RESOLUTION CADB 4-2015
RECOMMENDING SITE SPECIFIC AGRICULTURE MANAGEMENT PRACTICE
APPROVING ANDY'S COUNTRYSIDE FARM, FARM MARKET, POLE BARN, SIGNS, GREENHOUSES, AND DEER FENCE

WHEREAS, pursuant to the right to Farm Act, N.J.S.A. 4:1C-1 et seq. and the State Agriculture Development Committee ("SADC") regulations, N.J.A.C.2:76-2.3 (a), a commercial farm owner or operator may make a request to the Cape May County Agriculture Development Board (hereinafter "Board") to determine if his or her operation constitutes a generally accepted management practice; and

WHEREAS, Andrew B. Kraynock, d/b/a Andy's Countryside Farm (the "Applicant") as owner of Block 415, Lot 5, 10.56 acres, commonly known as 1400 Rt. 50, Upper Township, Cape May County New Jersey (the "Upper Township Parcel"), and Block 5, Lot 41 and Block 68, Lot 10, 61 acres, commonly known as Ramah Road, Lawrence Township, Cumberland County, New Jersey (the "Cumberland County Parcel")[1], appeared before the Board on July 28, 2014 and was certified as a commercial farm by Resolution 4-2014; and

WHEREAS, the Applicant made a request in writing to the Board for the development of a Site-Specific Agriculture Management Practice (hereinafter, "SSAMP") for the renovation and conversion of a barn at the Upper Township Parcel to a farm market, with associated shed renovation and construction of a new pole barn, signs, greenhouses, and deer fence; and,

WHEREAS, the Applicant's primary farm market at the Upper Township Parcel will be the renovated 18'x 20' barn designated as "former frame building" on the concept plan prepared by Brian M. Prohowich, P.E. and is served by an existing parking area accommodating seven vehicles. More than 51 percent of the annual gross sales of the retail farm market shall be generated from sales of the plants and produce grown at the Farm worth at least $2,500; and,

WHEREAS, the "existing frame shed" as depicted on the plan will be renovated, and a new 30'x 40'pole barn will be constructed for storage and maintenance of agricultural equipment, materials, and farm produce; and,

WHEREAS, the Applicant also intends to install a deer fence eight feet in height around the perimeter of the fields at the farm, a 21' X 96' greenhouse followed by at least three more of the same size and such signage as may be permitted by the SADC's AMP relating to on-farm direct-marketing facilities, activities, and events, N.J.A.C. 2:76-2A.13, including but not limited to one freestanding sign identifying the farm market; and,

WHEREAS, the farm market operation will be during daylight hours, with 7 parking stalls, and 1 overflow lot; and

WHEREAS, the parking lot stalls are sized 10x20 with a stone driveway and a paved handicapped stall; and

WHEREAS, landscaping will be minimal and will not impact the site triangle as depicted as the crosshatched area; and,

WHEREAS, no air, water, and noise quality impact is anticipated with respect to the farm market or any of the improvements. Pesticides and herbicides will not be used, and beneficial insects will be used in the greenhouses. Drip irrigation will be used for fertilizer application; and,

WHEREAS, the Applicant had filed a New Jersey Pinelands Commission Development Application stating that structures and uses at the property will not be changed except for the renovation of the existing 20'x 18' barn as a farm market to be operated during daylight hours seasonally

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[1] Collectively, the Upper Township Parcel and the Cumberland County Parcel may be referred to herein as the "Farm".

from Easter through Halloween, the construction of a new 30'x 40' pole barn agricultural storage building to replace the larger of the two existing sheds, construction of up to four 21'x 96' greenhouses; and construction of deer fencing along the perimeter of the farmed area of the property; and

WHEREAS, the Applicant has received a Certificate of Filing from the New Jersey Pinelands Commission dated October 2, 2014 stating that the Change of Use of a 366 square foot barn to a commercial farm stand and no further development plan is Not Applicable Subject of Certificate of Filing; and

WHEREAS, the Applicant has received a determination from the Cape Atlantic conservation District that a plan for Soil Erosion and Sediment Control will not be required in accordance to the provisions of Chapter 251, P.L. 1975 and chapter 459, P.L. 1979 (N.J.S.A. 4:24-39 et seq.); and

WHEREAS, a zoning violation was issued on May 1, 2014 for the Upper Township Parcel because municipal approval was not received for signs or site plan review for the farm market; and,

WHEREAS, the Applicant has committed to comply with all applicable requirements of AMPs that have been adopted by the SADC, including On-Farm Direct Marketing Facilities, Activities, and Events , N.J.A.C 2:76-2a.13; and,

WHEREAS, the Applicant has provided the Board with a Concept Plan dated October 16, 2014 prepared by Brian M. Prohowich P.E. for the proposed development at the Upper Township Parcel and upon receipt of the development plan, Barbara M. Ernst, Director of the Farmland Preservation program, notified the following public entities:

Mr. James Kelley,	Township of Upper Planning Board Chairman
Mr. Edward Kenney,	Township of Upper Construction Official
Ms. Shelley Lea	Township of Upper Zoning Official
Mr. James B. Lewis	N.J. Department of Transportation
Ms. Leslie Gimeno	County of Cape May Director of Planning
-and-	
Mr. Dale Foster	County of Cape May County Engineer

