

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

RESOLUTION NO. 17-01

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 January 9, 2018

**RESOLUTION OF THE PASSAIC COUNTY AGRICULTURE
DEVELOPMENT BOARD APPROVING THE APPLICANT'S
REQUEST FOR A SITE SPECIFIC DETERMINATION IN THE
MATTER OF HAZELMAN FARMS 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 Eugene "Rocky" Hazelman, owner of Hazelman Farms, (hereinafter "Applicant"), West Milford, Block 12001, Lot 1, Block 12107, Lot 3, Block 12501, Lot 4 in West Milford Township, (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 Hazelman Farms to undertake the following:
Permitting Hazelman Farms to grow and expand its operations over the 70 acres, which includes increasing chicken flock and adding fixed housing; adding greenhouses, outdoor wood furnace for heating, adding out buildings for electricity and water to support washing and packaging of agriculture commodity, and a farm stand.

Permitting Hazelman Farms to install fencing bordering neighbor properties – a mix of 6’ stockade behind neighbor properties and 6’ chain link around chicken grazing area.

WHEREAS the Applicant advised in writing the State Agriculture Development Committee and the Township of West Milford 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 December 12, 2017 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 December 12, 2017; and

WHEREAS a public hearing was held on December 12, 2017, when the Applicant presented his case and provided sworn testimony under oath. No representation from the Township of West Milford was present and no other interested party appeared to express their concerns; and

WHEREAS the Applicant provided sworn testimony under oath asking that the Board recognize Hazelman Farms as a commercial farm with the eligibility of using multiple blocks and lots for farm activity without the primary structure being on those blocks and lots in question. Applicant stated that he owns four (4) blocks and lots – one of which contains his dwelling and the remaining three (3) are contiguous with one separated by a roadway. All of the blocks and lots are under the same farm plan with woodlot management practices being applied. Applicant also stated that he would like to erect fencing to protect the livestock on his property. He explained that the fencing request would normally be allowed by the township if there was a residential or principal structure on the lot. However, because he owns three (3) blocks and lots without a structure on them, he was told he cannot install a fence under the zoning code; and

WHEREAS since moving to West Milford almost 12 years ago, the Applicant stated that his family has grown and taken on the responsibility of sustainable land ownership. At the end of 2016, Applicant explained that he worked with the Resource and Conservation Society to help revitalize our forests and create corridors for threatened bird species like the Golden Winged Warbler. Through the years, Applicant's egg, fruit, vegetable, and syrup

production has increased based on continued support from the surrounding community; and

WHEREAS the Applicant further testified that the SSAMP request addresses zoning restrictions for Hazelman Farms by recognizing all blocks/lots that comprise Hazelman Farms under their Farmland Assessment as one (1) management unit. Because there is currently a primary structure (house) on this management unit, the properties comprising the management unit should be treated as a conforming use with regards to accessory/secondary structures. Additionally, Applicant testified that Hazelman Farms intends to utilize the following structures to grow the farm: Signage for Farm and Market, Greenhouses, Chicken Houses, Sheds, Feed Silo(s), Pole Barn, Outdoor wood boiler to heat structures, Wash House (vegetables/eggs) with electric/well/septic hook ups and a Sugar Shack for making maple syrup. Applicant also intends to add a farmer's market at the corner of Macopin and Weaver in addition to the existing, unmanned farm stand in front of the house. Some parts of the property will also be used for agro-tourism like U-Pick, hiking and birdwatching; and

WHEREAS Applicant further called the Board's attention to the Denial of Application, from Zoning Officer, Vincent Lupo, dated March 15, 2017, specifically Zoning Ordinance 500-66, which states that greenhouses/chicken coops are not permitted on a lot without a principal structure (house) and that accessory buildings are not to be constructed prior to principal building (house).

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

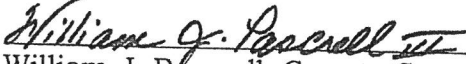
1. That the Board determines that Applicant operates a commercial farm in accordance with the requirements of N.J.S.A. 4:1C-9; and
2. That the Applicant is engaged in a generally accepted agricultural operation or practice; and
3. That the Board retains jurisdiction of this matter; and
4. That the Board grants each of Applicant's requests to expand its agricultural operations, with regard to the above-stated properties, specifically to include installing fencing, increasing chicken flock and adding fixed housing, adding greenhouses, outdoor wood furnace for heating, adding out buildings for electricity and water to support washing and packaging of agriculture commodity, and constructing a farm stand; and
5. That the Applicant has legitimate, farm based reasons, for not complying with West Milford Township's Zoning Ordinance 500-66, and any other applicable ordinances that the township would ask to enforce, regarding the proposed expansion of agricultural activities as stated above; and
6. That the noticed neighbors, the Township of West Milford and the surrounding community would not be adversely affected by the proposed greenhouse expansion; and
7. That the Applicant will not implicate any health, safety and welfare issues; and
8. That the Township of West Milford 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 Hazelman Farms (Eugene "Rocky" Hazelman, Applicant), the Township of West Milford, the State Agriculture Development Committee (SADC), and any other individuals or organizations

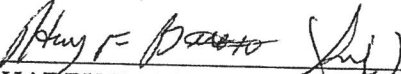
deemed appropriate by the Board within 30 days of the
memorialization of this recommendation.

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

Approved as to form and legality:



William J. Pascrell, County Counsel



HARRY BARTLETT, CHAIRMAN,
PASSAIC COUNTY AGRICULTURE
DEVELOPMENT BOARD

Dated: January 9, 2018
