

RESOLUTION 2006-04

DECISION APPROVING AN AMENDED SITE-SPECIFIC AGRICULTURAL MANAGEMENT PRACTICE (AMP) IN ACCORDANCE WITH THE NEW JERSEY RIGHT TO FARM ACT

WHEREAS, pursuant to the Right to Farm Act, N.J.S.A. 4:1C-1 et seq. and the State Agriculture Development Committee regulations, N.J.A.C. 2:76-2.3, 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 Management Practice ("AMP"); and

WHEREAS, on May 23, 2006 the Bergen County Agriculture Development Board (BCADB) adopted Resolution 2006-03 approving Agriculture Management Practices for the Abram Demaree Homestead [the farm] located in Closter; and

WHEREAS, Resolution 2006-03 prohibited left hand turn movements to and from Old Hook Road but opined that the applicant had the right to file an application and supporting documents with the County for ingress and egress on Schraalenburg Road (a County road) south of its intersection with Old Hook Road; and

WHEREAS, on July 10, 2006 the Abram Demaree Homestead applied to the Bergen County Agriculture Development Board [the Board] to amend its Agriculture Management Plan [AMP] to create a gravel driveway with a curb cut on Schraalenburg Road to provide full turning movements; and

WHEREAS, the Board is familiar with the farm's layout due to a Site Review conducted on March 29, 2006 ("the Site Visit") in connection with Resolution 2006-03, which site visit was attended by BCADB Board members Evelyn Spath-Mercado, Ronald Binaghi Jr., Mark M. Cole and Daryl Secor as well as Closter Officials including but not limited to Nick DeNicola (Borough Engineer), Leonard Sinovitz (Zoning Official) and Ed Rogan (Borough Attorney); Mary Crain (owner of the farm) and her attorney, Anthony Sposaro Esq., at a meeting noticed in compliance with the New Jersey Statutes and the Open Public Meetings Act; and

WHEREAS, the BCADB noticed a meeting for September 26, 2006 in compliance with the Open Public Meetings Act and a quorum of the Board being present at the aforesaid meeting, the BCADB considered the application to amend the AMP; and

WHEREAS, the Abram Demaree Homestead represented by Anthony J. Sposaro, Esq., consented to the form of this resolution; and

WHEREAS, the Borough, represented by Edward T. Rogan Esq. consented to the form of this resolution; and

WHEREAS, the Board received the following Exhibits into evidence:

- A. Application dated July 10, 2006 for an amended Agriculture Management Plan (Exhibit "A") for a driveway.
- B. Letter from County Engineer, Gary Ascolese, (Exhibit "B") dated July 13, 2006, approving the proposed driveway subject to the relocation of the proposed driveway approximately 270 south of the northbound stop-bar on Schraalenburg Road.
- C. Driveway Concept Plan - Abram Demaree Homestead (Exhibit "C"), an Aerial Photo of the Farm scaled at 1" = 50', dated July 31, 2006 prepared by Judd Rocciola of Rocciola Engineering depicting a proposed gravel driveway intersecting Schraalenburg Road approximately 270 feet south of its intersection with Old Hook Road
- CD Letter from Rocciola Engineering (Exhibit "D") in support of a gravel driveway intersecting Schraalenburg Road approximately 270 feet south of its intersection with Old Hook Road

WHEREAS, the BCADB has considered the farm's application for an amended Agriculture Management Practices plan and exhibits.

NOW THEREFORE BE IT RESOLVED, that the BCADB makes the following determinations:

FINDINGS OF FACT & CONDITIONS

1. In deciding this matter the BCADB has weighed both agricultural and municipal interests and finds that the proposed amended Agriculture Management Practices plan does not pose a direct threat to public health and safety (See N.J.S.A. 4:1C-9).

2. Schraalenburg Driveway.

A. The BCADB, the Applicant and the Borough acknowledge that the County Engineer is the sole authority on traffic issues relating to County roads such as Schraalenburgh Road.

B. The BCADB finds that the proposed Schraalenburg driveway with full turning movements, as addressed by the County Engineer's letter and/or as modified by field changes approved by him, satisfactorily address site plan issues involving public health and safety.

3. Old Hook Road - Turning Movements. Prior to the Borough's issuance of final certificate of occupancy pursuant to the BCADB's May 23, 2006 resolution the farm shall comply with the conditions set forth in the letter from County Engineer, Gary Ascolese (May 23, 2006 - Exhibit "G") including but not limited to the posting of no left turn signs.

4. Parking Lot - Handicapped Space(s). Prior to the issuance of a final certificate of occupancy pursuant to the Board's May 23, 2006 resolution the farm shall designate the appropriate number of handicapped parking spaces in compliance with the American Disabilities Act; shall submit a revised parking lot plan to the Borough's Construction Code Official who shall take into account that parking lot is gravel; and shall designate/sign the space(s).

5. Signage. The BCADB approves modifications to the signage plan approved on May 23, 2006 to allow:

A. One additional permanent *free standing* sign which shall be no more than six (6) feet by four (4) feet to be located on Schraalenburg Road within 25 feet of the proposed driveway.

B. Seasonal and Verbiage signs approved in the May 23, 2006 resolution may be located along Old Hook Road and/or Schraalenburg Road - provided that no sign on Schraalenburg Road shall be more than 50 feet south of the proposed driveway.

C. No sign shall interfere with sight distances and shall comply with the Closter Zoning Ordinance unless otherwise excepted herein.

6. Permits and Drawings. The Abram Demaree Homestead shall comply with any County requirements regarding curb cuts and shall submit a copy of the revised Driveway Concept Plan for the Schraalenburg Driveway to the Bergen County Department of Planning and Economic Development for informational purposes.

7. Incorporation of Exhibits, etc. The exhibits, testimony and proofs given by the Applicant at the aforementioned public hearing and the BCADB's finding of fact and conclusions of law as set forth above are incorporated herein by reference and form the basis of this BCADB's determination herein.

A. In the event of any material deviation or change from the testimony, representations or findings of fact the BCADB reserves the right and option to modify, alter, change or revoke the within approval.

B. If terms and conditions agreed to on the record below are omitted from this resolution, the Applicant and the Borough are nevertheless bound to abide by same pursuant to Fieramosca V. Barnegat Tp., 335 N.J. Super, 526, 533-534 (Law Div.2000)).

NOW, THEREFORE, IS IT FURTHER RESOLVED that, based on the aforesaid findings of fact, the Bergen County Agriculture Development Board approves an amended Agriculture Management Practices for the operation of the Abram Demaree Homestead.

PROVIDED FURTHER THAT, all provisions of Resolution 2006-03 which are not modified herein remain in full force and effect.

YES:

NO:

ABSTAIN:

ABSENT: None

I certify that the foregoing is a true copy of the Resolution of the Bergen County Agriculture Development Board, duly adopted at a regular meeting of the Board on July 18, 2006.

Dated: September 26, 2006

Evelyn Spath-Mercado,
Chairperson