

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 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 was 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, at its August 3, 2020 meeting, the CADB passed a resolution ("Resolution 2020-02") which granted conditional County Approval to Mr. Singh's application and which required, among other things, that Mr. Singh would seed the berm along with a five-foot buffer between the field and the berm with fescue or another similar permanent strong-rooted grass to hold the soil in place; and

**WHEREAS**, Mr. Singh has made application to the Township of Hamilton for a building permit for the residence and Hamilton Township has acknowledged that it cannot issue the building permit until the CADB confirms that the conditions of Resolution 2020-02 have been met; and

**WHEREAS**, the CADB agreed to hear Mr. Singh's request for determination on his compliance with the conditions of Resolution 2020-02 at its June 7, 2021 meeting and passed a Resolution which gave Mr. Singh the option to either, 1) receive his house approval upon entering into an Escrow Agreement with the CADB and posting the required escrow to ensure that proper seeding of the berm and buffer would take place or 2) delay his house approval until a later date when the Board was satisfied that the seeding of the berm and buffer was successful; and

**WHEREAS**, Mr. Singh asked that the CADB again revisit his request for determination on his compliance with the conditions of Resolution 2020-02 at their October 4, 2021 meeting; and

**WHEREAS**, Mr. Singh stated that he seeded the berm and buffer area with a strong-rooted grass in July of 2021 and a subsequent visit to the Property by CADB staff and one CADB member in September of 2021 determined that (i) the berm was presently in place and in good condition; (ii) the berm was apparently successful in preventing water from entering the backyard of the Bartolone property; (iii) the berm and buffer were vegetated with an annual grass and weeds; (iv) there was no evidence of sediment accumulation in the entrance to the drainage pipe adjacent to the farm field; and

**WHEREAS**, a visit to the Property by a CADB member during a heavy rainstorm in September of 2021 determined that the water flowing from the field did not contain significant sediment; and

**WHEREAS**, at the October 4, 2021 CADB meeting, following review of pictures provided by CADB staff, consideration of CADB staff's comments, and comments presented by Ms. Bartolone and Ms. Bartolone's attorney, and following discussion by the CADB, the CADB determined that Mr. Singh's house request and proposed Envelope location should be approved and Hamilton Township authorized to issue building permits for the house, on satisfaction of certain conditions; and

**NOW THEREFORE BE IT RESOLVED** that:

1. The CADB finds that Mr. Singh has provided the required plot plan prepared by Shore Point Engineering which depicts the location of the house site, attached hereto as Exhibit A;
2. The CADB finds that Mr. Singh has provided an email from Kevin E. Shelly, P.E. of Shore Point Engineering, attached hereto as Exhibit B, that confirms that “the property was designed as to not create any negative drainage issues on this property or on any adjoining properties” and that the “proposed construction of this home will not create any flooding conditions”;
3. The CADB finds that Mr. Singh has made application to Hamilton Township for building permits for his home;
4. The CADB finds that Mr. Singh has provided the CADB with a survey containing monuments of the Envelope as required by Resolution 2020-02, attached hereto as Exhibit C; and

**NOW THEREFORE BE IT FURTHER RESOLVED** that:

1. The CADB approves Mr. Singh’s house request and Envelope location and authorizes Hamilton Township to issue the building permit for the house, subject to compliance with the following conditions:
  - a. Mr. Singh shall seed the berm and buffer with a fescue or other similar perennial pasture grass within fifteen (15) days of this resolution being finalized and provided to him.
  - b. Mr. Singh shall provide the CADB with a copy of the receipt for the purchase of the new grass seed and photographic proof that the seeding has been completed within said fifteen (15) day timeframe.

Upon satisfaction of the aforesaid conditions, the CADB shall provide written notification to Hamilton Township that the CADB approves Mr. Singh’s housing request;

2. Mr. Singh shall obtain all other 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. The Deed of Easement is and shall continue to be the governing document;
3. The CADB continues to recommend that Mr. Singh plant a cover crop over the winter to hold the soil in place; and

4. Hamilton Township and the Mercer County Soil Conservation District will be provided with a copy of this Resolution.

I certify that the above Resolution was adopted at a meeting of the Mercer County Agricultural Development Board on October 4th, 2021.

