

GLOUCESTER COUNTY AGRICULTURE DEVELOPMENT BOARD

RIGHT TO FARM RESOLUTION

**CERTIFYING COMMERCIAL FARM OPERATION AND RECOMMENDING SITE
SPECIFIC AGRICULTURE MANAGEMENT PRACTICE FOR DR. LEWIS J.
DEEUGENIO, JR./SUMMIT CITY FARMS, BOROUGH OF GLASSBORO**

DATED: DECEMBER 19, 2013

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 (hereinafter "CADB" or "Board") to determine if his or her operation constitutes a generally accepted management practice; and

WHEREAS, Dr. Lewis J. DeEugenio, Jr. (hereinafter "DeEugenio") is the owner and operator of Summit City Farms (hereinafter "Summit City"), located on Block 360, Lot 2, Borough of Glassboro, New Jersey (hereinafter the Property), in addition to other lands in the Borough of Glassboro, the Township of Elk, the Township of Harrison, the Borough of Clayton, and the Township of Monroe in Gloucester County, and the Township of Upper Pittsgrove Township in Salem County, with said lands totaling more than 500 acres; and

WHEREAS, on October 9, 2013, William L. Horner, Esquire, on behalf of DeEugenio, as owner and operator of Summit City, made a request in writing to the Board that the operations of Summit City at the Property be designated as a commercial farm under the Right to Farm definition; and

WHEREAS, William L. Horner, Esquire, on behalf of DeEugenio, on October 9, 2013 also requested in writing to the Board for the development of a site-specific Agriculture Management Practices (hereinafter "AMP") for the placement of a 24-square foot externally illuminated farm/winery/farm market sign, 5 feet in height, on Block 360, Lot 2, Borough of Glassboro, New Jersey, with the following conditions:

1. A determination that the proposed sign be designated as a generally accepted agricultural management practice.
2. A determination that the proposed sign does not constitute a health and safety threat.
3. A determination that the proposed sign be recognized as a Site-Specific Agricultural Management Practice (SSAMP).
4. A requirement that, based on the Board's recommendations and determination, the proposed sign does not require a zoning permit, site plan, variance, or other municipal approval.
5. A determination that the CADB retain jurisdiction over the matter; and

WHEREAS, pursuant to N.J.A.C. 2:76-2.3 (c), the Board advised in writing the State Agriculture Development Committee and the municipality of Glassboro of DeEugenio's request; and

WHEREAS, pursuant to N.J.A.C. 2:76-2.3 (b), the Board requested that DeEugenio provide proof that the agricultural operation at the Property is a commercial farm as defined at N.J.S.A. 4:1C-3 and N.J.A.C. 2:76-2.1; and

WHEREAS, pursuant to N.J.A.C. 2:76-2.3 (b), DeEugenio provided their commercial farm certification, including supporting documentation that their agricultural operation is a commercial farm as defined at N.J.S.A. 4:1C-3 and N.J.A.C. 2:76-2.1; and

WHEREAS, a public hearing was noticed to take place at the November 21, 2013 Board meeting; and

WHEREAS, notice of the public hearing was provided to all property owners within two hundred (200) feet as suggested by the Court in Curzi v. Raub, 415 N.J.Super.1 (N.J.Super. A.D. 2010); and

WHEREAS, in accordance with the procedure set forth in N.J.A.C. 2:76-2.10, a public

hearing was held on November 21, 2013, when DeEugenio presented his case, through his attorney, William L. Horner, Esquire; and the Borough of Glassboro Planning Board appeared through its Solicitor, Allen S. Zeller, Esquire, to add input regarding the Applicant's request for and on behalf of the said municipality; and

WHEREAS, the Board received into evidence the following Exhibits:

1. Exhibit GC-1: SSAMP request from the applicant which includes:
 - a. October 9, 2013 correspondence from William L. Horner, Esq.
 - b. Copy of the September 11, 2013 Zoning Permit denial from the Borough of Glassboro for the placement of a farm/winery/farm market sign.
 - c. A sketch plan of the proposed sign in relation to University Boulevard, Lehigh Road, and the immediately adjacent agricultural operation.
 - d. A sketch of the 30-square foot sign originally proposed to Glassboro.
 - e. A sketch of the new 24-foot sign requested in this proposal.
 - f. Commercial Farm Certification Form for Summit City Farms.
 - g. Copy of 2012 Federal Income Tax form indicating that the applicant produced agricultural income of \$1,215,554.
 - h. Copies of the applicant's 2012 Application for Farmland Assessment form for Block 360, Lot 2.
 - i. Copy of a portion of Glassboro Ordinance 107-3 – Definitions
 - j. Copy of Glassboro Ordinance 107-62 – Sight Triangles
 - k. Copy of Glassboro Ordinance 107-63 – Sign Guidelines
 - l. Copy of Glassboro Ordinance 107-63.1 – Sign Requirements
 - m. Copy of a portion of Glassboro Ordinance 107-63.1 – Sign Requirements
 - n. Copy of Glassboro Ordinance 107-100 – R-6 Zoning District Requirements
 - o. Copy of N.J.A.C. 5 23-2 14 – No UCC permit required for certain signs
2. Exhibit GL-1, - - Copy of November 19, 2013 correspondence from Allen Zeller, Solicitor for the Glassboro Planning Board.
3. Exhibit SC-1 - - Copy of a sketch prepared by William L. Horner, Esq., based on measurements provided by DeEugenio showing the proposed sign's distances from the pavement edge of University Boulevard and Lehigh Road, and the pasture edge of DeEugenio's farm property.

