Effective Date: 4/28/94

STATE AGRICULTURE DEVELOPMENT COMMITTEE

POLICY

INTERPRETATION OF THE DEED OF EASEMENT RESTRICTIONS

I. **Purpose:** To establish efficient procedures to respond to questions about what is permitted under the various deeds of easement for the farmland

preservation program.

II **Authority**:

N.J.S.A. 4:1C-11 et seq., N.J.A.C. 2:76-6.15

III **Policy:**

The questions requiring interpretation generally arise from:

- CADB administrators
- potential or current applicants
- sellers of deed restricted farms
- potential purchasers of deed restricted farms
- potential lenders
- pre-easement purchase farm inspections for non-ag uses
- miscellaneous third parties (realtors, governmental officials, neighbors

Whenever practical the SADC and its staff will encourage that these questions first be directed to the appropriate CADB, as the owner of the easement, for its advised opinion.

A. CADB Determination

- 1. Before the CADB renders an opinion, county counsel is encouraged to confer with SADC legal counsel.
- 2. The CADB should inform the SADC of its determination.

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B. SADC Determination

1. SADC staff may respond directly when such responses are based on:

- an unambiguous reading of the statute or regulations (e.g., no motels, gas stations, golf courses);
- previous advice on point from the Office of the Attorney General;
 or
- previous on point interpretation by the SADC of its regulations.
- 2. When it is determined that SADC staff cannot respond directly as stated in the above, the issue will be referred to the SADC which may request advice from the Office of the Attorney General before rendering its interpretation. Each request will be prioritized by the SADC among its other pending legal and other issues.
- 3. It is important to note the possibility that on any given issue the county/CADB and State/SADC may have differing interpretations.

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