

MORRIS COUNTY AGRICULTURE DEVELOPMENT BOARD

RESOLUTION 99-18

**RECOMMENDATION OF A SITE SPECIFIC
AGRICULTURAL MANAGEMENT PRACTICE**

**MICHAEL BENE DUCE
GREAT SWAMP GREENHOUSES
BLOCK LOT
TOWNSHIP OF LONG HILL**

WHEREAS, pursuant to the Right to Farm Act, N.J.S.A. 4:1C-1, *et seq.* and the State Agriculture Development Committee Right to Farm Rules, 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 to determine if his or her operation constitutes a generally accepted agricultural operation or practice; and,

WHEREAS, on September 9, 1999, at a regular meeting of the Morris County Agriculture Development Board (hereinafter, "Board"), Michael Beneduce, the owner and operator of Great Swamp Greenhouses, addressed the Board regarding his intent to erect five temporary greenhouses ("hoophouses") to expand his agricultural operation and regarding his further intent to request from the Board a site specific agricultural management practice (hereinafter, "AMP") for his operation; and,

WHEREAS, on September 13, 1999, Michael Beneduce made a request in writing to the Board for a site specific AMP for his proposed temporary greenhouses; and,

WHEREAS, on September 21, 1999, pursuant to N.J.A.C. 2:76-2.3(c), the Board advised in writing the State Agriculture Development Committee and the Township of Long Hill of Michael Beneduce's request; and,

WHEREAS, on September 21, 1999, pursuant to N.J.A.C. 2:76-2.3(b), the Board requested that Michael Beneduce provide proof that his 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, on September 30, 1999, Michael Beneduce provided to the Board his commercial farm certification, including supporting documentation, attached hereto; and,

WHEREAS, on October 6, 1999, Frank Pinto, Director of the Morris CADB, Joseph Dunn, Director of the Morris County Soil Conservation District, and Pedro Perdomo, Rutgers Cooperative Extension Morris County Agent, conducted a site inspection of Great Swamp Greenhouses; and,

WHEREAS, on October 14, 1999, at its regular meeting, the Board unanimously agreed to

develop a site specific AMP for Great Swamp Greenhouses after making the following findings of fact, based on information and documentation provided to the Board by Michael Beneduce and information gathered during the site inspection:

1. Great Swamp Greenhouses is located on 11 acres in the Township of Long Hill, Morris County, at Block , Lot , New Vernon Road, Vernon, New Jersey; and,

2. Great Swamp Greenhouses is a commercial farm as defined at N.J.S.A. 4:1C-3 and N.J.A.C. 2:76-2.1, which produces agricultural/horticultural product, including bedding plants, nursery stock, and poinsettias, worth \$2,500 or more annually and satisfies the eligibility criteria for differential property taxation pursuant to the Farmland Assessment Act of 1964; and,

3. Great Swamp Greenhouses has been in operation since 1979, as approved by the Township; and,

WHEREAS, on October 25, 1999, the development of the site specific AMP for Great Swamp Greenhouses was discussed at a meeting attended by Walter P. Krich, Director of the Morris County Department of Planning and Development, Barry Marell, Esq., Counsel to the Morris County Planning Board, Ray Zabihach, P.P. AICP, Director of the Morris County Planning Board, Christine Marion, P.P. AICP, Assistant Director of the Morris County Planning Board, Frank Pinto, Director of the Morris CADB, and Katherine Coyle, Assistant Director of the Morris CADB.

NOW THEREFORE, BE IT RESOLVED, that the Board hereby determines that the proposed erection and operation of five temporary greenhouses as part of Great Swamp Greenhouses constitutes a generally accepted agricultural management practice provided that the following conditions are satisfied:

1. The erection and operation of the temporary greenhouses must conform to the Soil Erosion and Sediment Control Plan developed by Murphy & Hollows Associates Inc., dated July 7, 1999, Engineer's Project No. 94-147, certified in accordance with the Soil Erosion and Sediment Control Act, Chapter 251, Public Laws of 1975, by the Morris County Soil Conservation District on August 27, 1999 (copy attached hereto).

2. Pursuant to the Uniform Construction Code, N.J.A.C. 5:23-3.14(b)22ii(4), temporary greenhouses (also called "hoophouses" or "polyhouses") used exclusively for the production or storage of live plants are exempt from the permit requirements of the Uniform Construction Code. The erection and operation of the temporary greenhouses must conform to all relevant provisions of the U.C.C. including the following:

(A) There is no permanent anchoring system or foundation.

(B) There is no storage, temporary or otherwise, of solvents, fertilizers, gases, or other chemical or flammable materials.

(C) The structure is no wider than 31 feet and there is an unobstructed path of no greater length than 150 feet from any point to a door or fully accessible wall area.

(D) The covering of the structure is of a material no greater than six mils (152.4 micrometers) in thickness, conforming to N.F.P.A. 701 standard, that yields approximately four pounds of maximum impact resistance to provide egress through the wall.

(E) Pursuant to U.C.C., N.J.A.C. 5:23-3.14(b)22ii(5), the provisions of N.J.A.C. 5:23-3.14(b)22ii(4) notwithstanding, if a temporary greenhouse contains any device subject to the electrical subcode or any mechanical equipment subject to the mechanical subcode, then a permit shall be required for the device, system or fixture only. If the temporary greenhouse is connected to a potable water system, a permit shall be required for the backflow prevention devices only.

(F) The public must not have access to the temporary greenhouses, nor can the temporary greenhouses be used for a retail sales area.

3. The erection and operation of the temporary greenhouses must conform to all relevant federal or State statutes or rules and regulations.

Jerry Suk, III, Chairman
Morris CADB

Date

I hereby certify the above to be a true copy of a resolution adopted by the Morris County Agriculture Development Board at a regular meeting of November 18, 1999.

Frank T. Pinto, Jr., Director
Morris County Agriculture Development Board