

MERCER COUNTY AGRICULTURAL
DEVELOPMENT BOARD APPROVAL
OF HOUSE REQUEST AND
RESIDENTIAL ENVELOPE LOCATION
ON THE SINGH FARM, BLOCK 2713,
LOT 19, HAMILTON TOWNSHIP WITH
CONDITIONS.

WHEREAS, Mr. Charanjit Singh is the owner of a 31-acre farm ("Farm"), located on Uncle Petes Road, Block 2713, Lot 19 of the Hamilton Township tax maps; and

WHEREAS, the Farm is deed restricted pursuant to a Deed of Easement which was imposed on the Farm in 2011; and

WHEREAS, paragraph 13(b) of the Farm Deed of Easement specifies that the Farm contains a 2-acre "floating" residential envelope ("Envelope") where one single-family residence of up to 4,000 square feet may be located; and

WHEREAS, paragraph 13(b) of the Farm Deed of Easement also specifies, 1) that the CADB must approve the location of the Envelope, 2) that once approved, the location cannot be changed and the Envelope cannot be subdivided from the Farm, 3) that the Envelope must be surveyed and monumented at the owner's sole expense, and 4) that the primary and secondary septic systems and fields servicing the residence must be constructed within the Envelope; and

WHEREAS, Mr. Singh applied to the Mercer County Agricultural Development Board ("CADB") in June 2020 for approval to build a house within the Envelope; and

WHEREAS, in his application, Mr. Singh represented that:

1. He wishes to build a single-story 2,500 square foot single-family house with an attached garage and full basement within the Envelope and has provided the Board with an image showing the proposed location (Exhibit A); and
2. The driveway would be approximately 250 feet long and 15 feet wide with pavers or asphalt as appropriate; and
3. The house would be placed towards the front of the exception area, leaving most of it behind the house to allow for a septic system and home garden; and
4. He wishes to build an approximately 100-foot by 60-foot barn for his farm equipment; and

WHEREAS, it has been brought to the CADB's attention that water from the Farm has been flooding the neighboring Bartolone property, located at 117 Uncle Petes Road, Block 2713, Lot 18, Hamilton Township, and that soil erosion is occurring during rainstorms; and

WHEREAS, following consultation with Bartolone, the Township of Hamilton, the CADB Staff and the Natural Resource Conservation Service, Mr. Singh installed a berm along the boundary between the Farm and the Bartolone property and near the drainage pipe along Uncle Petes Road; and

WHEREAS, the CADB first heard Mr. Singh's house request at their June 1, 2020 meeting and decided not to act until it could be shown that the flooding and erosion had been addressed; and

WHEREAS, Mr. Singh asked that his house request be revisited at the August 3, 2020 CADB meeting; and

WHEREAS, CADB staff visited the Farm on July 27, 2020 and found the following:

1. The berm has so far been successful in keeping water from the Bartolone property, and vegetation has grown on top of the berm;
2. The field is currently planted in soybeans. There are several places in the field where water sits following a rainstorm - the soybeans are not growing well in these areas;
3. It does not appear that soil and water are moving off the field at high speed (no furrows observed);
4. Ms. Bartolone shared photos from a rainstorm showing muddy water running off the field into the drainage ditch and also onto the road; and

WHEREAS, following discussion and viewing of pictures provided by CADB staff and Ms. Bartolone, the CADB agreed that Mr. Singh's house request and proposed Envelope location should be approved with conditions to ensure that the new construction does not exacerbate the flooding and erosion;

NOW THEREFORE BE IT RESOLVED that the Mercer CADB approves Mr. Singh's house request as noted above and the Envelope location as shown on Exhibit A, subject to the following conditions:

1. Mr. Singh shall engage an engineer to design the house site to ensure that the impervious coverage of the house, barn and driveway does not exacerbate the flooding and erosion going towards the Bartolone property and Uncle Petes Road;
2. Mr. Singh shall seed the berm along with a five-foot buffer between the field and berm with a fescue or other similar permanent strong-rooted grass to hold the soil in place;
3. Mr. Singh shall follow all terms, conditions and requirements of the Deed of Easement, including to survey and monument the Envelope, and shall ensure that the primary and secondary septic systems and fields servicing the house can be contained within the Envelope. The Deed of Easement is and shall continue to be the governing document;
4. Mr. Singh shall obtain all necessary municipal approvals and shall comply with all other regulatory requirements with respect to his construction, as well as continued efforts to eliminate the flooding and erosion conditions. Hamilton Township and the Mercer County Soil Conservation District will be provided with a copy of this resolution;

5. The CADB recommends that Mr. Singh plant a cover crop over the winter to hold the soil in place; and

6. Mr. Singh shall provide the CADB with a certified copy of the engineer's plans for the house site and a copy of the survey of the Envelope, which shall include a certification from the engineer that the design of the house, barn and driveway within the Envelope shall not exacerbate the flooding and erosion problems, and shall also provide evidence, satisfactory to the CADB, that the berm and buffer have been seeded as specified.

I certify that the above Resolution was adopted at a meeting of the Mercer County Agricultural Development Board on August 3rd, 2020.



Emily Blackman, CADB Administrator

Exhibit A