  
\_\_\_\_\_  
Emily Blackman, CADB Administrator

EXHIBIT A

DEPICTION OF ENVELOPE AND HOUSE/SEPTIC LOCATION



LINE

Rural Electric Cooperative, INC. Electric Substation  
UNCLE PETE'S ROAD - BLOCK 273, LOT 19

Item	Description	Quantity	Unit	Price	Total
1	100' x 100' Area	1	Sq. Ft.	1.00	1.00
2	Min. Lot Coverage	100%	%	1.00	1.00
3	Min. Lot Depth	100'	Feet	1.00	1.00
4	Min. Lot Width	100'	Feet	1.00	1.00
5	Min. Lot Area	10,000	Sq. Ft.	1.00	1.00
6	Min. Lot Front Setback	10'	Feet	1.00	1.00
7	Min. Lot Side Setback	10'	Feet	1.00	1.00
8	Min. Lot Rear Setback	10'	Feet	1.00	1.00
9	Max. Building Coverage	10%	%	1.00	1.00
10	Max. Density (units/acre)	0.25	Units/Acre	1.00	1.00

- NOTES:
1. ALL DISTANCES ARE TO CENTERLINE UNLESS OTHERWISE NOTED.
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**SHORE POINT ENGINEERING**  
 On file at Suburban No. 200000 / 000  
 1000 N. 1st St., Naperville, IL 60563  
 630.343.7000  
 www.shorepointeng.com

*Kevin E. Shelly, P.E.*  
 Kevin E. Shelly, P.E.  
 1000 N. 1st St., Naperville, IL 60563  
 630.343.7000  
 www.shorepointeng.com