Exhibit SC-2, items 1 through 19 - - photographs recently taken by DeEugenio of University Boulevard and Lehigh Road in relation to the proposed sign, and photographs of other farm signs placed on other farm properties throughout Southern New Jersey; and

WHEREAS, the Board has considered the DeEugenio's request (application), DeEugenio's certification, and the exhibits presented and testimony presented.

NOW, THEREFORE, BE IT RESOLVED, that the Board makes the following findings and conclusions:

The Board's consideration of the eligibility of DeEugenio's application under the Right to Farm Act.

1. There are credible exhibits that establish that the commercial farm is no less than five (5) acres;
2. The commercial farm produces agricultural/horticultural products worth at least \$2,500 per year;
3. The farm is eligible for differential property taxation pursuant to the Farmland Assessment Act of 1964;
4. A farm has been in operation on the Property as of July 2, 1998;
5. Where all of the criteria above having been satisfied, the Board finds and determines that DeEugenio meets the eligibility criteria of the Right to Farm Act.

NOW, THEREFORE BE IT FURTHER RESOLVED that the DeEugenio operates a

commercial farm at the Property, and in accordance with the requirements of N.J.S.A. 4:1C-9; and is engaged in generally accepted agricultural operations or practices pursuant to N.J.A.C. 2:76-2B.2.

The Board's consideration of the AMP request that the proposed sign be designated as a generally accepted agricultural management practice.

1. Based upon the exhibits entered and testimony presented, the Board finds that it is a generally accepted agricultural management practice to place a farm/winery/farm market sign on Block 360, Lot 2, in the Borough of Glassboro, as presented in the proposal submitted to the Board, as part of regular farming operations being undertaken at the Property by DeEugenio;

NOW, THEREFORE, BE IT FURTHER RESOLVED that DeEugenio may place a farm/winery/farm market sign on Block 360, Lot 2, in the Borough of Glassboro, as presented in the proposal submitted to the Board, as part of his commercial farm operation at the Property, as the placement of such farm signage is a generally accepted agricultural management practice.

The Board's consideration of the AMP request that the proposed sign does not pose a threat to public health and safety.

1. Based upon the exhibits entered and testimony presented, the Board finds that the placement of a farm/winery/farm market sign on Block 360, Lot 2, in the Borough of Glassboro, as presented in the proposal submitted to the Board, will not implicate any health, safety or welfare issues, and DeEugenio has a legitimate farm based reason for such.

NOW, THEREFORE, BE IT FURTHER RESOLVED that the placement of a farm/winery/farm market sign on Block 360, Lot 2, in the Borough of Glassboro, as presented in the proposal submitted to the Board, will not implicate any health, safety or welfare issues.

The Board's consideration of the AMP request that the placement of the proposed farm/winery farm market sign on Block 360, Lot 2, in the Borough of Glassboro, be designated as a Site-Specific Agricultural Management Practice (SSAMP).

1. Based upon the exhibits entered and testimony presented, the Board finds that the placement of the proposed farm/winery farm market sign, as presented in the proposal submitted to the Board, as part of the farming operations being undertaken at the Property by DeEugenio is recognized as a Site-Specific Agricultural Management Practice (SSAMP).

NOW, THEREFORE, BE IT FURTHER RESOLVED that DeEugenio may place a farm/winery/farm market sign on Block 360, Lot 2, in the Borough of Glassboro, as presented in the proposal submitted to the Board, as part of his commercial farm operation at the Property, and the placement of such signage is designated as a Site-Specific Agricultural Management Practice (SSAMP).

The Board's consideration of the AMP request that the proposed sign does not require a zoning permit, site plan, variance, or other municipal approval.