These entities were provided the opportunity to review and comment on the impact of the proposed structure and activity on the municipality and county and on the standards established by local ordinance(s) within the scope of the Board's obligation to consider "public health and safety"; and,

WHEREAS, on December 19, 2014, pursuant to N.J.A.C. 2:76-2.3(b), the Board advised in writing the State Agriculture Development Committee and Upper Township of the Applicant's request and;

WHEREAS, pursuant to N.J.A.C. 2:76-(j) the Board advised in writing and sought input relating to the application from the New Jersey Pinelands Commission, New Jersey Department of Agriculture, Soil Conservation Committee, and USDA Research Center, Jenny Carleo, Cape May County Rutgers Cooperative Service Agent, and received various comments as noted in the record of this matter at a Public Hearing conducted on February 9, 2015; and

WHEREAS, on August 11, 2014, members of the CMCADB, and the Cape May County Planning Department conducted a site inspection of Andy's

Countryside Farm, farm management unit both in Cumberland and Cape May County; and,

WHEREAS, the Applicant, pursuant to N.J.A.C. 2:76-2.8 has provided documentation that the request for the SSAMP for the renovation and conversion of a barn at the Upper Township Parcel to a farm market, including the construction of a new pole barn and the renovation of an existing shed, signs, greenhouses, and deer fence, was sent to the municipal clerk, land use board secretary, property owners (on certified list) within 200 feet of commercial farm property; SADC, County Planning Board; and

WHEREAS, this matter was scheduled for a Public Hearing on January 26, 2015, hearing was cancelled as a result of anticipated inclement weather; and

WHEREAS, this matter was re-scheduled for consideration at the special meeting conducted on February 9, 2015, without the need for new notices, and at such special meeting the Board was presented with findings of the site inspection; and

WHEREAS, on February 9, 2015, the Board agreed to develop a site specific AMP for Andy's Countryside Farm after making the following findings of fact, based on information and documentation provided to the Board by the Applicant and information gathered during the site inspection:

1. The 71.56 acre farm management unit is comprised of the Upper Township Parcel, 10.56 acres, and the Cumberland County Parcel, 61 acres; and

2. Andy's Countryside Farm is a commercial farm, as established for this record on July 28, 2014 by Resolution 4-2014 as defined at N.J.S.A. 4:1C-3 and N.J.A.C. 2:76-2.1, and currently produces field crops worth $2,500 or more annually and satisfies the eligibility criteria for differential property tax assessment pursuant to the Farmland Assessment Act of 1964 on the Cumberland County farm management unit and qualifies for tax assessment on the Cape May County farm management unit; and

3. Andy's Countryside Farm has been in operation since 1989 in Cumberland County, and on November 15, 2013 purchased the Upper Township Parcel with the intention of creating a farm management unit; and

4. Certifications by tenant farmers attest that the Upper Township Parcel has been in active farm operation as of July 2, 1998 and has continued operation to the present; and

NOW, THEREFORE, BE IT RESOLVED that the Cape May County Agriculture Development Board determines that the renovation and conversion of a barn at the Upper Township Parcel to a farm market to be operated seasonally from Easter through Halloween during daylight hours, including the renovation of a shed, construction of a new pole barn, signs, up to 4 greenhouses, and deer fencing is protected under N.J.S.A. 4:1C-1 et seq., subject to the following waivers that the Board has agreed upon:

1. Signage at the parcel shall be as permitted by the statewide AMP on on-farm, direct-marketing facilities, activities, and events, N.J.A.C., 2:76-2A.13, and

2. The primary sign to be set back (10) ten feet from the paved roadway, as permitted by N.J.A.C. 2:762a.13(g)3i, and

3. Any drive apron improvements for accessing the parcel, and any other associated improvements as may be required by the New Jersey Department of Transportation, are within the jurisdiction of that agency as the Upper Township Parcel fronts on a state highway, and approval by that agency shall be a condition of the approvals granted hereunder, and

4. Any landscaping that is to be installed shall not be within the site triangle as depicted on the plan as the crosshatched area; and

5. Operation of the farm market will be only during daylight hours, thereby negating additional lighting as required by Upper Township Code Section 20-5.7.a.1.

The approvals granted herein are further subject to the standards set forth under N.J.A.C. 2.76-2A-13 and all other governmental bodies and agencies having jurisdiction over the matter, having approved same, all are approved as a site specific Agricultural Management Practice.

BE IT FURTHER RESOLVED, that the Board shall forward a copy of its written recommendation of the site-specific AMP to the Applicant, the SADC, Upper Township, and any other individuals or organizations deemed appropriated by the Board within 30 days of the recommendation.

George B. Brewer, Jr.
Chairman

Offered By:	MR. REA
Seconded By:	MS. WHEELER
Yes:	MS. WHEELER, MR. REA, MR. BREWER, MR. STILES (4)
Abstain:	None (0)
Absent:	Mr. Natali, Mr. Hand, Mr. Hazlett (3)
Adopted:	Yes

Prepared By:

James B. Arsenault, Jr., Esq.,
Acting County Counsel