

RESOLUTION 2014-02

RESOLUTION OF THE BERGEN COUNTY AGRICULTURE DEVELOPMENT BOARD ACCEPTING SETTLEMENT AGREEMENT OF CONCERNED CITIZENS' AND THE BOROUGH OF CLOSTER'S RIGHT TO FARM COMPLAINTS AGAINST METROPOLITAN FARM, LLC

WHEREAS, by letter dated May 4, 2012, the Concerned Residents of Closter filed a Right to Farm Complaint against Metropolitan Farm which Complaint was received by the Bergen County Agriculture Development Board ("BCADB") on May 8, 2012, and essentially alleges that the Farm's clearance of woodlands and soil movement is a nuisance, is in violation of municipal ordinances, and/or poses a threat to health, safety and welfare; and

WHEREAS, by letter dated May 4, 2012, the Borough of Closter [Borough] filed a Right to Farm Complaint against Metropolitan Farm LLC [Metropolitan Farm] which Complaint was received by the BCADB on May 8, 2012, and essentially alleges that the Farm's clearance of woodlands and soil movement is a nuisance, is in violation of municipal ordinances, and/or poses a threat to health, safety and welfare; and

WHEREAS, the BCADB determined that Metropolitan Farm, LLC located at [Address], Closter (Block 2102, Lot 55) qualified as a commercial farm as set forth in BCADB Resolution No. 2012-05; and

WHEREAS, Metropolitan Farm, LLC, cleared woodlands and conducted soil movement in preparation for the installation of hoop greenhouses for the purpose of agricultural and horticultural production; and

WHEREAS, the Right to Farm Complaints were transferred via BCADB Resolution No. 2012-06 as required by N.J.A.C. 4:1C, et seq. (Right to Farm Act) to the State Agriculture Development Committee ("SADC ID #1369") in as much as the BCADB had not previously approved a Site-Specific Agricultural Management Practice for hoop greenhouses and the State Agriculture Development Committee had not previously issued an applicable Agricultural Management Practice for hoop greenhouses; and

WHEREAS, the Borough of Closter, Concerned Citizens of Closter and Metropolitan Farm entered into a Settlement Agreement on or about May 23, 2014; and

WHEREAS, the State Agriculture Development Committee accepted its Hearing Officer's Report and Recommendations dated July 8, 2014, and approved the Settlement Agreement at its meeting on May 22, 2014, which action became final on or about July 9, 2014; and

WHEREAS, the Settlement Agreement and the State Agriculture Development Committee's decision are subject to final review of the Bergen County Agriculture Development Board; and

WHEREAS, it is well-settled public policy that settlements are highly favored because amicable resolutions of disputes avoid the costs and risks of time-consuming litigation. Jannarone v. W.T. Co., 65 N.J. Super. 472, 476 (App. Div.), certif. Denied 35 N.J. 61 (1961); Pascarella v. Bruck, 190 N.J. Super. 118, 125 (App. Div.), certif. Denied 94 N.J. 600 (1983); and

WHEREAS, the terms of the Settlement Agreement entered into by the parties in these matters are fair, reasonable, and not inconsistent with a permanent deed restriction placed on the property that prohibits nonagricultural development as set forth in Deed Book 8699 Page 271 recorded on June 29, 2004 in the Bergen County Clerk's Office and each party to the action knowingly and voluntarily agreed to the Settlement Agreement's terms on the record on May 6, 2014; and

WHEREAS, the BCADB has reviewed the SADC's Hearing Officer's Report and Recommendations dated July 8, 2014, and the Settlement Agreement and finds that there are no current complaints requiring a public hearing contemplated by N.J.S.A. 4:1C-10.1(c) in as much as all issues have been amicably resolved.

NOW THEREFORE BE IT RESOLVED, that the BCADB approves and accepts both the Settlement Agreement between the Borough of Closter, Concerned Citizens of Closter and Metropolitan Farm, LLC and the decision of the State Agriculture Development Committee.

YES: ABMA, BINAGHI, JAMES, SECOR

NO: NONE

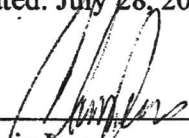
ABSTAIN: NONE

ABSENT: Spath-Mercado

RECUSE: WIGGERS

I certify that the foregoing is a true copy of the Resolution of the Bergen County Agriculture Development Board, duly adopted at a regular meeting of the Board on July 28, 2014.

Dated: July 28, 2014



Chris James,
Vice-Chairperson