**UNCLE PETE'S ROAD**  
 BLOCK 273, LOT 19

PROJECT NO. 200000 / 000

PLOT PLAN	
SCALE	AS SHOWN
DATE	04/08/21
DESIGNED BY	KES
CHECKED BY	KES
DRAWN BY	KES
SHEET NO.	1 OF 1

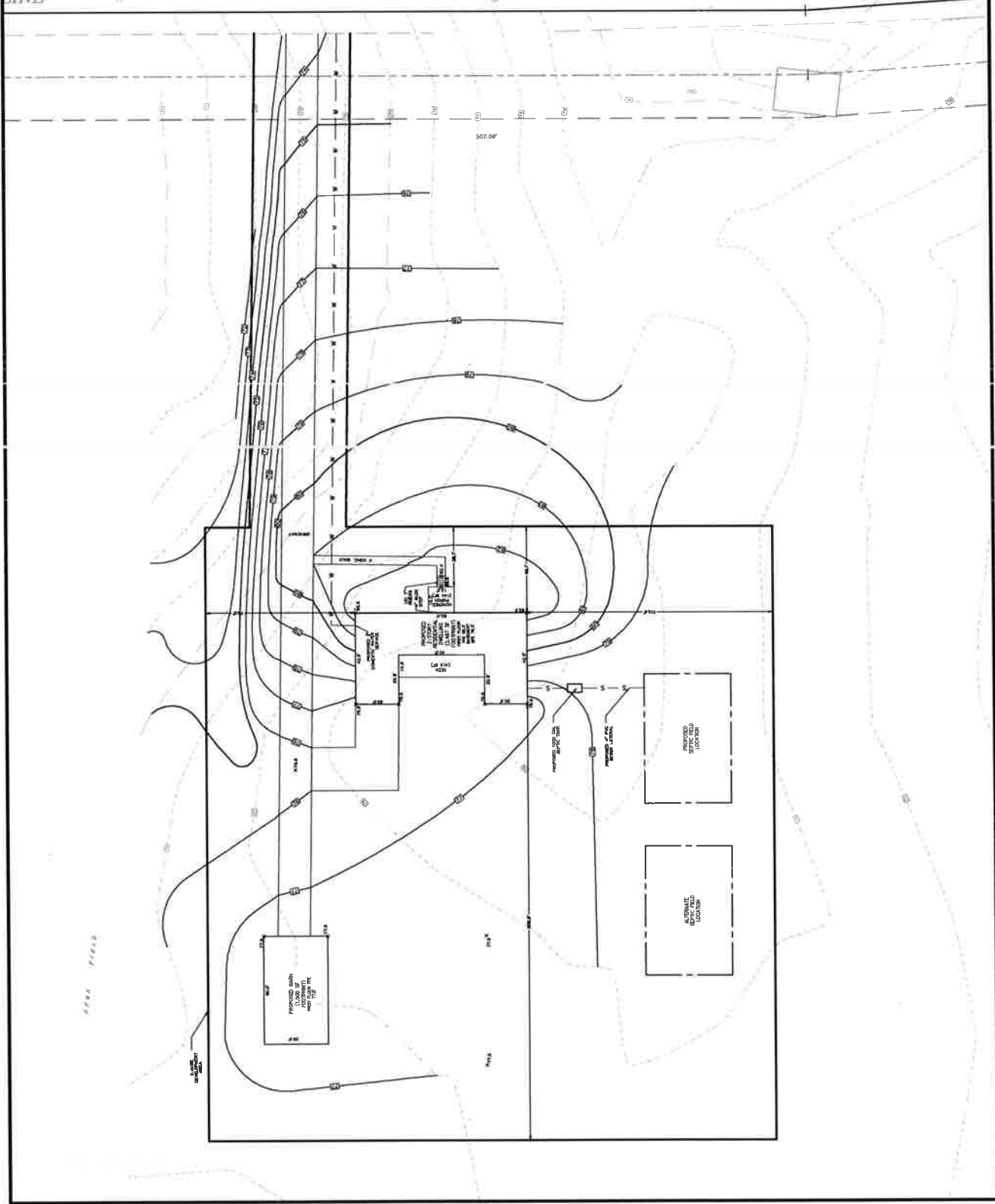


EXHIBIT B

EMAIL FROM ENGINEER

## Fwd: Uncle Pete's Road Plot Plan

Charanjit Singh <[csdhillon@gmail.com](mailto:csdhillon@gmail.com)>

Thu 4/8/2021 3:57 PM

To: Blackman, Emily <[eblackman@mercercounty.org](mailto:eblackman@mercercounty.org)>

📎 1 attachments (401 KB)

2021-04-08 Plot Plan.pdf;

Here is a statement from Engineer house should cause any flooding or erosion. Pitch by nature of the house we picked is toward the opposite side of Lynn's property. Tx

----- Forwarded message -----

From: **Kevin Shelly** <[kshelly@shorepointengineering.com](mailto:kshelly@shorepointengineering.com)>

Date: Thu, Apr 8, 2021 at 3:52 PM

Subject: Uncle Pete's Road Plot Plan

To: Charanjit Singh <[csdhillon@gmail.com](mailto:csdhillon@gmail.com)>

Charanjit,

Please find attached the completed plot plan for your new home. The property has been designed as to not create any negative drainage issues on this property or on any adjoining properties. The proposed construction of this home will not create any flooding conditions either. Upon submission of this plan to the township, the Township Engineer will review the proposed design to ensure that the project does not negatively impact any adjacent properties.

Kevin



Kevin E. Shelly, P.E.

O: 732-924-8100 x 1001

C: 908-415-4335

[KShelly@shorepointengineering.com](mailto:KShelly@shorepointengineering.com)



Wall Circle Park

1985 Highway 34, Suite A7

Wall, NJ 07719

T: 732-924-8100 | F: 732-924-8110

[www.Shorepointengineering.com](http://www.Shorepointengineering.com)

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Regards

Charanjit Singh

WARNING: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

EXHIBIT C

SURVEY

CHARANJIT SINGH

I DECLARE THAT, TO THE BEST OF MY PROFESSIONAL KNOWLEDGE AND BELIEF, THIS SURVEY WAS MADE ON OCTOBER 12, 2011, BY ME OR UNDER MY DIRECT SUPERVISION, IN ACCORDANCE WITH THE RULES AND REGULATIONS PROMULGATED BY THE STATE BOARD OF PROFESSIONAL ENGINEERS AND LAND SURVEYORS.

