



PROPOSED NEW USES ON PRESERVED FARMLAND Interpretation of Deed of Easement

Purpose:

It is the intent of the Morris County Agriculture Development Board (CADB) to provide the necessary guidelines for reviewing proposed new uses on preserved farmland.

The Morris CADB finds it necessary to establish a policy, which outlines the procedure for reviewing proposed new uses on preserved farmland. This policy will allow the Morris CADB to provide owners or potential owners of preserved farmland timely decisions regarding whether their proposed new use(s) would be in compliance with the Deed of Easement.

Policy:

An owner or contract purchaser of permanently deed-restricted farmland wishing to commence new agricultural activities may request that the Morris CADB review the proposed new activities to determine whether they are in compliance with the Deed of Easement.

1. Application Process

The record owner(s) of the premises or legally authorized person(s) shall apply to the board.

a. Non-Binding Pre-application meeting

The owner(s) of the premises or legally authorized person(s) may request a non-binding pre-application review meeting with the board and/or staff.

b. Documents to be submitted for formal board review:

- Letter explaining in detail the proposed new use(s)
- Site plan per the attached Schedule A

2. Morris CADB Review

Upon receipt of the completed information contained in Section 1, the Morris CADB will undertake the following:

a. Ensure completeness of the application.

- b. Provide the owner(s) the opportunity to present their application before the Morris CADB and submit testimony or proofs.
- c. Render a decision.

3. Morris CADB Decision

The Morris CADB will notify the applicant in writing of its decision. If the request is denied, an explanation for the denial will be provided.

- a. The Morris CADB reserves the right to request any other information it deems necessary to arrive at its decision.
- b. To grant approval, the Morris CADB must find that the proposed new use(s) would be in compliance with the Deed of Easement.
- c. Morris CADB approval does not preempt the jurisdiction and control of the Municipality and its Boards and Agencies, Morris County and its Boards and Agencies, and the State of New Jersey and its Boards and Agencies.

4. Costs and Fees

All costs associated with the new use(s), including, but not limited to site plan, wetlands delineation, shall be borne by the applicant.

Adopted:	Effective:	Revision #:	Last Revised:
3-10-05	3-10-05		

SCHEDULE A

SUBMISSION GUIDELINES:

A Site Plan with the following details must be submitted for review by the Morris CADB:

Structures. The square footage and location of all existing and proposed structures on the farm shall be provided. Uses of all existing and proposed structures shall be described.

Driveways. The location of all existing and proposed driveways and parking areas shall be provided.

Landscaping. All existing and proposed non-agriculturally related landscaping shall be shown. Note: The proposed landscaping shall not interfere with the agricultural operation. Any driveway landscaping must not impede the passage of agricultural vehicles or livestock.

Wetlands and Wooded Areas. The location of existing wetlands, streams, water bodies and wooded areas shall be provided. If wetlands are present, the applicant shall also provide a Letter of Interpretation (LOI) from the New Jersey Department of Environmental Protection (DEP).

Agricultural Labor Housing. The landowner may construct any new buildings for housing of agricultural labor employed by the agricultural operation, but only with the approval of the Morris CADB, and the SADC (if SADC funding was used to purchase the development easement). Morris CADB Policy: P-1 establish procedures for the approval of agricultural labor housing on permanently preserved farmland.

Additional information may be requested as necessary.