a nj009

2018 Farmland Preservation Plan

Date: 5/12/2018

Customer(s): MICHAEL HALPERN  
District: CAPE ATLANTIC CONSERVATION DISTRICT  
Approximate Acres: 5.2

Field Office: VINELAND SERVICE CENTER  
Agency: USDA-NRCS  
Assisted By: B. Dobrzynski  
State and County: NJ, Cape May County, New Jersey  
Land Units: Farm 461 Tract 681



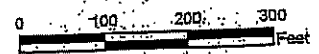
Prepared with assistance from USDA-Natural Resources Conservation Service

Legend

- Tract 681 Boundary
- Pumping Plant (533) - Proposed future action
- Hedgerow (422) - Proposed future action
- Conservation Cover (327) - Proposed future action
- Heavy Use Area Protection (561) - Completed by owner
- Conservation Cover (327) - Existing cover between rows



1 inch = 200 feet



Topographic Map

Date: 6/21/2018

Customer(s): MICHAEL E. HALPERN  
District: CAPE ATLANTIC CONSERVATION DISTRICT  
Approximate Acres: 5.2

Field Office: VINELAND SERVICE CENTER  
Agency: USDA-NRCS  
Assisted By: B. Dobrzynski  
State and County: NJ, Cape May County, New Jersey  
Land Units: Farm 46, Tract 681




Prepared with assistance from USDA-Natural Resources Conservation Service



1 inch = 750 feet



Legend

 Tract 681 Boundary

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**B**

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ZONING

20 Attachment 3

SCHEDULE C - Revised March 9, 2020  
 Township of Upper  
 AREA AND YARD REQUIREMENTS FOR ZONE DISTRICTS  
 [Ord. #002-2013; Ord. #004-2015 § 3; Ord. No. 011-2018; amended 5-26-2020 by Ord. No. 005-2020; 11-28-2022 by Ord. No. 026-2022]

Zoning District	Minimum Lot Area (square feet)	Minimum Lot Frontage (feet)	Minimum Lot Width (feet)	Minimum Lot Depth (feet)	Principal Building			Height (feet)	Maximum Building Coverage	Maximum Impervious Lot Coverage	Tree Preservation (11)	Landscape Buffer <sup>1)</sup> (feet)	Accessory Building		Maximum Building Coverage	
					Minimum Yards (feet) (one/both)	Rear	Side						Minimum Yard (feet)	Rear		Distance to Other Building (feet)
<b>Residential Zones</b>																
AR Agriculture and Rural Density Residential	120,000	200	200	300	80	50/100	100	35	3%	5%	70%	40	25/50	50	20	1.0%
House of worship and cemeteries	120,000	200	200	200	50	50/50	50	55	5%	10%	50%	25	15/30	15	15	2.5%
9-hole golf courses	50 acres	600	600	1,000	200	200/400	200	35	1%	10%	35%	20	50/100	50	20	0.1%
18-hole golf courses	200 acres	600	600	1,000	200	200/400	200	35	1%	10%	35%	20	50/100	50	20	0.1%
R Center Residential	40,000	140	140	175	50	25/50	50	35	10%	30%	35%	10	15/30	15	15	5.0%
House of worship and cemeteries	60,000	200	200	200	50	50/50	50	55	10%	30%	35%	10	15/30	15	15	5.0%
R2 Residential	40,000	140	140	175	50	25/50	50	35	8%	20%	35%	10	15/30	15	15	4.0%
House of worship and cemeteries	60,000	200	200	200	50	50/50	50	55	10%	30%	35%	10	15/30	15	15	5.0%
9-hole golf courses	50 acres	600	600	1,000	200	200/400	200	35	1%	10%	35%	20	50/100	50	20	0.1%
18-hole golf courses	200 acres	600	600	1,000	200	200/400	200	35	1%	10%	35%	20	50/100	50	20	0.1%
RR Resort Residential	4,000	40	40	100	15	15	30	35	27%	45%	0%	0	6/6	10	10	2.5%
Houses of worship	6,000	50	50	100	15	8/8	30	55	20%	50%	0%	0	8/8	10	10	3.0%
TR Truckee Riverfront	2 acres	150	150	250	50	35/70	50	35	3%	5%	50%	25	35/70	50	20	1.5%
Mobile Home	20 acres	200	200	400	75	71/50	75	35	35%	70%	25%	50	15/30	50	15	5.0%
AHGR Affordable Housing	5 acres	200	200	400	100	60/120	60	45	30%	40%	25%	35	15/30	50	15	5.0%
Group Home																
C Conservation	10 acres	400	400	400	(4) 200	50/50	70	35	1.5%	3%	70%	25	40/40	40	20	0.5%
PV Panelands Village	1 acre	120	150	150	(2) 70	25/50	50	35	6%	10%	50%	10	15/30	15	15	5.0%
RD Rural Development	3.75 acres	150	150	300	200 <sup>a</sup>	30/60	70	35	5%	10%	50%	10	30/30	30	15	2.0%
House of worship and cemeteries	60,000	200	200	200	50	50/50	50	55	5%	10%	50%	25	15/30	15	15	2.0%
9-hole golf courses	50 acres	600	600	1,000	200	200/400	200	35	1%	10%	35%	20	50/100	50	20	0.1%
18-hole golf courses	200 acres	600	600	1,000	200	200/400	200	35	1%	10%	35%	20	50/100	50	20	0.1%
F3 Rural Density Forest	3.2 acres	(5) 150	150	325	200 <sup>a</sup>	50/100	75	35	3%	5%	70%	25	30/60	30	15	1.0%
F10 Low Density Forest	10 acres	(6) 175	175	350	200 <sup>a</sup>	50/100	100	35	2%	4%	70%	25	30/60	30	15	0.5%
F25 Forest Conservation	2.5 acres	(7) 200	200	350	200 <sup>a</sup>	50/100	100	35	0.5%	3%	70%	25	30/60	30	20	0.5%
RP Recreation and Park	3.75 acres	150	150	300	200	50/100	75	35	5%	10%	35%	25	30/60	30	15	2.0%
9-hole golf courses	50 acres	600	600	1,000	200	200/400	200	35	1%	10%	35%	20	50/100	50	20	0.1%
18-hole golf courses	200 acres	600	600	1,000	200	200/400	200	35	1%	10%	35%	20	50/100	50	20	0.1%
RPPV Recreation and Park	3.75 acres	150	150	300	200	50/100	75	35	5%	10%	70%	25	30/60	30	15	2.0%
Pitland Village																
9-hole golf courses	50 acres	600	600	1,000	200	200/400	200	35	1%	10%	35%	20	50/100	50	20	0.1%
18-hole golf courses	200 acres	600	600	1,000	200	200/400	200	35	1%	10%	35%	20	50/100	50	20	0.1%

