

May 27, 2022
(Date)

5/29/22
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BS

SueEd Farms, LLC

The State Agriculture Development Committee
Alison Reynolds, Right-to-Farm Legal Counsel
PO Box 330
Trenton, NJ 08625-0330

Added to

Spencer

Re: **Request for Site Specific Agriculture Management Practice Determination**

Applicant Name: SueEd Farms, LLC (Alex & Ashley Ferri)
Farm Address: [Redacted]
Washington, NJ 07882
Block/Lot: 48/69
Municipality: Washington Township
Public Hearing Date: 7:30 PM Thursday, June 16, 2022

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File

To Whom It May Concern:

Please accept this letter as formal notice that, pursuant to the Right to Farm Act, N.J.S.A. 4:1C-1 et seq., the above named applicant, has applied to the Warren County Agriculture Development Board (CADB) for a Site Specific Agriculture Management Practice (SSAMP) determination affecting the above referenced property. This notice is being sent to you as an owner of property within two-hundred (200) feet of the subject property, and required notification to Municipality and LUB, State Agriculture Development Committee, and WC Planning & NJDOT, if applicable.

The purpose of this application is as follows: relief from Washington Township Zoning Ordinance 123-15, Accessory Building for proposed construction of (110'Lx40'Wx29'H) agriculture building to store farm equipment for the production of agriculture on this property.

The applicant will request any and all additional relief that may be required.

All documents pertaining to this application are on file at the Office of the Warren County Department of Land Preservation, 500 Mount Pisgah Avenue, Oxford, New Jersey (lower level of the Pollution Control Financing Authority building), and may be inspected during normal business hours by appointment, 908-475-7752 (Monday through Friday from 8am to 4pm, excluding holidays).

The CADB has certified the applicant's farm as a commercial farm pursuant to N.J.S.A. 4:1C-9 and **scheduled the SSAMP request for a public hearing on the above referenced date. This hearing will be held at 7:30pm in the Office of the Warren County Department of Land Preservation, 500 Mount Pisgah Avenue, Oxford, New Jersey (lower level of the Pollution Control Finance Authority building).** This meeting is open to the public and all interested parties are urged to attend, ask questions, and express any concerns they may have about this application. You may appear in person or by your attorney and present any objection which you may have to the granting of this application.

Thank you in advance for your time and cooperation.

Very truly,

Alex Ferri
Alex Ferri

Very truly,

Ashley Ferri
Ashley Ferri

Sue ED
Farms
H

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

RESOLUTION NO. 22-10

On motion by Mr. Burke, and seconded by Mr. Mathez the following resolution was adopted by the Warren County Agricultural Development Board at a meeting held August 18, 2022.

RESOLUTION OF THE WARREN COUNTY AGRICULTURE DEVELOPMENT BOARD APPROVING THE APPLICANT'S REQUEST FOR A SITE SPECIFIC DETERMINATION IN THE MATTER OF SUEED FARMS, LLC, BLOCK 48, LOT 69 IN WASHINGTON TOWNSHIP, WARREN COUNTY, NEW JERSEY, RIGHT-TO-FARM APPLICATION FOR APPROVAL TO PERMIT CONSTRUCTION OF A PROPOSED 110 FOOT LENGTH X 40 FOOT WIDTH X 29 FOOT HEIGHT TARP BUILDING WITH GRAVEL FLOOR TO HOUSE AGRICULTURE EQUIPMENT & AGRICULTURE PRODUCTION

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, SueEd Farms, LLC, owned by Alexander and Ashley Ferri, (the "Applicant") applied for a Site Specific Agricultural Management Practice ("SSAMP") determination for their property located at [redacted] in the Township of Washington, New Jersey, and known as Block 48, Lot 69 on the Township Tax Map ("Property"); and

WHEREAS, pursuant to N.J.A.C. 2:76-2.3(b), the applicant advised the State Agriculture Development Committee and Washington 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 Washington Township Zoning Map and pertinent sections of the Washington Township Zoning Ordinance, the Board finds that the Property is located in the "Valley Residential" Zone which, as of December 31, 1997, or thereafter, agriculture is a permitted use pursuant to Washington Township Municipal Zoning Ordinance Article III, §123-11 (A) and is consistent with the Washington 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, including a copy of Applicant’s 2021 FA-1, the Board finds that Applicant’s farm management unit includes the 67.5 acres owned by Applicant and therefore is not less than 5 acres;

WHEREAS, based upon the application documentation submitted by the Applicants, including a copy of the Schedule F “Profit and Loss From Farming” statement from Applicants’ 2021 Federal Income Tax Returns, the Board finds that the Applicants’ 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, having made the above findings at its May 20, 2022 meeting, the Board adopted Resolution #22-07 determining that SueEd Farms, LLC, Block 48 Lot 69, in Washington Township is a Commercial Farm pursuant to N.J.S.A. 4:1C-1 et seq. at their June 16, 2022 Meeting; 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 June 16, 2022 Board meeting; and

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, Washington 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 Express-Times, Easton, Pennsylvania on June 2, 2022; and

WHEREAS, the Board made notice at its June 16, 2022 meeting to carry the hearing until July 21, 2022 and no further notice was needed to be made by the Applicant; and