1. Based upon the exhibits entered and testimony presented, the Board finds that DeEugenio has a legitimate farm based reason for the placement of the proposed farm/winery/farm market sign on Block 360, Lot 2, in the Borough of Glassboro, located at the Property;
2. The Board finds that the placement of the proposed farm/winery/farm market sign on Block 360, Lot 2, in the Borough of Glassboro, as indicated in the proposal, will not implicate any health, safety or welfare issues;
3. The Board finds that DeEugenio has a legitimate farm based reason for not complying with the Borough of Glassboro's requirement that the proposal be subject to a variance approval from the Glassboro Planning Board to place the proposed

farm/winery/farm market sign on Block 360, Lot 2, in the Borough of Glassboro, for agricultural use on the Property;

4. The Board finds that the placement of the proposed farm/winery/farm market sign on Block 360, Lot 2, in the Borough of Glassboro, as indicated in the proposal, will be utilized by DeEugenio for a generally accepted agricultural management practice;
5. The Board finds that to the extent required, DeEugenio is to be granted all necessary approvals for the placement of the proposed farm/winery/farm market sign on Block 360, Lot 2, in the Borough of Glassboro, as indicated in the proposal, and zoning permit, site plan, variance, or other municipal approval shall not be required from the Borough of Glassboro and/or the Glassboro Planning Board;
6. The Board finds that the Borough of Glassboro shall immediately issue all necessary and appropriate permits to DeEugenio for the placement of the proposed farm/winery/farm market sign on Block 360, Lot 2, in the Borough of Glassboro, as indicated in the proposal submitted to the Board, and perform inspections of such construction as required under New Jersey law.

NOW, THEREFORE BE IT FURTHER RESOLVED, that the Board grants relief to DeEugenio, as aforesaid, for the placement of the proposed farm/winery/farm market sign on Block 360, Lot 2, in the Borough of Glassboro as indicated in the proposal submitted to the Board, at the Property for an agricultural use, and as set forth in the above findings; and

NOW, THEREFORE BE IT FURTHER RESOLVED, that all necessary and required permits shall be issued by the Borough of Glassboro to DeEugenio for the placement of the proposed farm/winery/farm market sign on Block 360, Lot 2, in the Borough of Glassboro, as indicated in the proposal submitted to the Board, and perform inspections of such construction as required under New Jersey law.


The Board's consideration of the AMP request that the CADB retain jurisdiction over this matter.

1. Based upon the exhibits entered and testimony presented, the Board finds that DeEugenio has a legitimate farm based reason for the placement of the proposed farm/winery/farm market sign on Block 360, Lot 2, in the Borough of Glassboro, located at the Property;
2. The Board finds that the placement of the proposed farm/winery/farm market sign on Block 360, Lot 2, in the Borough of Glassboro, as indicated in the proposal, will not implicate any health, safety or welfare issues;
3. The Board finds that DeEugenio has a legitimate farm based reason for not complying with the Borough of Glassboro's requirement that the proposal be subject to a variance approval from the Glassboro Planning Board to place the proposed farm/winery/farm market sign on Block 360, Lot 2, in the Borough of Glassboro, for agricultural use on the Property;
4. The Board finds that the placement of the proposed farm/winery/farm market sign on Block 360, Lot 2, in the Borough of Glassboro, as indicated in the proposal, will be utilized by DeEugenio for a generally accepted agricultural management practice;
5. The Board finds that it is in its best interest to maintain jurisdiction over this matter, and confirms that any other matter pertaining to the agricultural operations on the farm property owned by DeEugenio must be brought before the Board separate from this matter.

NOW, THEREFORE BE IT FURTHER RESOLVED, that the Board hereby retains jurisdiction of the matter regarding the placement of the proposed farm/winery/farm market sign on Block 360, Lot 2, in the Borough of Glassboro, as indicated in the proposal submitted to the Board, only.

NOW, THEREFORE BE IT FURTHER RESOLVED, that the Board shall forward a

copy of this Resolution as its written recommendation of these site specific agriculture management practices to the State Agriculture Development Committee, the Borough of Glassboro, and DeEugenio, within thirty (30) days.



**WEST JAY KANDLE, III, CHAIRPERSON
GLOUCESTER COUNTY AGRICULTURE
DEVELOPMENT BOARD**

YES: 4

NO: 0

ABSTAIN:

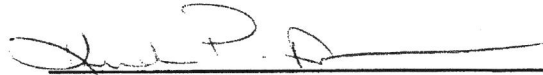
ABSENT:

CERTIFICATION

I, Kenneth Atkinson, Secretary to the Gloucester County Agriculture Development Board, do hereby certify the foregoing to be a true and accurate copy of the Resolution adopted by the Gloucester County Agriculture Development Board at a meeting of said Committee held on December 19, 2013.

SEAL:

KENNETH P. ATKINSON
NOTARY PUBLIC OF NEW JERSEY
MY COMMISSION EXPIRES MAY 20, 2018



KENNETH ATKINSON, BOARD SECRETARY