UPPER CODE

Zoning District	Minimum Lot Area	Minimum Lot Frontage	Minimum Lot Width	Minimum Lot Depth	Minimum Yards			Height <sup>1</sup>	Maximum Building Coverage	Maximum Impervious Lot Coverage	Tree Preservation <sup>11</sup>	Landscape Buffer <sup>11</sup>	Minimum Yard		Distance to Other Building	Maximum Building Coverage
					Front	Side (one/both)	Rear						Side (feet)	Rear		
MTC/D District <sup>12</sup>	(square feet) 40,000 < 10 acres	(feet) 250	(feet) 250	(feet) 300	0	5/10 <sup>2</sup>	50	5' <sup>3</sup>	45%	70%	(11)	15	10/20	10	10	5.0%
TCC	10 acres and over	300	300	600	0	5/10 <sup>2</sup>	50	5' <sup>3</sup>	45%	70%	15%	25	10/20	10	10	5.0%
TCC	Town Center Core <sup>10</sup> 40,000 < 5 acres	100	100	200	50	25/50 <sup>2</sup>	50 <sup>2</sup>	45	35%	60%	15%	10	10/20	25	25	5.0%
TCC	5 acres < 10 acre	250	250	300	50	25/50 <sup>2</sup>	50 <sup>2</sup>	45	25%	70%	15%	15	10/20	25	25	5.0%
TCC	10 acres and over	300	300	600	100	50/100 <sup>2</sup>	50 <sup>2</sup>	45	20%	70%	25%	25	10/20	25	25	5.0%
TC	Town Center <sup>10</sup> 40,000-5 acres	125	125	200	50	25/50 <sup>2</sup>	50 <sup>2</sup>	45	30%	50%	15%	10	10/20	25	25	5.0%
TC	5 acres < 10 acre	250	250	300	50	25/50 <sup>2</sup>	50 <sup>2</sup>	45	20%	60%	15%	15	10/20	25	25	5.0%
TC	10 acres and over	300	300	600	100	50/100 <sup>2</sup>	50 <sup>2</sup>	45	15%	60%	25%	25	10/20	25	25	5.0%
WTC	Waterfront Town Center <sup>10</sup> 40,000- < 5 acres	100	100	200	50	25/50 <sup>2</sup>	50 <sup>2</sup>	45 <sup>13</sup>	35%	60%	15%	10	10/20	25	25	5.0%
WTC	5 acres < 10 acre	250	250	300	50	25/50 <sup>2</sup>	50 <sup>2</sup>	45 <sup>13</sup>	25%	70%	15%	15	10/20	25	25	5.0%
WTC	10 acres and over	300	300	600	100	50/100 <sup>2</sup>	50 <sup>2</sup>	45 <sup>13</sup>	20%	70%	25%	25	10/20	25	25	5.0%
TV	Truckee Village 15,000	50	50	100	10	10/10	25	35	50%	70%	25%	10	6/12	6	10	5.0%
RC	Resort Commercial 6,000	50	50	100	15	8/16	30	35	30%	60%	0%	5	8/16	10	10	5.0%
CM2	Commercial 40,000- < 5 acres	150	150	200	50	25/50 <sup>2</sup>	50 <sup>2</sup>	35	20%	30%	50%	15	15/30	25	25	5.0%
	5 acres < 10 acres	250	250	300	100	25/50 <sup>2</sup>	50 <sup>2</sup>	35	15%	35%	50%	20	15/30	25	25	5.0%
	10 acres and over	300	300	600	100	50/100 <sup>2</sup>	100 <sup>2</sup>	35	15%	35%	50%	25	15/30	25	25	1.0%
CM4	Rural Density 2 acres	200	200	250	100	50/100	50	35	5.0%	15%	70%	15	15/30	25	25	1.0%
CMP	Commercial Prelands 3.2 acres	200	200	250	100	50/100	50	35	5.0%	15%	70%	15	15/30	25	25	1.0%

