MORRIS COUNTY AGRICULTURE DEVELOPMENT BOARD
RESOLUTION 2016-08
REQUEST FOR A SITE-SPECIFIC AGRICULTURAL MANAGEMENT PRACTICE
WALLACE TREE FARM
WASHINGTON TOWNSHIP, MORRIS COUNTY, NEW JERSEY

WHEREAS, pursuant to the Right to Farm Act, N.J.S.A. 4:1C-1, et seq. and the State Agriculture Development Committee's ("SADC's") Right to Farm Rules, N.J.A.C. 2:76-2.3, et seq., a commercial farm owner or operator may make a request to the County Agriculture Development Board to determine if his or her operation constitutes a generally accepted agricultural operation or practice; and

WHEREAS, on April 26, 2016, the Morris County Agriculture Development Board ("Morris CADB") received a written request from Ms. Jennifer Wallace for a site-specific agricultural management practice ("SSAMP") for her operation, Wallace Tree Farm, Block 46, Lot 15 located in the Township of Washington (A-1); and

WHEREAS, Ms. Wallace requested the SSAMP for the construction of a storage barn for machinery and equipment, a farm stand to retail horticultural and forest products, a greenhouse to produce horticultural products, and two signs to identify the farm; and

WHEREAS, on May 3, 2016, pursuant to N.J.A.C. 2:76-2.3(b), the Morris CADB formally notified the SADC and the Township of Washington of Ms. Wallace's application (B-1); and

WHEREAS, on May 5, 2016, Ms. Katherine Coyle drafted a Staff Report regarding Ms. Wallace's application (B-2); and

WHEREAS, the Morris CADB considered Ms. Wallace's application during the Morris CADB's May 12, 2016 meeting with Ms. Jennifer Wallace, Mr. John Wallace and Miss Wallace present; and

WHEREAS, during the May 12, 2016 meeting, the Morris CADB reviewed exhibits A-1, B-1, B-2, B-3 (February 27, 2004 SADC Final Decision in the Matter of Joseph P. Arno) and B-4 (SSAMP Review Checklist), as well as a presentation by Ms. Wallace; and

WHEREAS, pursuant to N.J.A.C. 2:76-2.3(c), upon the receipt of a request for a SSAMP, the Morris CADB shall determine commercial farm eligibility and/or determine whether the operation or practice is included in one or more of the permitted activities set forth in N.J.S.A. 4:1C-9; and

Commercial Farm Eligibility:

WHEREAS, pursuant to N.J.A.C. 2:76-2.1 and N.J.S.A. 4:1C-3, "commercial farm" means (1) a farm management unit of no less than five acres producing agricultural or horticultural products worth $2,500 or more annually, and satisfying the eligibility criteria for differential property taxation pursuant to the "Farmland Assessment Act of 1964," P.L.1964, c.48 (C.54:4-23.1 et seq.), or (2) a farm management unit less than five acres, producing agricultural or horticultural products worth

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Commercial Farm Eligibility:

WHEREAS, pursuant to N.J.A.C. 2:76-2.1 and N.J.S.A. 4:1C-3, "commercial farm" means (1) a farm management unit of no less than five acres producing agricultural or horticultural products worth $2,500 or more annually, and satisfying the eligibility criteria for differential property taxation pursuant to the "Farmland Assessment Act of 1964," P.L.1964, c.48 (C.54:4-23.1 et seq.), or (2) a farm management unit less than five acres, producing agricultural or horticultural products worth

$50,000 or more annually and otherwise satisfying the eligibility criteria for differential property taxation pursuant to the "Farmland Assessment Act of 1964," P.L.1964, c.48 (C.54:4-23.1 et seq.); and

WHEREAS, because Ms. Wallace's farm management unit consists of more than 5 acres, in order to meet the Right to Farm Act's definition of a "commercial farm," it must produce agricultural or horticultural products worth $2,500 or more annually, and satisfy the eligibility criteria for differential property taxation pursuant to the "Farmland Assessment Act of 1964," P.L.1964, c.48 (C.54:4-23.1 et seq.); and

WHEREAS, according to Exhibit A-1, the Wallace Tree Farm will produce more than $2,500 worth of agricultural products in 2016; and

WHEREAS, according to Exhibit A-1, Block 46, Lot 15 in Washington Township is Farmland Assessed; and

