

**MORRIS COUNTY AGRICULTURE DEVELOPMENT BOARD
RESOLUTION 2008-12
REQUEST FOR A SITE-SPECIFIC AGRICULTURAL MANAGEMENT PRACTICE
SARAH WITTENBORN MILLER – PICKLE FARM
BLOCK 63, LOTS 20, 20.01, 20.02, 19.02, 19, AND 18
TOWNSHIP OF WASHINGTON, 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") Right to Farm Rules, N.J.A.C. 2:76-2.1, 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 March 7, 2008, the Morris County Agriculture Development Board ("Morris CADB") received a written request from Ernest A. Renda, Esq., attorney for Ms. Sarah Wittenborn Miller ("Applicant") dated March 4, 2008 for a site-specific agricultural management practice ("SSAMP") for her agricultural operation, Pickle Farm, located on Block 63, Lots 20, 20.01, 20.02, 19.02, 19, and 18 in the Township of Washington (A-1); and

WHEREAS, the Applicant wishes to relocate a historic round barn from Iowa to her farm in Washington Township and plans to utilize the barn as a passive drying system for the drying and processing of herbs; and

WHEREAS, the barn is approximately 65 feet in height and exceeds the Township of Washington's zoning, which limits the height of buildings to 35 feet; and

WHEREAS, on March 17, 2008, pursuant to N.J.A.C. 2:76-2.3(c), the Morris CADB advised the SADC and the Township of Washington of the Applicant's request (B-1); and

WHEREAS, pursuant to N.J.A.C. 2:76-2.3(b), upon the receipt of a request for a SSAMP, the Morris CADB must determine whether the Applicant's agricultural operation is a "commercial farm" as defined at N.J.A.C. 2:76-2.1 and N.J.S.A. 4:1C-3; and

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, on April 10, 2008, the Morris CADB considered the Applicant's request, reviewed exhibit A-1 and unanimously agreed to develop a site specific AMP for the Pickle Farm after making the following finding of fact:

1. Pickle Farm is a “commercial farm” as defined at N.J.S.A. 4:1C-3 and N.J.A.C. 2:76-2.1, which is more than five acres, produces agricultural and horticultural product worth \$2,500 or more annually and satisfies the eligibility criteria for differential property taxation pursuant to the Farmland Assessment Act of 1964; and

WHEREAS, pursuant to the New Jersey Supreme Court decision in the case of Township of Franklin v. David denHollander, the Morris CADB must consider relevant municipal standards during the development of a site-specific AMP for a commercial farm operation; and

WHEREAS, on April 11, 2008, the Morris CADB notified the Applicant that her operation meets the definition of a “commercial farm” and requested that the Applicant submit copies of relevant municipal ordinances and/or resolutions for the Morris CADB’s review (B-2); and

WHEREAS, on April 14, 2008, the Morris CADB received a written response from Ernest A. Renda, Esq. regarding the relevant municipal ordinances and/or resolutions (A-2); and

WHEREAS, on June 11, 2008, the Morris CADB staff, CADB Chairman, Mr. William Roehrich, CADB members, Ms. Laura Akin and Mr. Kenneth Wightman, and CADB Liaison and Director of Morris County Rutgers Cooperative Extension, Mr. Peter Nitzsche conducted a site visit to the Pickle Farm with the Applicant present; and

WHEREAS, on June 17, 2008, the Morris CADB requested that the Township of Washington provide written comments and recommendations regarding the Pickle Farm proposal (B-3); and

WHEREAS, on July 17, 2008, the Morris CADB received written comments from the Township of Washington submitted by Ms. Dianne Gallets, Township Administrator (B-4); and

WHEREAS, pursuant to the SADC’s Right to Farm Rules, N.J.A.C. 2:76-2.3(d), in recommending a site specific AMP, the CADB may consult with various agencies, organizations, or persons that may provide expertise concerning the agricultural practices in question; and

WHEREAS, in recommending a site specific AMP for the Pickle Farm, the Morris CADB consulted with the following experts:

1. Peter Nitzsche, Director of Morris County Rutgers Cooperative Extension
2. Dr. Jim Simon, Professor, Rutgers University and Director of New Use Agriculture and Natural Plan Products Program; and

WHEREAS, on July 15, 2008, the Morris CADB received written comments from Mr. Peter Nitzsche (B-5); and

WHEREAS, on July 16, 2008, the Morris CADB received written comments from Dr. Jim Simon

(B-6); and

WHEREAS, Morris CADB staff also contacted a number of herb growers throughout the country to seek their opinions regarding the use of a round barn and a passive drying system for the drying and processing of herbs; and

WHEREAS, the responses received from national herb growers were overwhelmingly in support of the Applicant's proposal; and

WHEREAS, on July 17, 2008, at its regular meeting, the Morris CADB discussed Ms. Wittenborn Miller's request for a site specific AMP and reviewed and discussed the following exhibits:

EXHIBITS

March 4, 2008 Request for SSAMP submitted Ernest Renda, Esq.	A-1
March 17, 2008 Letter from Katherine Coyle to Susan Craft.....	B-1
April 11, 2008 Letter from Katherine Coyle to Ernest Renda, Esq.. ..	B-2
April 10, 2008 Letter from Ernest Renda, Esq. to Katherine Coyle	A-2
June 17, 2008 Letter from Katherine Coyle to Dianne Gallets.....	B-3
July 17, 2008 Letter from Dianne Gallets to Katherine Coyle.....	B-4
July 15, 2008 Letter from Peter Nitzsche to Katherine Coyle	B-5
July 16, 2008 Letter from Jim Simon to Katherine Coyle	B-6

NOW THEREFORE, BE IT RESOLVED, that the Morris CADB hereby approves the relocation of a historic round barn from Iowa to the Applicant's farm (Pickle Farm) in Washington Township for the purpose of drying and processing of herbs, as well as storage and/or processing of other agricultural products produced on the farm.

BE IT FURTHER RESOLVED that Pickle Farm may fall under the jurisdiction and control of various local, state or federal agencies. The Morris CADB approval does not preempt it from the jurisdiction review and control of any of the foregoing entities.

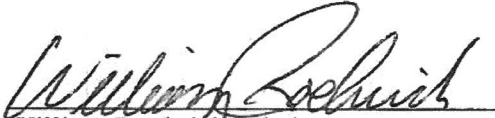
BE IT FURTHER RESOLVED that within 30 days of its adoption, certified copies of this resolution will be forwarded to the following individuals and agencies:

Sarah Wittenborn Miller
State Agriculture Development Committee

Township of Washington
 Morris County Board of Chosen Freeholders

BE IT FURTHER RESOLVED that any person aggrieved by this resolution may appeal the resolution to the SADC in accordance with the provisions of the Administrative Procedure Act, N.J.S.A. 52:14B-1 et seq., and the Uniform Administrative Procedure Rules, N.J.A.C. 17:27, 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 resolution is not appealed within 45 days, the resolution is binding.


 William Roehrich, Chairman
 Morris CADB

8/21/08
 Date

	Yes	No	Abstain	Absent
Ms. Akin				✓
Ms. Ashley Myers	✓			
Mr. Keller	✓			
Mr. Pfeiffer	✓			
Mr. Roehrich	✓			
Mr. Thomson				✓
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 August 21, 2008.


 Frank T. Pinto, Jr., Director
 Morris CADB

2008-12