- Schedule C Notes
- 1 No principal or accessory building or structure shall exceed maximum specified height, except that churches shall not exceed 55 feet in height and except further as allowed in Subsection 20-6-3.3.
  - 2 May be reduced to the average setback of the five closest principal buildings.
  - 3 (Reserved)
  - 4 May be reduced to 100 feet in agricultural areas or where environmental limitations require reduction.
  - 5 The lot frontage requirements may be reduced to 50 feet for a 10-acre flag lot.
  - 6 The lot frontage requirements may be reduced to 50 feet for a 10-acre flag lot.
  - 7 The lot frontage requirements may be reduced to 50 feet for a 25-acre flag lot.
  - 8 (Reserved)
  - 9 An additional side and rear setback of 25 feet shall be provided when the adjacent property is in a residential district.
  - 10 See additional WTC, MTC/D, TC and TCC front yard and side yard setback and height standards in Subsection 20-4-7e.
  - 11 Tree preservation and landscape buffer shall not be required for properties with existing structures that existed prior to October 15, 2007.
  - 12 See additional front yard and side yard setback and height standards in Subsection 20-4-20c.
  - 13 Except for buildings attached to a hotel use, there shall be no maximum limit on stories or height.

14 Side yard setbacks shall be provided in accordance with Subsection 20-4-552(e).

## ZONING



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C

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# BAYAIRE ROAD (50' WIDE)

JE

CONC. CURB

APRON

S50°37'17"E 138.11'

LOT 42

N22°33'43"E  
94.38'

S50°37'17"E  
136.06'