WHEREAS, during the May 12, 2016 meeting, the Morris CADB determined that the Wallace Tree Farm is a commercial farm as defined at N.J.A.C. 2:76-2.1 and N.J.S.A. 4:1C-3; and

Agricultural Activity:

WHEREAS, according to Exhibit A-1, the Wallace Tree Farm produces forestry products; and

WHEREAS, Ms. Wallace submitted an application for a SSAMP for the construction of a storage barn for machinery and equipment, a farm stand to retail horticultural and forest products, a greenhouse to produce horticultural products, and two signs to identify the farm; and

WHEREAS, pursuant to N.J.S.A. 4:1C-9, the owner or operator of a commercial farm may:

> "Produce agricultural and horticultural crops, trees and forest products, livestock, and poultry and other commodities as described in the Standard Industrial Classification for agriculture, forestry, fishing and trapping or, after the operative date of the regulations adopted pursuant to section 5 of P.L.2003, c.157 (C.4:1C-9.1), included under the corresponding classification under the North American Industry Classification System";
>
> "Process and package the agricultural output of the commercial farm"; and
>
> "Provide for the operation of a farm market, including the construction of building and parking areas in conformance with municipal standards."

WHEREAS, during the May 12, 2016 meeting, the Morris CADB determined that the production, processing and packaging of forestry products and horticultural crops, as well as the construction of a barn, a farm stand and a greenhouse to be utilized for the agricultural activities, are included in one or more of the permitted activities set forth in N.J.S.A. 4:1C-9; and

SSAMP Review Checklist:

WHEREAS, pursuant to N.J.A.C. 2:76-2.3(h), "if the board determines that the farm operation is a commercial farm pursuant to N.J.S.A. 4:1C-3 and that the operation or practice is included in any of the activities permitted by N.J.S.A. 4:1C-9, then the board and/or board staff may request that the commercial farm owner or operator provide information using a checklist adopted by the board"; and

WHEREAS, during the May 12, 2016 meeting, the Morris CADB adopted the SSAMP Review Checklist (B-4); and

WHEREAS, on May 16, 2016, the SSAMP Review Checklist was forwarded to Ms. Wallace (B-5); and

WHEREAS, on June 5, 2016, the Morris CADB received Ms. Wallace's submittal of SSAMP Checklist items, including requests for waivers of data/materials (A-2); and

WHEREAS, on June 15, 2016, the Morris CADB received Ms. Wallace's submittal of SSAMP Checklist items, including requests for waivers of data/materials (A-3); and

WHEREAS, on June 6, 2016, Morris CADB staff was advised by the Morris County Soil Conservation District that Ms. Wallace would not be required to apply for Soil Erosion and Sediment Control Permit as the project falls below the District's threshold of regulation (B-6); and

WHEREAS, on July 5, 2016, Ms. Katherine Coyle drafted a Staff Report regarding Mr. Wallace's application (B-7); and

WHEREAS, during the July 14, 2016 meeting, the Morris CADB reviewed exhibits A-2, A-3, B-5, B-6, B-7, and B-8 (Final SSAMP Review Checklist) as well as a presentation by Ms. Wallace; and

WHEREAS, during the July 14, 2016 meeting, the Morris CADB granted Ms. Wallace's request for waivers and determined that her application and the checklist items were complete; and

Public Hearing:

WHEREAS, pursuant to N.J.A.C. 2:76-2.3(i), "if the board determines that the application and checklist items are complete, then the board shall hold a Public Hearing in accordance with the hearing procedures set forth in N.J.A.C. 2:76-2.8"; and

WHEREAS, pursuant to N.J.A.C. 2:76-2.8, written notice of the SSAMP request and the Public Hearing shall be given by the commercial farm, at its sole expense, via certified mail, return receipt requested, and/or by personal service, to individuals and agencies specified at N.J.A.C. 2:76-2.8(c); and

WHEREAS, pursuant to N.J.A.C. 2:76-2.8(c)iii, "the hearing shall not begin until satisfactory proof of notice to all appropriate individuals has been provided by the commercial farm"; and

WHEREAS, on July 24, 2016 and July 25, 2016, Ms. Wallace provided proof of notice of the SSAMP request and the Public Hearing (A-4); and

