

PASSAIC COUNTY AGRICULTURE DEVELOPMENT BOARD
930 RIVERVIEW DRIVE
TOTOWA, NJ 07502

RESOLUTION NO. 17-02

On motion by Mr. Longo and seconded by Mr. Ploch, the following resolution was adopted by the Passaic County Agriculture Development Board at a meeting held February 21, 2018

RESOLUTION OF THE PASSAIC COUNTY AGRICULTURE DEVELOPMENT BOARD APPROVING THE APPLICANT'S REQUEST FOR A SITE SPECIFIC DETERMINATION IN THE MATTER OF ANDREW BOVE RIGHT-TO-FARM APPLICATION

WHEREAS pursuant to the Right to Farm Act, N.J.S.A. 4:1-C-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 "Board") to determine if his or her operation constitutes a generally accepted agriculture management practice; and

WHEREAS Andrew Bove, owner of Farmstead Estate, (hereinafter "Applicant"), Block 200, Lot 6 in Borough of Ringwood, (hereinafter "Property") made a request in writing to the Board for a site-specific agriculture management practice (hereinafter, "SSAMP"); and

WHEREAS the Applicant sought a determination that would permit Farmstead Estate to undertake the following:

- Educational Program
- Livestock Production
- Boarding; and

- Permitting Farmstead Estate to construct 47.5' X 42' Pole Barn with a height of 24' 6-3/4" – 1995 SQ. FT.; and

WHEREAS the Applicant advised in writing the State Agriculture Development Committee and the Borough of Ringwood of their request; and

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

WHEREAS Applicant provided supporting documentation that the property is 5 acres or more and produces agricultural and horticultural products worth \$2,500 or more annually, and is eligible for differential property taxation pursuant to the Farmland Assessment Act of 1964, that the farm is located in an area in which as of December 31, 1998 or thereafter, agriculture has been a permitted use under the municipal zoning ordinance and is consistent with the municipal master plan, and that the Property is a "commercial farm" as defined by N.J.S.A. 4:1C-3 and N.J.A.C. 2:76-2.1; and

WHEREAS a public hearing regarding Applicant's request was noticed to take place at the January 9, 2018 Board meeting and the Applicant provided notice to all property owners within 200 feet; and

WHEREAS proof of service and publication of the Notice of Hearing was provided and the Board was found to have jurisdiction to proceed with the hearing on January 9, 2018; and

WHEREAS a public hearing was held on January 9, 2018, where the Applicant presented his case and provided sworn

testimony under oath. No representative from the Borough of Ringwood was present and no other interested party appeared to express their concerns; and

WHEREAS the Applicant provided sworn testimony under oath stating that Agricultural activities on this property include an agricultural educational program for children, which meets school curriculum requirements; that more than 6,000 students participated in the year of 2017; that additional agricultural activities include horseback riding lessons which are open to the public and that a 13-year-old horseback riding student received the United States Equestrian National Championship in the pony jumper division for three consecutive years.

Applicant further testified that he is proposing to build a small barn, 47.5' x 42" (less than 2,000 sq. ft.) to better service the learning experience of our visitors.

Applicant stated that he moved to Ringwood in 1979, nearly 38 years ago and has been serving the community with educational and agricultural programs ever since.

Lastly, Applicant stated that his agricultural facility offers students not only the chance to examine farm life with hands-on experience, but also the chance to learn about the history and environmental needs of the animals that reside here. The farm is rich in natural splendor and historical heritage.

WHEREAS Applicant further called the Board's attention to the Denial of Application, from Zoning Office, Michael Hafner, dated July 18, 2017, specifically denying Applicant's request for

47.5' X 42' Pole Barn with a height of 24' 6-3/4" – 1995 SQ. FT..

The application was denied for the following reasons:

REQUIRES A 9.59" (NINE POINT FIFTY NINE FOOT)
HEIGHT VARIANCE AND AN AMENDED SITE PLAN
APPROVAL FROM THE PLANNING BOARD SINCE
AGRICULTURAL USE IS A CONDITIONAL USE IN THE
ZONE AND ALL THE CONDITIONS OF 40-9.1 ARE MET.

NOW THEREFORE BE IT RESOLVED that based upon the
evidence submitted and testimony presented by the Applicant,
the Board finds as follows:

1. That the Board determines that Applicant operates a commercial farm in accordance with the requirements of N.J.S.A. 4:1C-9; and
2. That the Applicant is engaged in a generally accepted agricultural operation or practice; and
3. That the Board retains jurisdiction of this matter; and
4. That the Board grants each of Applicant's requests to expand its agricultural operations, with regard to the above-stated property, specifically to construct 47.5' X 42' Pole Barn with a height of 24'6-3/4" – 1995 SQ. Ft.; and
5. That the Applicant has legitimate, farm-based reasons, for not complying with Borough of Ringwood Zoning Ordinances, and any other applicable regulations that the borough would ask to enforce, regarding the proposed expansion of agricultural activities as stated above; and
6. That the noticed neighbors, the Borough of Ringwood and the surrounding community would not be adversely affected by the proposed pole barn expansion; and
7. That the Applicant will not implicate any health, safety and welfare issues; and
8. That the Borough of Ringwood shall permit the Applicant to proceed with the above stated proposals, and issue all necessary permits accordingly; and

BE IT FURTHER RESOLVED that the Board shall forward a copy of its written recommendation of the SSAMP Resolution to Farmstead Estate (Andrew Bove, Applicant), the Borough of Ringwood, the State Agriculture Development Committee (SADC), and any other individuals or organizations deemed appropriate by the Board within 30 days of the memorialization of this recommendation.

Roll Call: Mr. Hazelman – yes; Mr. Ploch – yes; Mr. Longo – yes; Dr. Feeney- yes; Mr. Bartlett – yes

Approved as to form and legality:



William J. Fascrell III, County Counsel



HARRY BARTLETT, CHAIRMAN,
PASSAIC COUNTY AGRICULTURE
DEVELOPMENT BOARD

Dated: February 21, 2018