

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

RESOLUTION NO. 24-02

On motion by Mr. Menegus and seconded by Mr. Burke, the following resolution was adopted by the Warren County Agricultural Development Board at a meeting held February 15, 2024.

**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., INC. FARM, BLOCK 105, LOT 8 IN
ALLAMUCHY TOWNSHIP, WARREN COUNTY, NEW JERSEY,
RIGHT-TO-FARM APPLICATION TO PERMIT CONSTRUCTION OF A
286' x 245' GREENHOUSE (70,000 SQUARE FEET)**

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 [redacted] 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, 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 current farmland assessment forms showing eligibility for differential property taxation pursuant to the Farmland Assessment Act of 1994 and income from sales of agricultural goods produced on the farm showing income of over \$2,500.00, 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 January 18, 2024 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 December 28, 2023; and

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 to raise any objections to the Application; and

WHEREAS, Joseph Setticase, Allamuchy Township Zoning Official, submitted a letter to the Board confirming that his office reviewed the Application for the proposed greenhouse and had no objections; and

WHEREAS, Allamuchy Township Mayor Rosemary Tuohy was present at the meeting for an unrelated Board matter, and provided brief testimony concerning possible means of resolution by the Applicant for the SADC concerns that have previously been raised concerning the Applicant's Deed of Easement compliance; and

WHEREAS, Arie Van Vugt provided the following testimony about his property and the proposed greenhouse addition 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 286' x 245' (70,000 square foot) greenhouse as set forth on the Plot Plan for Greenhouse Addition prepared by Ferriero Engineering, Inc. dated 11/20/23, which was submitted with the Application.
- c. The proposed glass greenhouse will be constructed over an area that is presently within the soil disturbance area on the Property, consisting of an exposed concrete pad. No new disturbance will be created by the construction of the proposed greenhouse, so the existing percentage of soil disturbance at the Property will not change.
- d. The current concrete pad will be lifted out and the new flooring will consist of approximately 20% concrete with 2.5' pads every 24 feet. The balance of the flooring will consist of weed mat.
- e. There is an existing stormwater pond on the Property that adequately handles the existing run-off. He will ask his engineer to provide any stormwater management plans for this project, if necessary, to the Board.
- f. On a prior application, the Board raised concerns with Deed of Easement compliance issues raised by the SADC involving a Township drainage easement on the preserved land and a Lot that was included in the original preservation of that was never conveyed to the Applicant when he took title. Those concerns remain outstanding, and the Applicant remains willing to resolve them. However, it requires both the cooperation of the Township and the predecessor in title.

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

WHEREAS, Allamuchy Township Mayor, Rosemary Tuohy, who was present during the hearing for an unrelated matter before the Board, advised the Board that she has a contact for the predecessor in title, and that the Lot in question has an existing tax lien.

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:

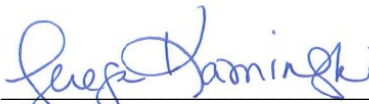
- 1) The Applicant operates a commercial farm in accordance with the requirements of N.J.S.A. 4:1C-9; and
- 2) All testimony from Arie Van Vugt was considered; and
- 3) The Applicant is engaged in a generally accepted agricultural operation or practice pursuant to N.J.A.C. 2:76-2B.2, specifically a commercial grower operation; and
- 4) The Board retains jurisdiction of this matter; and
- 5) 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 as previously required of the Applicant in accordance with WCADB Resolutions #21-08 & #22-04, and will communicate and cooperate with the Township of Allamuchy in a continuing effort to bring the Property into compliance;
- 6) The Applicant must comply with all State and Municipal Stormwater Management requirements.
- 7) The Applicant must comply with all health, safety and welfare requirements; and
- 8) The Township of Allamuchy shall permit the Applicant to construct a 286' x 245' (70,000 square foot) greenhouse for horticultural/agricultural growing operations.

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. Mathez – yes; Mr. Burke – yes;
Mr. Hood – 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 February 15, 2024 to memorialize the Board's action on January 18, 2024, 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; Mr. Mathez – yes; Mr. Burke – yes; Mr. Hood – yes; Mrs. Watters – yes; Mr. Menegus – yes.



Teresa Kaminski