

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

RESOLUTION NO. 21-08

On motion by Mr. Burke, and seconded by Mr. Bodine, the following resolution was adopted by the Warren County Agricultural Development Board at a meeting held September 16, 2021.

RESOLUTION OF THE WARREN COUNTY AGRICULTURE DEVELOPMENT BOARD APPROVING THE APPLICANT'S REQUEST FOR A SITE SPECIFIC DETERMINATION IN THE MATTER OF PLAINVIEW GROWERS, INC., BLOCK 105, LOT 8 IN ALLAMUCHY TOWNSHIP, WARREN COUNTY, NEW JERSEY, RIGHT-TO-FARM APPLICATION TO PERMIT CONSTRUCTION OF A 224' L X 60' W X 18' H POLE BARN

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), a commercial farm owner or operator may make a request to the County Agriculture Development Board (hereinafter "Board") to determine whether its operation constitutes a generally accepted agricultural management practice; and

WHEREAS, Plainview Growers, Inc., (the "Applicant") applied for a Site Specific Agricultural Management Practice ("SSAMP") determination for their property located at _____ in the Township of Allamuchy, New Jersey, and known as Block 105, Lot 8 on the Township Tax Map ("Property")

WHEREAS, pursuant to N.J.A.C. 2:76-2.3(b), the applicant advised the State Agriculture Development Committee and Allamuchy Township of the request for a SSAMP determination; and

WHEREAS, pursuant to N.J.S.A. 4:1C-9 and N.J.A.C. 2:76-2.3, upon receipt of a request for a SSAMP, the Board must first determine whether the Applicant's operation satisfies at least one of the following two conditions:

- (1) It is located in an area of which, as of December 31, 1997, or thereafter, agriculture is a permitted use under Municipal zoning ordinances and is consistent with the Municipal master plan; or
- (2) The commercial farm was in operation as of the effective date of the amended Right to Farm Act, July 2, 1998; and

WHEREAS, based upon the application documentation submitted by the Applicant, including a copy of the Allamuchy Township Zoning Map and pertinent sections of the Allamuchy Township Zoning Ordinance, the Board finds that the Property is located in the "Rural Residential" Zone which, as of December 31, 1997, or thereafter, agriculture is a permitted use pursuant to Allamuchy Township Municipal Zoning Ordinance §190-405 and is consistent with the Allamuchy Township Municipal master plan; and

WHEREAS, pursuant to N.J.S.A. 4:1C-3 and N.J.A.C. 2:76-2.1 defining "commercial farm", the Board also must determine whether the Applicant's operation satisfies at least one of the following two requirements:

(1) a farm management unit of no less than 5 acres, producing agricultural or horticultural products worth \$2,500.00 or more annually and satisfying the eligibility criteria for differential property taxation pursuant to the Farmland Assessment Act of 1994; or

(2) A farm management unit of less than 5 acres, producing agricultural or horticultural products for \$50,000.00 or more annually and otherwise satisfying the eligibility criteria for differential property taxation pursuant to the Farmland Assessment Act of 1994; and

WHEREAS, based upon the application documentation submitted by the Applicant, including a copy Applicant's 2021 Application for Farmland Assessment, the Board finds that Applicant's farm management unit includes the 140+ acres owned by Applicant and therefore is not less than 5 acres;

WHEREAS, based upon the application documentation submitted by the Applicant, including two receipts from sales of agricultural goods produced on the farm showing income of over \$2,500, the Board finds that the Applicant's farm management unit produces agricultural and horticultural products in excess of \$2,500.00 and satisfies the eligibility criteria for differential property taxation pursuant to the Farmland Assessment Act of 1994; and

WHEREAS, pursuant to N.J.S.A. 4:1C-9, to be eligible for protection under the Right to Farm Act, the agricultural operation must also: (1) conform to agricultural management practices adopted by the Committee; (2) comply with all relevant Federal or State statutes and regulations; and (3) not pose a direct threat to public health and safety; and

WHEREAS, pursuant to N.J.A.C. 2:76-2.3(i), the Board scheduled a public hearing regarding Applicant's request for a SSAMP determination which was noticed to take place at the June 17, 2021 Board meeting;

WHEREAS, the Applicant provided the Board with proof of written notice having been made in accordance with the requirements of N.J.S.A. 2:76-2.8(c), including, but not limited to, proof of written notice to all property owners within 200 feet of Applicant's Property, Allamuchy Clerk and Land Use Board, the State Agriculture Development Committee, the Warren County Planning Board and proof of publication of the Notice of Hearing in the New Jersey Star-Ledger on June 4, 2021; and

