GLOUCESTER COUNTY AGRICULTURE DEVELOPMENT BOARD

RIGHT TO FARM RESOLUTION

CERTIFYING COMMERCIAL FARM OPERATION AND RECOMMENDING SITE SPECIFIC AGRICULTURE MANAGEMENT PRACTICE FOR DR. LEWIS J. DEEUGENIO, JR./SUMMIT CITY FARMS, BOROUGH OF GLASSBORO

DATED: JUNE 27, 2013

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

WHEREAS, Dr. Lewis J. DeEugenio, Jr. (hereinafter "DeEugenio") is the owner and operator of Summit City Farms (hereinafter "Summit City"), 500 University Boulevard, located on Block 360, Lot 2, Borough of Glassboro, New Jersey (hereinafter the Property), in addition to other lands in the Borough of Glassboro, the Township of Elk, the Township of Harrison, the Borough of Clayton, and the Township of Monroe in Gloucester County, and the Township of Upper Pittsgrove Township in Salem County, with said lands totaling more than 500 acres; and

WHEREAS, on April 30, 2013, William L. Horner, Esquire, on behalf of DeEugenio, as owner and operator of Summit City, made a request in writing to the Board that the operations of Summit City at the Property be designated as a commercial farm under the Right to Farm definition; and

WHEREAS, William L. Horner, Esquire, on behalf of DeEugenio, on April 30, 2013 also requested in writing to the Board for the development of site-specific Agriculture Management Practices (hereinafter "AMP") for a number of activities concerning certain agricultural operations on the Property, as follows:

1. A determination that the retrofitting of a packing house on Block 360, Lot 2, in the Borough of Glassboro, to a winery/agricultural retail market, with parking and site-improvements, be designated as a generally accepted agricultural management practice.
2. A determination that the proposal does not constitute a health and safety threat.
3. A determination that the retrofitting of the packing house on Block 360, Lot 2, in the Borough of Glassboro, to a winery/agricultural retail market, with parking and site-improvements, be designated as a Site-Specific Agricultural Management Practice (SSAMP).
4. A determination that the proposal does not require site plan or other municipal planning board or zoning approvals.
5. A requirement that the Borough of Glassboro immediately issue all appropriate construction and other permits for the proposal.
6. A determination that the CADB retain jurisdiction over the matter; and

WHEREAS, pursuant to N.J.A.C. 2:76-2.3 (c), the Board advised in writing the State Agriculture Development Committee and the municipality of Glassboro of DeEugenio's request; and

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

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

WHEREAS, a public hearing was noticed to take place at the May 16, 2013 Board meeting; and

WHEREAS, notice of the public hearing was provided to all property owners within two

hundred (200) feet as suggested by the Court in Curzi v. Raub, 415 N.J.Super.1 (N.J.Super. A.D. 2010); and

WHEREAS, in accordance with the procedure set forth in N.J.A.C. 2:76-2.10, a public hearing was held on May 16, 2013, when DeEugenio presented his case, through his attorney, William L. Horner, Esquire; and the Borough of Glassboro Planning Board appeared through its Solicitor, Allen S. Zeller, Esquire, to add input regarding the Applicant's request for and on behalf of the said municipality; and

WHEREAS, the Board received into evidence the following Exhibits:

Exhibit GC-1A - - April 30, 2013 correspondence from William L. Horner, Esquire, on behalf of DeEugenio, requesting the Board to consider this SSAMP request;

Exhibit GC-1B - - March 22, 2013 letter from Glassboro Planning Board Solicitor Allen S. Zeller to DeEugenio, Jr., regarding the proposal;

Exhibit GC-1C - - March 28, 2013 letter from Glassboro Planning Board Solicitor Allen S. Zeller to DeEugenio, Jr., regarding the proposal;

Exhibit GC-1D - - Commercial Farm Certification Form for Summit City Farms;

Exhibit GC-1E - - Copy of 2012 Federal Income Tax form indicating that the applicant produced agricultural income of $1,215,554;

Exhibit GC-1F - - Copies of Summit City's 2012 Application for Farmland Assessment forms for all its land located in Glassboro, including Block 360, Lot 2;

Exhibit GC-1G - - Copy of the 1967 Final Tax Bill from the Borough of Glassboro indicting that Block 361, Lot 3 was recognized as a farm property;

Exhibit GC-1H - - Copies of engineering plans prepared by Deborah V. Anderson, R.A., P.P., P.W.S., that indicates the proposed building and site improvements as per the proposal;

Exhibit GC-2A - - An aerial photograph of the subject property and a wetlands delineation accessed through Gloucester County's GCMaps system;

Exhibit GC-2B - - Photographs taken by Ken Atkinson, CADB Administrator/Secretary, of the building to be retrofitted as indicated in the proposal & the surrounding streets;

Exhibit GL-1 - - May 13, 2013 correspondence from Allen Zeller, Solicitor for the Glassboro Planning Board (includes a copy of a SSAMP determination from the Salem CADB, which Mr. Zeller submitted as an attachment to his correspondence);

Exhibit GL-2 - - an aerial photograph of Block 360, Lot 2, Borough of Glassboro, which Glassboro Planning Board Solicitor Allen S. Zeller indicated was previously presented at a Planning Board workshop;

Exhibit Summit City-1, Items A - F - - photographs recently taken by DeEugenio of the existing structure that would house the proposed facility and the surrounding area; and

WHEREAS, the Board has considered the DeEugenio's request (application), the DeEugenio's certification, and the exhibits presented and testimony presented.

