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March 22, 2024

N.J. State Agricultural Development Committee
Executive Director Susan E. Payne
P.O. Box 330
Trenton, NJ 08625-0330

RE: SITE SPECIFIC AGRICULTURAL MANAGEMENT PRACTICE APPLICATION
[redacted], Bloomingdale, New Jersey 07403
Commercial Farm Operator: Jay Kliphouse

Dear Ms. Payne:

Enclosed please find Resolution of the Passaic County Agricultural Development Board
Jurisdiction Over A Request For A Site Specific Agricultural Management Practice For Jay Kliphouse.

Thank you for your attention to this matter.

Very truly yours,

JOHN D. POGORELEC, JR.

**RESOLUTION
OF THE PASSAIC COUNTY AGRICULTURAL DEVELOPMENT
BOARD
JURISDICTION OVER A REQUEST FOR A SITE SPECIFIC
AGRICULTURAL
MANAGEMENT PRACTICE FOR JAY KLIPHOUSE**

WHEREAS, on January 29, 2023, Jay Kliphouse (the "Applicant") applied to the Passaic County Agricultural Development Board ("PCADB" or "Board") for a Site Specific Agricultural Management Practice ("SSAMP") for Block 4086 Lot 13 in the Township of Bloomindale (the "Property") and

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

WHEREAS, on April 10, 2023, pursuant to N.J.A.C. 2:76-2.3 (b), the Board formerly notified the SADC and the Township of the Applicant's request; and

WHEREAS, pursuant to N.J.A.C. 2:76-2.3 (B) and N.J.A.C. 4:1C-9, upon receipt of request for a SSAMP, the Board must first determine whether the commercial farm satisfies at least one of the following two conditions:

- (1) It is located in an area of which as of December 31, 1997 or thereafter, agriculture is a permitted use under Municipal zoning ordinances and is consistent with the Municipal master plan ("Locational" Requirement) or
- (2) The commercial farm was in operation as of the effective date of the amended Right to Farm Act, July 2, 1998 ("Operational" Requirement); and

WHEREAS, N.J.A.C. 2:76-2.1 and N.J.A.C.4:1C 3 defines a "commercial farm"
as either;

- (1) A farm management with no less than 5 acres, producing agricultural or horticultural products with \$2,500.00 or more annually and satisfying the eligibility criteria for differential property taxation pursuant to the Farmland Assessment Act of 1944; or
- (2) A farm management unit less than 5 acres, producing agricultural or horticultural products for \$50,000.00 or more annually and otherwise satisfying the eligibility criteria for differential property taxation pursuant to the Farmland Assessment Act of 1944; and

WHEREAS, PCADB conducted a jurisdictional hearing on September 18, 2023
wherein the applicant appeared Pro Se and the Borough was represented by the Law Firm
of Dorsey and Semrau, Dawn Sullivan appearing.

WHEREAS, the Board has reviewed the application required for the SSAMP,
heard public comments presented during the Board's public meeting on September 18,
2023, reviewed exhibits as well as objections presented by the Borough of Bloomingdale,

NOW THEREFORE BE IT RESOLVED. The Board makes the following
findings of fact:


1. The Applicant purchased the subject Property on December 8, 2020.
2. The Property is comprised of Block 4086, Lot 13 in the Borough of Bloomingdale.
3. The Property is greater than five acres.
4. The Property does qualify for differential property taxation pursuant to the Farmland Assessment of 1964, N.J.S.A. 54:4-23.1 to 23.23 from the Borough.
5. For the tax year immediately prior to the year in which the SSAMP was filed, applicant produced \$800.00 for the sale of 4.5 cords of wood.

6. R-130 zoning district does not permit agriculture within its zone.

BE IT FURTHER RESOLVED, that the Board hereby determines that the Property is not located in a zone in which agriculture is a permitted use, and, that the Applicant has failed to establish a “commercial farm” existed on the property prior to July 2, 1998.

BE IT FURTHER RESOLVED that the Board hereby determines it lacks jurisdiction to issue a SSAMP because the Applicant has failed to satisfy either the “locational” or “operational” requirements as mandated by Right to Farm Act, N.J.S.A. 4:1C-1 et als; and

BE IT FURTHER RESOLVED, that the Board shall forward a copy of the Resolution to the Applicant, the Borough of Bloomingdale, the State of Agriculture Development Committee or any other individual or organization deemed appropriate by the Board within 10 days.


Harry Bartlett, PCADB Chairman

3/21/2024
Date

VOTING MEMBERS

Dr. Timothy Feeney

Michael Belman

Rocky Hazelman

Harry P. Barlett

(All parties voted yes)