WHEREAS, the meeting was tabled until the following month on July 15, 2021 per State Agriculture Development Committee's (SADC) request for a site visit and questions regarding lot ownership on the Division of Premises from the original James Gibb preserved farm; and

WHEREAS, upon the SADC site visit, it was determined that the manure pile was located too close to the stream; and

WHEREAS, the SADC & CADB resolutions noted on the James C. Gibb Division of Premises Application that Block 201 Lot 42 was included with Block 105 Lot 8;

WHEREAS, the SADC requested information regarding the extent of the road realignment with the Township on Block 201 Lot 42 to determine if preserved land was affected by the realignment;

WHEREAS, the Applicant was represented by Arie Van Vugt, President of Plainview Growers, Inc., who provided testimony under oath; and

WHEREAS, no members of the public or Township were present at the hearing; and

WHEREAS, Arie Van Vugt gave the following testimony about his property and the proposed pole barn that he wants to place on his property:

- a. Plainview Growers, Inc. is a large growing (greenhouse) operation in Allamuchy Township.
- b. Plainview Growers, Inc. is seeking to construct a proposed 224' L x 60' W x 18' H wooden pole barn with sliding barn doors.
- c. The proposed building will house ceramics and plastics that are used for horticultural production.
- d. The proposed building will have no heat or electricity.
- e. There will be no impervious surface coverage issues presented by the construction.
- f. The proposed building is estimated to be 300-400 feet from nearest neighbor to the right, 1,500-2,000 feet to the left property line, and 500-600 feet from Gibbs Road. The front boundary is Route 80, and the stream is located behind the proposed building.
- g. The proposed building will not be located in the parking lot area.
- h. There are two other pole barns that stand to the right of the proposed structure.
- i. Applicant is not aware of any setbacks from the stream or DEP requirements. He was advised that he would have to comply with any DEP requirements, including setback requirements regarding the stream.
- j. This farm is a preserved farm. The SADC confirmed that this application is compliant with the Deed of Easement because the proposed trailers would be used for an agricultural purpose.

WHEREAS, the meeting was opened to members of the public to ask questions regarding this application. No members of the public were present.

WHEREAS, since the meeting, the Applicant has moved the manure pile away from the stream; and

WHEREAS, according to the recorded Deed of Sale, recorded in Book 1499 Page 17 dated December 20, 1996, and the recorded Post-Closing Agreement Book 1499 Page 144 also dated December 20, 1996, Block 105 Lot 8 was the only parcel included with the sale; and

WHEREAS, according to the online tax database system, Block 201 Lot 42 is owned by James Gibbs of Pocatello, Idaho; and

NOW, THEREFORE BE IT RESOLVED, that based upon the evidence submitted and testimony presented by the Applicant, and questions/comments from the Board and Counsel, 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) All testimony from Arie Van Vugt was considered; and
- 3) That the Applicant is engaged in a generally accepted agricultural operation or practice pursuant to N.J.A.C. 2:76-2B.2, specifically a commercial grower operation; and
- 4) That the Board retains jurisdiction of this matter; and
- 5) That the Applicant must comply with any New Jersey Department of Environment Protection setbacks in reference to the stream on property; and

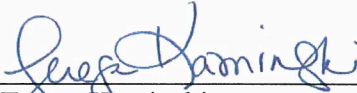
- 6) That this Resolution is conditioned upon the Applicant's compliance with the terms and conditions of the Deed of Easement to the satisfaction of the State Agriculture Development Committee; and
- 7) That the Applicant must comply with all health, safety and welfare requirements; and
- 8) That the Township of Allamuchy shall permit the Applicant to construct a 224'L x 60'W x 18' H pole barn with sliding barn doors for horticultural/agricultural storage for use in production from the green house operation.

BE IT FURTHER RESOLVED, that the Board shall forward a copy of its written decision of the SSAMP Resolution to Plainview Growers, Inc. (Arie Van Vugt), the Township of Allamuchy, 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. Burke – yes; Mrs. Watters – 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 September 16, 2021 to memorialize the Board's action on July 15, 2021 in which a motion was made by Mr. Burke and seconded by Mr. Bodine and Roll Call at said meeting was as follows: Mr. Schnetzer – yes; Mr. Bodine – yes; Mrs. Watters – yes; Mr. Burke – yes; Mr. Menegus – yes.



Teresa Kaminski