WHEREAS, the Applicant was represented by himself and provided sworn testimony under oath, and;

WHEREAS, Alex Ferri gave the following testimony about his property and the building that he wishes to construct on the property:

- a. The subject property is currently 67.5 acres.
- b. He is seeking to construct a 110 foot length by 40 foot width by 29 foot height tarp building with gravel flooring, and the proposed building will be adhere to the Township's set back requirements of 100 feet from Changewater Road.
- c. The proposed building will be used to house farm equipment and sod.
- d. The proposed building will be located near an existing driveway on the property.
- e. The Washington Township Code relating to accessory buildings and structures in Valley Residential District, Section §123-15 (B) does not permit accessory buildings to be constructed without a primary building.
- f. There are presently no buildings on this property, which is why the Township referred him to the Board.
- g. This farm is currently under farmland application for preservation with the County and SADC.
- h. There is a 2 acre non-severable exception area for future single family residence. The Applicant stated that there is no permit for a primary residence and that he has no plans to build a house in the exception area at this time.
- i. The proposed building will not be located in the exception area, but within the preserved area of the Property.

WHEREAS, Mr. Tierney stated that there were concerns about the storm water run-off on the property which need to be addressed, and that the SADC has conditioned an approved NRCS plan in their final funding approval on this farm for preservation; and

WHEREAS, Mr. Tierney stated that there is increased run-off from the Solar Farm across the street from the property and that there is a large drainage pipe across the road from this property which travels under Changewater Road. Further, there is also a drainage pipe on this subject property, and increasing amounts of rainfall have caused run-off issues on this property and on surrounding properties in the area; and

WHEREAS, the meeting was opened to members of the public to ask questions or raise concerns regarding this Application. No members of the public requested to speak on this application; and

WHEREAS, no members of the Township appeared to give testimony on this application.

NOW, THEREFORE BE IT RESOLVED, that based upon the evidence submitted and testimony presented by the Applicant, the Board finds as follows:

- 1) That the Board previously determined that Applicant operates a commercial farm in accordance with the requirements of N.J.S.A. 4:1C-9; and
- 2) Testimony from Alexander Ferri 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 the storage of farm equipment and ag production; and

- 4) The Board retains jurisdiction of this matter; and
- 5) The Board finds that the Applicant has a legitimate, farm-based reason for the construction of the proposed building (accessory structure), and grants the Applicant relief from Washington Township's Code §123-15 (B) which requires the construction of a principal building on a property prior to issuing permits for accessory buildings; and
- 6) The Applicant must comply with the balance of the Washington Township Zoning Ordinance, including the Township's front yard setback of 100 feet for Mountain Residential and Valley Residential District Zones listed in the Township's Code §125-11 (D) Area and Yard Requirements for Farms, Nursing Homes and Riding Academies; and
- 7) The Applicant shall comply with all relevant Federal or State statutes and regulations, and shall not pose a direct threat to public health and safety; and
- 8) The Township of Washington shall permit the Applicant to construct a 110 foot length by 40 foot width by 29 foot height tarp building with gravel flooring; and
- 9) The Applicant must obtain a NRCS conservation plan for Block 48 Lot 69 and provide that plan to the Board; and
- 10) Implementation of any improvements or activities on the Property shall conform to all relevant Federal and State statutes, rules and regulations, including, but not limited to the New Jersey Department of Agriculture, New Jersey Department of Environmental Protection, and the United States Department of Agriculture.
- 11) The Applicant shall obtain all necessary governmental approvals (or waivers thereof) from any other governmental agencies with jurisdiction over the improvements or activities proposed and hereby approved, which may include the municipal Fire and Construction Officials, Warren County Health Department, Warren County Planning Board, Upper Delaware Soil Conservation District, New Jersey Department of Environmental Protection, New Jersey Highlands Council or other governmental agencies as may be applicable.
- 12) The proposed structure shall only be used for agricultural storage

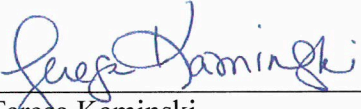
BE IT FURTHER RESOLVED, that the Board conditioned the approval on the Applicant obtaining a NRCS conservation plan for the property, Block 48 Lot 69 due to concerns of soil run-off and drainage issues; and

BE IT FURTHER RESOLVED, that the Board shall forward a copy of its written decision of the SSAMP Resolution to SueEd Farms, LLC (Alexander and Ashley Ferri, Applicant), the Township of Washington, the State Agriculture Development Committee (SADC), the NRCS local office in Hackettstown, 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. Menegus – yes. Mr. Hood and Mrs. Watters absent.

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 August 18, 2022 to memorialize the Board's action on July 21, 2022 in which a motion was made by Mr. Mathez and seconded by Mrs. Watters and Roll Call at said meeting was as follows: Mr. Schnetzer – yes; Mr. Mathez– yes; Mr. Burke – yes; Mr. Hood– yes; Mrs. Watters – yes. Mr. Bodine and Mr. Menegus absent.



Teresa Kaminski

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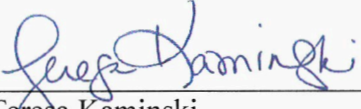
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