

STATE AGRICULTURE DEVELOPMENT COMMITTEE

RESOLUTION #FY01R8(8)

August 24, 2000

**Re: Conflict Resolution Matter
Scott Newell-Bittersweet Farms LLC
Block 40701, Lots 82 and 82.01
Rockaway Township, Morris County
Acreage: approximately 15**

WHEREAS, on July 7, 2000, the Morris CADB forwarded a formal complaint submitted by the Township of Rockaway, Morris County, to the SADC against Scott Newell, owner and operator of Bittersweet Farms LLC, as there exists no agricultural management practices addressing topsoil production or outdoor storage of trucks, trailers and various other pieces of equipment; and

WHEREAS, on July 12, 2000, SADC staff, pursuant to N.J.A.C. 2:76-2.10, contacted Scott Newell, to provide evidence that the agricultural operation is a commercial farm as defined at N.J.A.C. 2:76-2.1 and N.J.S.A. 4:1C-9 and to schedule a site visit to his operation; and

WHEREAS, on July 18, 2000, SADC and Morris CADB staff met with Mr. Newell at Bittersweet Farm where he submitted a commercial farm certification; and

WHEREAS, in order to qualify for protection under the Right to Farm Act, a commercial farm must satisfy the eligibility criteria for differential property taxation pursuant to the Farmland Assessment Act of 1964; and

WHEREAS, in November 1999, Mr. Newell was denied Farmland Assessment for his property by the Tax Assessor of Rockaway Township who stated that the predominant use of the property was topsoil production, and does not qualify as an agricultural activity; and

WHEREAS, Mr. Newell stated that he unsuccessfully appealed the decision of the Tax Assessor to the Morris County Board of Taxation; and

WHEREAS, at the time of the site visit, Mr. Newell represented that the property is currently in a transitional stage from an equine boarding operation to a crop and equine operation;

WHEREAS, at the time of the site visit, the agricultural uses on-site consisted of a fruit tree and vegetable garden, small scale chicken egg production, two goats and two boarded horses; and

WHEREAS, at the time of the site visit, there appeared to be extensive soil disturbance not commonly associated with crop or equine operations.

NOW THEREFORE BE IT RESOLVED, that the Newell operation does not qualify as a commercial farm entitled to protections under the Right to Farm Act as it does not satisfy the eligibility criteria for differential property taxation pursuant to the Farmland Assessment Act of 1964; and

BE IT FURTHER RESOLVED, that the production of top soil on this property does not constitute a generally acceptable agricultural management practice; and

BE IT FURTHER RESOLVED, that this final determination of the SADC shall be binding, subject to the right of appeal to the Appellate Division of the Superior Court.

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Date	Carol Shipp, Chairperson, State Agriculture Development Committee

VOTE WAS RECORDED AS FOLLOWS:

Carol Shipp, Chairperson	YES
Richard Binetsky (rep. DCA Comm. Kenny)	YES
Dennis Davidson (rep. DEP Comm. Shinn)	YES
Pat Griffith (Rep. Treas. Machold)	YES
Zane Hesel (rep. Dean Carlton)	YES
Julia Allen	YES
Lisa Specca	YES
Noble McNaughton	YES
Andrew Borisuk	YES
William Fox	YES
Frank Baitinger	YES

(Approved SADC Meeting of 8/24/00)