WHEREAS, on August 5, 2016, Ms. Katherine Coyle drafted a Staff Report regarding Ms. Wallace's application (B-9); and

WHEREAS, during the August 11, 2016 meeting, the Morris CADB reviewed exhibits A-1 and B-9; and

WHEREAS, no public comments were submitted to the Morris CADB prior to or during the Public Hearing; and

INDEX OF EXHIBITS

Exhibits from the Applicant:

April 26, 2016 Wallace Tree Farm Application for a Site-Specific Agricultural Management Practice A-1

June 5, 2016 email from Jennifer Wallace to Katherine Coyle A-2

June 15, 2016 email from Jennifer Wallace to Katherine Coyle A-3

Public Hearing Notice, Proof of Service/Publication A-4

Exhibits from the Morris CADB:

May 3, 2016 letter from Katherine Coyle to Susan Payne B-1

May 5, 2016 Staff Report drafted by Katherine Coyle (without exhibits) B-2

February 27, 2004 SADC Final Decision in the Matter of Joseph P. Arno B-3

SSAMP Review Checklist B-4

May 16, 2016 letter from Katherine Coyle to Jennifer Wallace B-5

June 6, 2016 email from MC Soil Conservation District to Katherine Coyle B-6

July 5, 2016 Staff Report drafted by Katherine Coyle (without exhibits) B-7

SSAMP Review Checklist (Final) B-8

August 5, 2016 Staff Report drafted by Katherine Coyle (without exhibits) B-9

NOW THEREFORE BE IT RESOLVED, after having considered the presentation submitted by Ms. Wallace and exhibits A-1 through A-4 and B-1 through B-9, the Morris CADB makes the following determinations:

1. Wallace Tree Farm is a commercial farm as defined at N.J.A.C. 2:76-2.1 and N.J.S.A. 4:1C-3.

2. The production, processing and packaging of forestry products and horticultural crops, as well as the construction of a barn, a farm stand, a greenhouse to be utilized for the agricultural activities and two signs to identify the farm, are included in one or more of the permitted activities set forth in N.J.S.A. 4:1C-9.

3. The construction of a storage barn for machinery and equipment, a farm stand to retail horticultural and forest products, a greenhouse to produce horticultural products, and two signs to identify the farm, proposed by Ms. Wallace constitute a generally accepted agricultural management practice.

BE IT FURTHER RESOLVED, that the Morris CADB grants Ms. Wallace's request for relief from Washington Township's standards regarding the requirement that an accessory building be placed behind the main dwelling, front yard setbacks, side yard setbacks, standards for flag lots and standards for signs and approves the construction of a storage barn for machinery and equipment, a farm stand to retail horticultural and forest products, a greenhouse to produce horticultural products, and two signs to identify the farm as proposed by Ms. Wallace provided that the following condition is satisfied:

1. The construction shall conform to all relevant federal or State statutes, rules and regulations, and

BE IT FURTHER RESOLVED that pursuant to N.J.A.C. 2:76-2.3(l), within 30 days of its adoption, copies of this resolution will be forwarded to the following individuals and agencies:

Jennifer Wallace
State Agriculture Development Committee
Township of Washington
Morris County Soil Conservation District
Morris County Board of Chosen Freeholders

BE IT FURTHER RESOLVED that pursuant to N.J.A.C. 2:76-2.3(m), any person aggrieved by the decision of the Morris CADB may appeal the decision to the SADC in accordance with the provisions of the Administrative Procedure Act, N.J.S.A. 52:14B-1 et seq., and 52:14F-1 et seq., and the Uniform Administrative Procedure Rules, N.J.A.C. 1:1, within 45 days from receipt of this resolution.

1. The decision of the SADC shall be considered a final administrative agency decision.

2. If the Morris CADB's decision is not appealed within 45 days, the decision is binding.

Gregory Keller, Chairman
Morris CADB

9/8/16
Date

	Yes	No	Abstain	Absent
Ms. Ashley Myers	✓			
Mr. Davis	✓			
Mr. Desiderio	✓			
Ms. Hammond	✓			
Mr. Keller	✓			
Mr. Ort				✓
Mr. Wightman				✓

I hereby certify the above to be a true copy of a resolution adopted by the Morris County Agriculture Development Board at a meeting held on September 8, 2016.

W Randall Bass
Attorney at Law State of New Jersey