

**NJ Right to Farm Act
Site-Specific Agricultural Management Practice (AMP) Request**

Public Hearing Process and Procedures

Introduction:

It is anticipated that the public hearing on the Backer matter will be held remotely, via Webex. The meeting login information will be posted on our website.

Pre-Hearing Procedure and Pre-Hearing Requirements

Within 7 days of the hearing, a witness list must be submitted to the CADB Director via email (kcoyle@co.morris.nj.us) by each party which shall include each witness's name along with their current C.V. In addition, any report or document to which the witness will refer, shall be submitted at the same time as the witness list and C.Vs, and in the same manner (via email to CADB Director kcoyle@co.morris.nj.us).

Please note that pursuant to NJAC 2:76-2.3(k), the Board shall have no authority to determine the commercial farm owner or operator's compliance with state laws, rules, and regulations delegated to the municipality or county for administration and enforcement including stormwater management and construction code requirements, unless the municipal ordinance or county resolution, or any portion(s) thereof, effectuating the delegation exceed(s) state regulatory standards.

Public Hearing Procedures

While the hearing shall be guided by an Agenda and these Public Hearing Procedures, changes may be made, as necessary by the Chair, Board, and/or Staff, at the Board's discretion and/or direction.

General Procedures/Testimony:

The Board acts on an application based upon findings of fact and the proofs according to law that are presented during the public hearing.

As directed by the Chair, the Applicant/Applicant's attorney shall provide an overview of the application and introduce their witnesses. All witnesses shall state their name and occupation, be sworn in, and present their credentials to the Board, through the Applicant's. Each witness will then provide testimony in response to the Applicant's attorney's questioning. At the completion of each witness's testimony, the Board, and then members of the public, as directed by the Chair, will be provided the opportunity to ask questions of the witness. Should any member of the public be represented by an attorney, the attorney shall ask the questions.

Next, as directed by the Chair, the Township and its attorney shall provide an overview of its recommendations and introduce its witnesses. At the completion of each witness's testimony,

the Board, and then any members of the public, at the direction of the Chair, will be given the opportunity to ask questions of each witness. Should any member of the public be represented by an attorney, their attorney shall ask the questions.

After the Board has completed its questioning of a witness, the Chair will allow the public the opportunity to question a witness. This opportunity is limited to questions only, not comments, and only of that specific witness. Anyone who wishes to ask a question should raise their hand and wait for the Chair's acknowledgement prior to speaking. If the person is represented by an attorney, they must speak through the attorney. Each person shall state their name and address for the record and direct their questions to the witness. When the public has had adequate opportunity for questions, at the discretion of the Chair, the Applicant /Attorney and the Township/Attorney shall call the next witness and the above-referenced procedures will be repeated. When all witnesses have been presented and the testimony is complete, the Board shall have the opportunity to ask any final questions of any witness.

Process for Public Comments:

At the end of the Applicant's and Township's presentations and cross examination, there will be the opportunity for members of the public to comment.

Anyone who wishes to comment shall raise their hand and wait for the Chair's acknowledgement, prior to speaking. Once called, each person shall state their name and address and be sworn in.

To ensure an orderly meeting and allow adequate time for members of the public to be heard, each member of the public who wishes to comment, may comment once and each comment will be limited to five (5) minutes in duration. Commentors who wish to provide additional comments, may provide them in writing to the Board's director (at kcoyle@co.morris.nj.us) within forty-eight (48) hours from the end of the CADB meeting during which comments would have been offered.

Closing of Hearing:

When all testimony and public comments are deemed complete, the Chair may declare the hearing to be closed. If the Board, at their discretion, determines that further testimony or other evidence should be received to assist in rendering a decision, the Board may, on its own motion, continue the hearing to another date/time.