THE INFORMATION SHOWN HEREON CORRECTLY REPRESENTS THE EXISTING SURFACE CONDITIONS AND EASEMENTS IF ANY, BELOW THE SURFACE AND NOT VISIBLE.

THIS DECLARATION IS GIVEN SOLELY TO THE ABOVE NAMED PARTIES EXCEPT AS FOLLOWS:

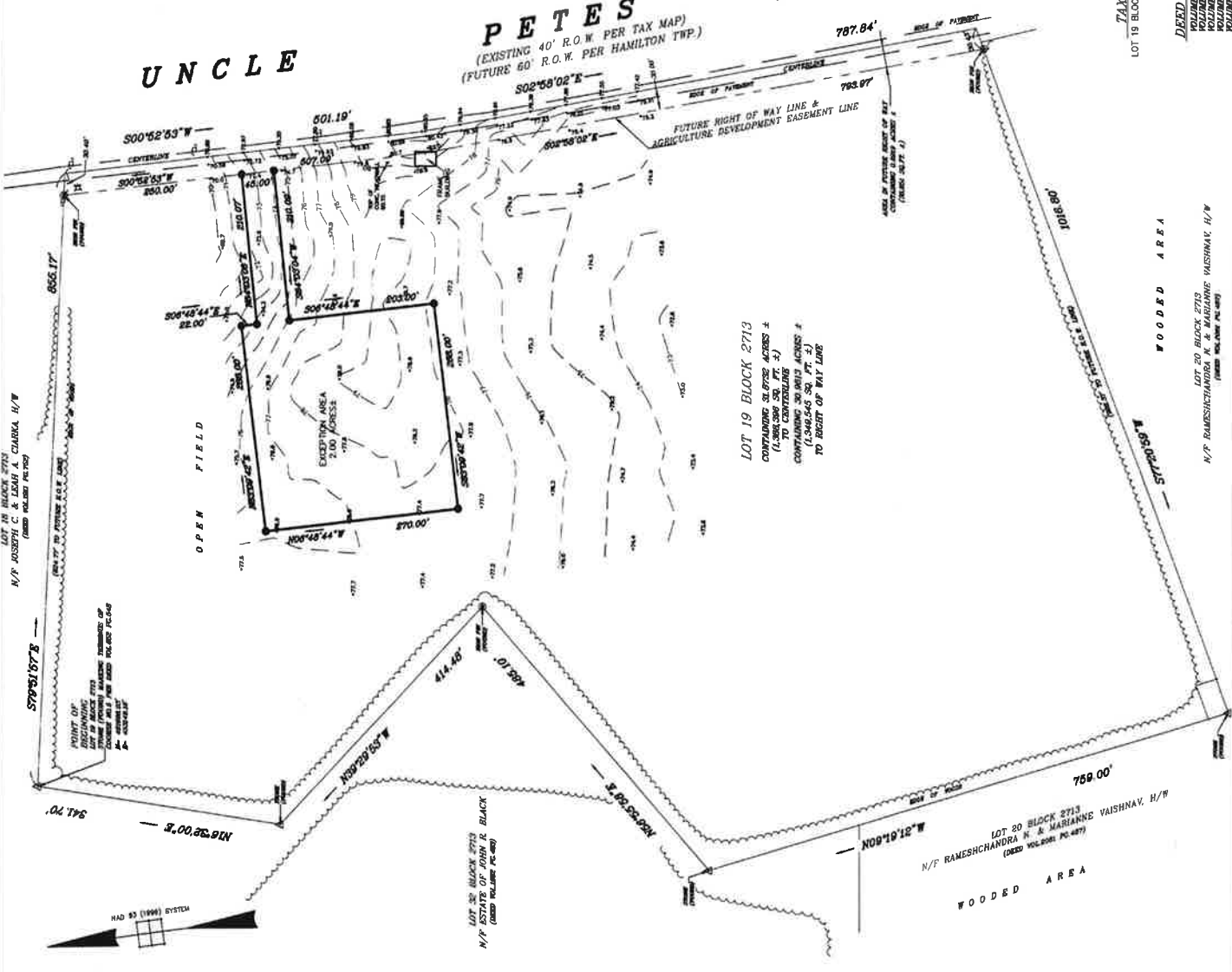
- A. THE UNDERSIGNED IS AWARE THAT IT MAY INSURE TITLE TO THE MORTGAGE HOLDER, THE DECLARATION SHALL SURVIVE TO ITS SUCCESSORS AND/OR ASSIGNS AS THEIR INTERESTS MAY APPEAR;
- B. CAUTION: THIS DOCUMENT DOES NOT CONTAIN A BASED PROFESSIONAL SEAL OF THE PROFESSIONAL, IT IS NOT AN AUTHORIZED ORIGINAL DOCUMENT AND MAY HAVE BEEN ALTERED.

