

WARREN COUNTY AGRICULTURAL DEVELOPMENT BOARD
THE DEPARTMENT OF LAND PRESERVATION
500 MT PISGAH AVE, P.O. BOX 179
OXFORD, NJ 07863

RESOLUTION NO. 17-11

On motion by Mr. Menegus, and seconded by Mr. Baduini, the following resolution was adopted by the Warren County Agricultural Development Board at a meeting held October 19, 2017.

**RESOLUTION OF THE WARREN COUNTY AGRICULTURE
DEVELOPMENT BOARD APPROVING THE APPLICANT'S REQUEST FOR A SITE
SPECIFIC DETERMINATION IN THE MATTER OF THE HARMONY GREENHOUSES,
LLC RIGHT-TO-FARM APPLICATION TO PERMIT ADDITIONAL IMPERVIOUS
COVERAGE IN THE FORM OF A 56,100 SQUARE FOOT GREENHOUSE EXPANSION**

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

WHEREAS, on July 27, 2017, Peter and Heather Jansen owner of the Harmony Greenhouses, LLC, (hereafter "Applicant"), Block 34 Lot 4 in Harmony Township, (hereafter "Property") made a request in writing to the Board for a site-specific agriculture management practice (hereinafter, "SSAMP") to permit additional impervious coverage in the form of a 56,100 square foot greenhouse expansion; and

WHEREAS, on August 31, 2017, pursuant to N.J.A.C. 2:76-2.3(c), the applicant advised in writing the State Agriculture Development Committee and the Township of Harmony of their request; and

WHEREAS, on July 27, 2017, 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, on August 17, 2017, Applicant provided proof to the Board in the form of a commercial farm certification, including supporting documentation that the property is 5 acres or more and produces agricultural and/or 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 the R-1 Zone, 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 the Board memorialized same by resolution on September 21, 2017; and

WHEREAS, a public hearing regarding Applicant's request was noticed to take place at the September 21, 2017 Board meeting and the Applicant was instructed to provide notice to all property owners within 200 feet as suggested by the Court in Curzi v. Raub, 415 N.J.Super 1 (N.J. Super. App. Div. 2010); and

WHEREAS, appropriate 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 September 21, 2017; and

WHEREAS, in accordance with the procedure set forth in N.J.A.C. 2:76-2.10, a public hearing was held on September 21, 2017, when Peter Jansen presented his case and provided sworn testimony under oath. No representation from Township of Harmony appeared. One neighboring resident of Applicant, Dinah Rush appeared, but no other interested party appeared to express their concerns; and

WHEREAS, Mr. Peter Jansen provided sworn testimony under oath that the Township of Harmony denied his permit application for additional impervious coverage in the form of a 56,100 square foot greenhouse expansion because it exceeded the Township's impervious coverage restrictions and required site plan approval. He stated that he was therefore seeking a determination by the CADB to allow additional impervious coverage in the form of a 56,100 square foot greenhouse expansion for agricultural purposes. Responding to questioning by the Board, Mr. Jansen provided testimony that no further grading of the site was required and no further disturbance is contemplated.

The applicant proposes the placement of nothing under the greenhouse expansion with the exception of weed fabric and tables; and

WHEREAS, the Applicant testified that the ordinance requires maximum impervious coverage of 5% and the property was previously approved for an increase in impervious coverage to approximately 8.49% The proposed increase in impervious coverage will make the new impervious coverage on site at approximately 10%;

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

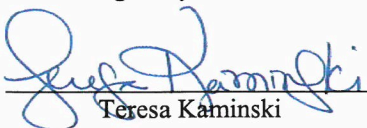
- 1) That the Board previously determined that Applicant operates a commercial farm in accordance with the requirements of N.J.S.A. 4:1C-9; and
- 2) That the Applicant is engaged in a generally accepted agricultural operation or practice pursuant to N.J.A.C. 2:76-2B.2; and
- 3) That the Board retains jurisdiction of this matter; and
- 4) That the Applicant has a legitimate farm based reason not to comply with Harmony Township's zoning ordinance regarding the proposed 56,100 square foot greenhouse expansion in relation to impervious coverage and site plan requirements as the proposed use is a reasonable agricultural activity; and
- 5) That the noticed neighbors, the Township and Harmony, and the surrounding community would not be adversely affected by the proposed greenhouse expansion; and
- 6) That the Applicant will not implicate any health, safety and welfare issues; and
- 7) That the Board has reviewed the SADC correspondence of March 2017 and takes no position with respect to any prior violations of any deed of easement due to prior activities and
- 8) That the Township of Harmony shall permit the Applicant to proceed with the proposed 56,100 square foot greenhouse expansion.

BE IT FURTHER RESOLVED, that the Board shall forward a copy of its written recommendation of the SSAMP Resolution to Harmony Greenhouses, LLC (Peter and Heather Jansen applicant), the Township of Harmony, 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. Schnetzer – yes; Mr. Bodine – yes; Mr. Baduini – yes; Mr. Burke – yes;
Mr. Dempski – yes; Mr. Menegus –yes.

CERTIFICATION

I, Teresa Kaminski, Secretary to the Warren County Agriculture Development Board, do hereby certify the foregoing to be a true and accurate copy of a Resolution adopted by the Warren County Agriculture Development Board at a meeting of said Board held on October 19, 2017 to memorialize the Board's action on September 21, 2017 in which a motion was made by Mr. Baduini and was seconded by Ms. Willever and Roll Call at said meeting was as follows: Mr. Schnetzer – yes; Mr. Bodine – yes; Mr. Baduini – yes; Mr. Burke – yes; Mr. Dempski – yes; Ms. Willever – yes; Mr. Menegus – yes.


Teresa Kaminski