

PASSAIC COUNTY AGRICULTURE DEVELOPMENT BOARD (CADB)

Minutes of January 9, 2018

Commissioners Present

Harry “Skip” Bartlett	Farmer Member - Chairman
Dr. Timothy Feeney	Citizen Member – Vice Chair
Megan Myers	Citizen Member -
Dave Longo	Farmer Member
Rudy Ploch, Jr.	Farmer Member
Rocky Hazelman	Farmer Member
<i>vacant</i>	Citizen Member

Also Present

Kathleen M. Caren	Planning Department
Glen Van Olden	Soil Conservation District of Hudson-Essex & Passaic
John D. Pogorelec, Jr., Esq.	Assistant County Counsel

Commissioners Absent

Amy Rowe, PhD	Rutgers Cooperative Extension
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Meeting called to order at 6:36 p.m. Skip read the Sunshine Notice and Kathleen noted a visual roll call.

REORGANIZATION: Skip Bartlett remains as Chair, with Dr. Tim Feeney as Vice-Chair.

PUBLIC COMMENT: none – no members of the public were present

MINUTES: December 12, 2017 – approved by all who were present.

- **MEETING DATES 2018** – discussion and approved.

- **PUBLIC HEARING FOR SSAMP REQUEST**

- Farmstead Estate

John began by reading two (2) excerpts from the NJ Supreme Court case on Franklin Township vs. Den Hollander:

- 1) “The Right-to-Farm Act pre-empts municipal land-use authority over commercial farms.
- 2) “The legislature has reposed trust in the CADBs and SADC to make the appropriate decisions regarding whether the operation of a commercial farm implicates agriculture management practices and if so, whether those practices affect or threaten public health or safety. Although the boards have primary jurisdiction over disputes between municipalities and commercial farms, the boards do not have *carte blanche* to impose their views. Because the authority of agriculture boards is not unfettered when settling disputes that directly affect public health and safety, the boards must consider the impact of the agriculture management practice and temper their determinations with these standards in mind. There will be cases where the local zoning ordinance doesn’t affect farming. There will be cases where the ordinance has a peripheral affect on farming; it implicates a policy that does not directly affect farming practices. In such cases, greater deference should be afforded to local zoning regulations and ordinances. The boards must act in a manner consistent with their mandate, giving appropriate consideration not only to agriculture practices at issue but also to local ordinances and regulations, including land use regulations that may affect the agriculture practice. We recognize that the task before the agriculture boards is complex. Agriculture activities, not always pastoral. The potential for conflict between farming interests and public health and safety exists. Nevertheless, we repose trust and discretion in the

agriculture boards to decide carefully future disputes on a case-by-case basis, and to balance competing interests. We are confident that the boards will conduct these proceedings and reach their determinations in good faith, cognizant that the benchmark for these decisions with the understanding that government has an obligation to deal forthrightly and fairly with property owners and their neighbors.”

John went on to explain that when voting, members must clearly state the farm-based reason why and alternately, if voting against, must explain why (in order to have a clear resolution written).

John then swore in the applicant, Andrew Bove. Stated this is the board’s second SSAMP.

Kathleen confirmed that Jason Simmons had advertised this public hearing several times. Mr. Bove provided proof and affidavit that he also advertised the issue at hand. He went on to explain that the letter of denial (for his additional outbuilding structure) was due to the height requirement in excess of local law. John noted that no one from the Borough of Ringwood was present. After listening to reasons for the need for this additional building (agriculture educational curriculum and agriculture heritage on-site at 170-year-old dwelling, with root cellar and well-type milk cooler and working smokehouse), the board was advised that at the next meeting, based upon the vote, the resolution would be memorialized and forwarded to Ringwood. Mr. Bove thanked the board and especially those members who made the site visit, as well as Jason Simmons who responded in a timely fashion to his issue. Rocky made a motion, seconded by Tim, to approve this structure as it will expand the agricultural uses at the site. The board was polled and all voted in favor, expressing their reasons why.

John stated the SSAMP had been granted and he would draft a resolution memorializing same.

HAZELMAN FARMS SSAMP

John stated he had drafted the Hazelman Farms SSAMP resolution for a vote this evening on adoption memorializing same. Rocky Hazelman then recused himself. John read the resolution aloud, based on the meeting of December 12, 2017, noted as R-17-01.

This is a Right-to-Farm permission, to grow and expand the agricultural practice by increasing the chicken flock and adding fixed housing, greenhouses, an outdoor wood furnace for heating, outbuildings for electric and water to support washing and packaging agricultural commodity, fencing to protect livestock, a sugar-shack (for maple syrup), signage, and a farm stand. Mr. Hazelman provided the supporting documents, and it was further noted that this expansion includes agri-tourism through U-pick, hiking and bird-watching. John reminded the board that the public hearing was held on December 12, 2017, that proper notice to neighbors within 200 feet had been provided, as well as the required advertisements. He noted that no one from West Milford township was present to object. The board recognizes this as a commercial farm and determined that the applicant operates as a commercial farm in accordance with the requirements of NJSA 4:1c-9 and that the board has jurisdiction and grants each request to expand the items stated earlier. It was determined that neighbors will not be adversely affected and West Milford shall issue the necessary permits for these uses. John stated this resolution will be forwarded to the SADC, the Township of West Milford and Hazelman Farms within 30 days. Motion to adopt (with members Hazelman and Myers recused) made by Skip, seconded by Rudy and voted in the affirmative by them and Dave and Dr. Feeney.

DISCUSSION: Next, the board members discussed the Open Space Trust Fund as well as the issue of 101 Oldham Road, Wayne. With no new business to discuss, a motion was made by Rocky to adjourn at approximately 7:35 p.m. and seconded by Rudy

Respectfully submitted,

Kathleen M. Caren, CADB Administrator