THE UNDERSIGNED HAS BEEN ADVISED THAT THE SURVEYOR'S NAME AND OVERSIGHT, CONDITIONS ARE NOT CHANGED OR CONSIDERED AS A PART OF THE SURVEY. THE SURVEYOR'S NAME IS NOT TO BE CHANGED OR CONSIDERED AS A PART OF THE SURVEY. THE SURVEYOR'S NAME IS NOT TO BE CHANGED OR CONSIDERED AS A PART OF THE SURVEY.

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- LEGEND**
- FUTURE RIGHT OF WAY LINE
  - CENTERLINE
  - EDGE OF PAVEMENT OR DRIVE
  - DUAL UTILITY WIRES
  - STONE ROW
  - IRON PIN (SET)
  - IRON PIPE (FOUND)
  - CONCRETE MONUMENT (FOUND)
  - CONCRETE MONUMENT (SET)
  - SMALL DITCH, STREAM OR POND
  - WIRE FENCE
  - LIGHT POLE
  - CLEAN OUT
  - WELL
  - UTILITY POLE
  - IRON WATERING WELL
  - TEST PIT (LOCATED 9/10/2001)
  - SPOT ELEVATION
  - EXISTING CONTOUR

# UNCLE PETES ROAD



**LOT 19 BLOCK 2713**  
 CONTAINING 31.922 ACRES ±  
 (1.546545 SQ. FT. ±)  
 TO CENTERLINE  
 CONTAINING 30.013 ACRES ±  
 (1.546545 SQ. FT. ±)  
 TO RIGHT OF WAY LINE

**TAX MAP DATA**  
 LOT 19 BLOCK 2713 SHEET NO. 313

**DEED REFERENCE**  
 VOLLBERG 2653 PAGE 478  
 VOLLBERG 1553 PAGE 499  
 VOLLBERG 1552 PAGE 511

**WOODED AREA**

LOT 20 BLOCK 2713  
 N/P RAMESHCHANDRA R. & MARIANNE VAISHNAV, H/W  
 (DEED VOL. 2001 PG. 487)

**WOODED AREA**  
 LOT 20 BLOCK 2713  
 N/P RAMESHCHANDRA R. & MARIANNE VAISHNAV, H/W  
 (DEED VOL. 2001 PG. 487)

<b>H/S</b>	<b>HARRIS SURVEYING, INC.</b> PROFESSIONAL LAND SURVEYORS & PLANNERS 28 MAIN STREET, ROBBINSVILLE, N.J. 08869 Phone No. 609-258-3007 • Fax No. 609-259-7189 E-mail - Tom@harrisurveying.com    Confession of Acknowledgment No. 24C-02060800	<b>PLAN OF SURVEY</b> FOR <b>CHARANJIT SINGH</b> LOCATED AT LOT 19 BLOCK 2713 HAMILTON TOWNSHIP    MERCER COUNTY    NEW JERSEY SCALE: 1" = 100' NOVEMBER 17, 2011 THOMAS A. HARRIS, R.S. N.J. No. 001 CHARANJIT SINGH, R.S. N.J. No. 001 THOMAS A. HARRIS, R.S. N.J. No. 001
1	51621	REVISED TO SHOW EXCEPTION AREA
TAX	TAX	TAX