NOW, THEREFORE, BE IT RESOLVED, that the Board makes the following findings and conclusions:

The Board's consideration of the eligibility of DeEugenio's application under the Right to Farm Act.

1. There are credible exhibits that establish that the commercial farm is no less than five (5) acres;

2. The commercial farm produces agricultural/horticultural products worth at least $2,500 per year;

3. The list of such products is listed in the application;

4. The farm is eligible for differential property taxation pursuant to the Farmland Assessment Act of 1964;

5. A farm has been in operation on the Property as of July 2, 1998;

6. A complete written application for recommending AMP's was made to the Board;

7. Where all of the criteria above having been satisfied, the Board finds and determines that DeEugenio meets the eligibility criteria of the Right to Farm Act.

NOW, THEREFORE BE IT FURTHER RESOLVED that the DeEugenio operates a commercial farm at the Property, and in accordance with the requirements of N.J.S.A. 4:1C-9; and is engaged in generally accepted agricultural operations or practices pursuant to N.J.A.C. 2:76-2B.2.

The Board's consideration of the AMP request that the retrofitting of a packing house on Block 360, Lot 2, in the Borough of Glassboro, to a winery/agricultural retail market, with parking and site-improvements, be designated as a generally accepted agricultural management practice.

1. Based upon the exhibits entered and testimony presented, the Board finds that it is a generally accepted agricultural management practice to retrofit a packing house on Block 360, Lot 2, in the Borough of Glassboro, for a winery/agricultural retail market, with parking and site-improvements, as presented in the proposal submitted to the Board, as part of regular farming operations being undertaken at the Property by DeEugenio;

2. The Board finds that the retrofitting of a packing house on Block 360, Lot 2, in the Borough of Glassboro, for a winery/agricultural retail market, with parking and site-improvements, as presented in the proposal submitted to the Board, will not implicate any health, safety or welfare issues, and DeEugenio has a legitimate farm based reason for such.

NOW, THEREFORE, BE IT FURTHER RESOLVED that DeEugenio may retrofit a packing house on Block 360, Lot 2, in the Borough of Glassboro, to a winery/agricultural retail market, with parking and site-improvements, as presented in the proposal submitted to the Board, as part of his commercial farm operation at the Property, as the establishment of such farm buildings is a generally accepted agricultural management practice.

The Board's consideration of the AMP request that the retrofitting of the packing house on Block 360, Lot 2, in the Borough of Glassboro, to a winery/agricultural retail market, with parking and site-improvements, be designated as a Site-Specific Agricultural Management Practice (SSAMP).

1. Based upon the exhibits entered and testimony presented, the Board finds that the retrofitting of a packing for a winery/agricultural retail market, with parking and site-improvements, as presented in the proposal submitted to the Board, as part of the farming operations being undertaken at the Property by DeEugenio is recognized as a Site-Specific Agricultural Management Practice (SSAMP).

NOW, THEREFORE, BE IT FURTHER RESOLVED that DeEugenio may retrofit a packing house on Block 360, Lot 2, in the Borough of Glassboro, to a winery/agricultural retail market, with parking and site-improvements, as presented in the proposal submitted to the Board, as part of his commercial farm operation at the Property, and the establishment of such facility is designated as a Site-Specific Agricultural Management Practice (SSAMP).

The Board's consideration of the AMP request that the retrofitting of the packing house on Block 360, Lot 2, in the Borough of Glassboro, to a winery/agricultural retail market, with parking and site-improvements, does not require site plan or other municipal planning board or

zoning approvals, and that the Borough of Glassboro immediately issue all appropriate construction and other permits for the proposal.

