

RESOLUTION RE: RIGHT TO FARM COMPLAINT BROUGHT AGAINST RICKEY AND SON FARM, VERNON TOWNSHIP, NEW JERSEY BY VERNON TOWNSHIP

WHEREAS, pursuant to the Right to Farm Act, N.J.S.A. 4:1C-1, et seq. and the State Agriculture Development Committee Right to Farm Rules, N.J.A.C. 2:76-2.3(a), the Sussex County Agriculture Development Board must hold a public hearing within 60 days of receiving the State Agriculture Development Committee's findings and recommendations regarding a Right to Farm complaint; and

WHEREAS, in June 1999, the Sussex CADB received a complaint from the Township of Vernon against Rickey and Son Farm in Vernon Township and forwarded such to the SADC since there was no existing agricultural management practice regarding agritourism; and

WHEREAS, it was ascertained that Rickey and Son Farm was a commercial farm as defined at N.J.A.C. 2:76-2.1 and N.J.S.A. 4:1C-9 by the SADC; and

WHEREAS, on October 26, 1999, a fact finding site visit was made to Rickey and Son Farm by SADC staff Sherry Dudas, Sussex CADB Chairman Andrew Borisuk and Sussex CADB Coordinator Donna Traylor; and

WHEREAS, information was provided by Jamie Rickey at that time outlining present and future farming practices and activities occurring on Rickey and Son Farm including music concerts and camping; and

WHEREAS, the SADC conducted a public hearing at their regular October 28, 1999, meeting where testimony was given by Mr. Don Teolis, Vernon Township Zoning Officer regarding this complaint; and

WHEREAS, Mr. Rickey was notified of the SADC public hearing and did not appear to give testimony; and

WHEREAS, the SADC left the record open for two weeks after the public hearing in order to accommodate additional written testimony from Mr. Rickey and others; and

WHEREAS, after no further testimony on this issue was received, the SADC made their final findings and recommendations known at their regular November 22, 1999 meeting; and

WHEREAS, the aforementioned findings and recommendations were provided to Sussex CADB Chairman, Sussex CADB Administrator, Vernon Township Zoning Officer, Vernon Township Planning Board Attorney and Mr. Rickey; and

WHEREAS, upon receipt of said findings and recommendations on December 7, 1999, the Sussex CADB scheduled the required public hearing for 8:15 pm at their regular meeting of December 20, 1999 and provided proper notice to all involved parties; and

WHEREAS, testimony was given by Mr. Don Teolis, Vernon Township Zoning Officer, regarding the complaint and actions taken to date in this matter, and who was then questioned by Sussex CADB members; and

WHEREAS, Mr. Rickey failed to attend this public hearing after receiving proper notice; and

WHEREAS, there being no further witnesses or testimony presented, the Sussex CADB discussed the facts as presented.

NOW, THEREFORE BE IT RESOLVED, that the Sussex CADB presents their findings and recommendations:

1. No opposition was presented to the testimony given during this public hearing; there was no information given to dispute Vernon Township's position. Mr. Rickey arrived at the meeting at 8:55 pm after the hearing was concluded.

2. There was no testimony presented that the activities in question (camping and music concerts) were in any way educational or agricultural/horticultural based recreation.

3. The concerts and camping at Rickey and Son Farm were found to be "not related to marketing the agricultural or horticultural output" of the farm.

4. The concerts and camping are not generally accepted agricultural management practices pursuant to the Right to Farm Act.

BE IT FURTHER RESOLVED, that the Sussex CADB will provide copies of this resolution to the State Agriculture Development Committee, Mr. Rickey of Rickey and Son Farm, and Mr. Teolis, Zoning Officer of Vernon Township. Mr. Rickey may appeal this decision within 10 days of receipt of this resolution.

Certified as a true copy
of the Resolution adopted
by the Board on the 18th day
of January 2000.


Jane Brodhecker, Chairperson pro tem
Sussex County Agriculture Development Board

Vote was recorded as follows:

Jane Brodhecker (Chairperson pro tem)	Yes
Lori Day	Yes
Brian Hautau	Yes
Fred Hough	Yes