CHAIN LINK FENCE CLEAR

EX. COVERED PORCH

EX. TWO STORY FRAME DWELLING # 8  
ROOF PEAK 26.6' ABOVE GRADE

EX. GENERATOR

EX. BILCO DOORS

EX. DECK

EXISTING UNDERGROUND UTILITIES

24" TREE

EX. SEPTIC LID

18" TREE

EX. WELL IRRIGATION

TP #1

EX. METAL GARAGE  
HEIGHT 21.9' ABOVE GRADE

EX. Crushed Concrete D/W

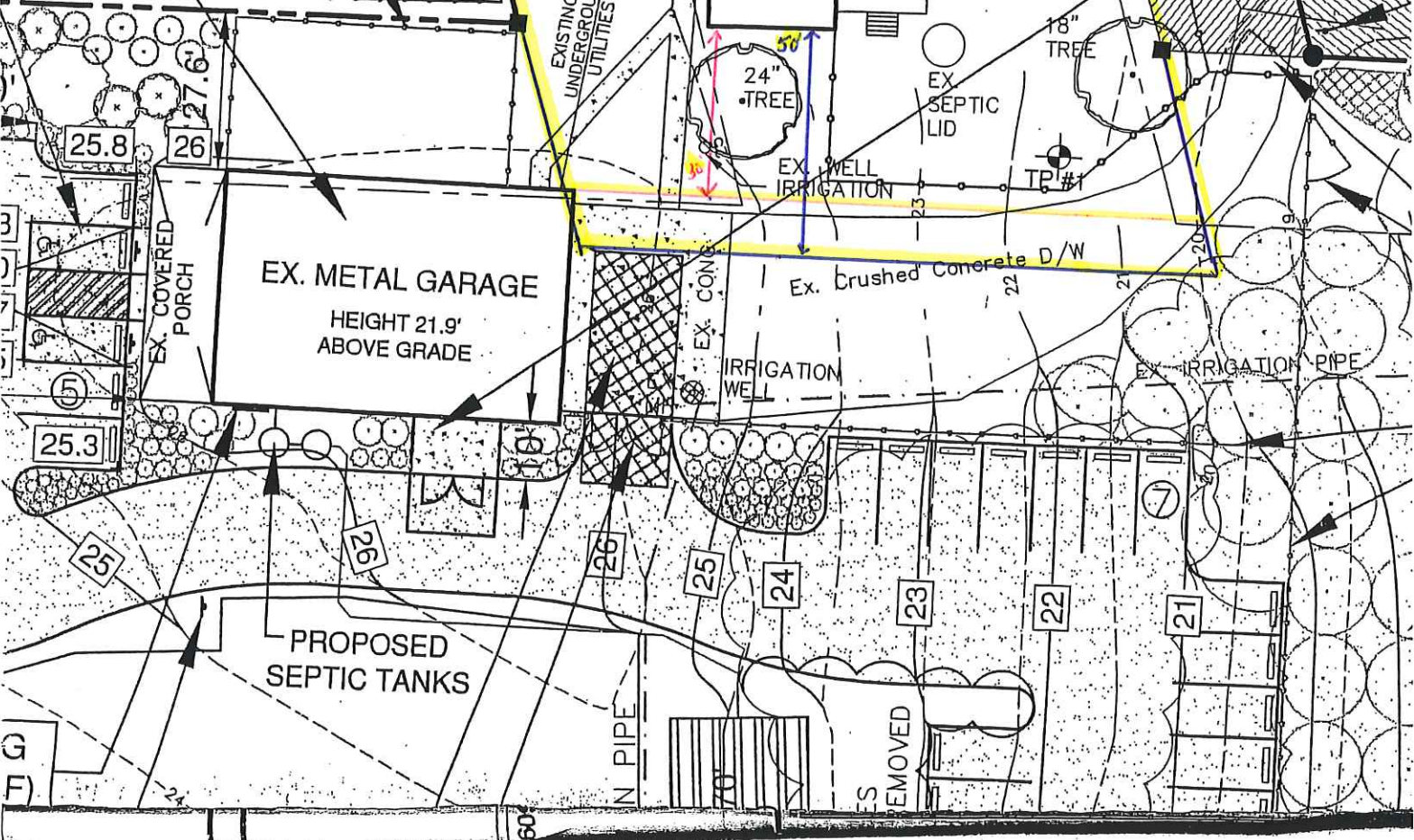
IRRIGATION WELL

EX. IRRIGATION PIPE

PROPOSED SEPTIC TANKS

N PIPE

REMOVED



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**D**

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## New Jersey Farmland Preservation Program Summary of Preserved Farmland

Participating County	Number of Farms	Number of Municipalities	Acres	Average Farm Size	Total Cost	Per Acre Total Cost	State Cost	State Cost Share Percent	County Municipality Federal Cost Share
Atlantic	48	8	5,105	106	17,577,982	3,443	13,423,506	76.37%	4,154,476
Bergen	8	5	335	42	19,752,944	58,927	10,866,840	55.01%	8,886,103
Burlington	235	21	28,943	123	158,798,787	5,487	95,939,649	60.42%	62,859,139
Camden	14	3	1,011	72	13,732,709	13,579	6,149,953	44.78%	7,582,756
Cape May	51	6	3,141	62	18,969,353	6,039	11,428,961	60.25%	7,540,392
Cumberland	229	12	21,821	95	65,539,845	3,004	47,578,199	72.59%	17,961,645
Gloucester	221	14	15,965	72	124,266,407	7,784	79,469,000	63.95%	44,797,407
Hunterdon	459	19	35,607	78	299,106,301	8,400	209,247,881	69.96%	89,858,421
Mercer	116	8	8,499	73	103,613,974	12,191	61,503,135	59.36%	42,110,839
Middlesex	55	7	4,880	89	62,554,302	12,818	40,967,538	65.49%	21,586,764
Monmouth	211	11	15,538	74	243,192,400	15,652	150,813,904	62.01%	92,378,495
Morris	115	12	7,323	64	148,894,498	20,331	82,943,523	55.71%	65,950,975
Ocean	48	5	3,249	68	26,641,541	8,200	18,104,071	67.95%	8,537,470
Passaic	2	2	56	28	3,553,345	63,399	1,539,426	43.32%	2,013,919
Salem	384	12	41,947	109	184,227,450	4,392	141,511,237	76.81%	42,716,213
Somerset	111	7	8,230	74	140,497,411	17,072	81,018,309	57.67%	59,479,101
Sussex	154	14	16,318	106	55,504,729	3,401	37,918,538	68.32%	17,586,192
Warren	300	19	26,499	88	135,530,028	5,115	86,667,290	63.95%	48,862,737
<b>All Counties</b>	<b>2,761</b>	<b>185</b>	<b>244,468</b>	<b>89</b>	<b>1,821,954,005</b>	<b>7,453</b>	<b>1,177,090,960</b>	<b>64.61%</b>	<b>644,863,045</b>