1. Based upon the exhibits entered and testimony presented, the Board finds that DeEugenio has a legitimate farm based reason for the retrofitting of the packing house on Block 360, Lot 2, in the Borough of Glassboro, to a winery/agricultural retail market, with parking and site-improvements, located at the Property;

2. The Board finds that it is a generally accepted agricultural management practice to retrofit existing buildings within the existing farm infrastructure, and as close to other buildings as is functionally possible, so as to minimize the impacts to land and farming operations;

3. The Board finds that the retrofitting of the packing house on Block 360, Lot 2, in the Borough of Glassboro, to a winery/agricultural retail market, with parking and site-improvements, as indicated in the proposal, will not implicate any health, safety or welfare issues;

4. The Board finds that DeEugenio has a legitimate farm based reason for not complying with the Borough of Glassboro's requirement that the proposal be subject to site plan approvals from the Glassboro Planning Board to retrofit the packing house on Block 360, Lot 2, in the Borough of Glassboro, to a winery/agricultural retail market, with parking and site-improvements, for agricultural use on the Property;

5. The Board finds that the retrofitting of the packing house on Block 360, Lot 2, in the Borough of Glassboro, to a winery/agricultural retail market, with parking and site-improvements, as indicated in the proposal, will be utilized by DeEugenio for a generally accepted agricultural management practice;

6. The Board finds that to the extent required, DeEugenio is to be granted all necessary approvals to retrofit the packing house on Block 360, Lot 2, in the Borough of Glassboro, to a winery/agricultural retail market, with parking and site-improvements, as indicated in the proposal, and no site plan approval of same shall be required from the Borough of Glassboro and/or the Glassboro Planning Board;

7. The Board finds that the Borough of Glassboro shall immediately issue all necessary and appropriate permits to DeEugenio for the retrofitting of the packing house on Block 360, Lot 2, in the Borough of Glassboro, to a winery/agricultural retail market, with parking and site-improvements, as indicated in the proposal submitted to the Board, and perform inspections of such construction as required under New Jersey law.

NOW, THEREFORE BE IT FURTHER RESOLVED, that the Board grants relief to DeEugenio, as aforesaid, to retrofit the packing house on Block 360, Lot 2, in the Borough of Glassboro, to a winery/agricultural retail market, with parking and site-improvements as indicated in the proposal submitted to the Board, at the Property for an agricultural use, and as set forth in the above findings; and

NOW, THEREFORE BE IT FURTHER RESOLVED, that all necessary and required permits, including certificate(s) of occupancy or approval upon completion, shall be issued by the Borough of Glassboro to DeEugenio for the retrofitting of the packing house on Block 360, Lot 2, in the Borough of Glassboro, to a winery/agricultural retail market, with parking and site-improvements, as indicated in the proposal submitted to the Board, and all required inspections of the construction shall be undertaken by the Borough of Glassboro.

NOW, THEREFORE BE IT FURTHER RESOLVED, that the Board hereby retains jurisdiction of the matter regarding the retrofitting of the packing house on Block 360, Lot 2, in the Borough of Glassboro, to a winery/agricultural retail market, with parking and site-improvements, as indicated in the proposal submitted to the Board, only.

The Board's consideration of that all pertinent lighting and fencing that will help to ensure the safety of employees or visitors on the property be installed on the Property as per this agricultural management practice.

1. Based upon the exhibits entered and the testimony presented, the Board finds that the installation of decorative light fixtures on the exterior walls of the winery/agricultural retail market building as indicated in the proposal presented to the Board as to the retrofitting of the packing house on Block 360, Lot 2, in the Borough of Glassboro, to a winery/agricultural retail market, with parking and site-improvements, be required as a condition of this Site-Specific Agricultural Management Practice (SSAMP) approval;

2. Based upon the exhibits entered and the testimony presented, the Board finds that the installation of fencing for the purpose of separating the existing loading dock area and the parking areas as indicated in the proposal presented to the Board as to the retrofitting of the packing house on Block 360, Lot 2, in the Borough of Glassboro, to a winery/agricultural retail market, with parking and site-improvements, be required as a condition of this Site-Specific Agricultural Management Practice (SSAMP) approval.

NOW, THEREFORE BE IT FURTHER RESOLVED, that DeEugenio shall install all pertinent lighting and fencing as a condition of this Site-Specific Agricultural Management Practice (SSAMP) approval as to the retrofitting of the packing house on Block 360, Lot 2, in the Borough of Glassboro, to a winery/agricultural retail market, with parking and site-improvements as indicated in the proposal submitted to the Board, and/or as set forth in the above findings.

NOW, THEREFORE BE IT FURTHER RESOLVED, that the Board shall forward a copy of this Resolution as its written recommendation of these site specific agriculture management practices to the State Agriculture Development Committee, the Borough of Glassboro, and DeEugenio, within thirty (30) days.

WEST JAY KANDLE, III, CHAIRPERSON
GLOUCESTER COUNTY AGRICULTURE
DEVELOPMENT BOARD

YES: 6
NO: 0
ABSTAIN: 0
ABSENT: 1

CERTIFICATION

I, Kenneth Atkinson, Secretary to the Gloucester County Agriculture Development Board, do hereby certify the foregoing to be a true and accurate copy of the Resolution adopted by the Gloucester County Agriculture Development Board at a meeting of said Committee held on June 27, 2013.

SEAL:

KENNETH ATKINSON, BOARD SECRETARY

KENNETH P. ATKINSON
NOTARY PUBLIC OF NEW JERSEY
MY COMMISSION EXPIRES MAY 20, 2018