

MORRIS COUNTY AGRICULTURE DEVELOPMENT BOARD

RESOLUTION 2005-05

RIGHT TO FARM CONFLICT RESOLUTION FINDINGS AND RECOMMENDATIONS

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-10.1(a) and the State Agriculture Development Committee's Right to Farm Rules, N.J.A.C. 2:76-2.10(a), any person aggrieved by the operation of a commercial farm shall first file a complaint in writing, with the applicable county agriculture development board or the State Agriculture Development Committee (SADC) in counties where no county board exists, prior to filing an action in court; and,

WHEREAS, on March 19, 2004, the Morris County Agriculture Development Board (board) received a complaint (copy attached hereto as Exhibit 1) filed by Mr. Leonard Hamilton against Great Swamp Greenhouses, located in Long Hill Township; and,

WHEREAS, the complaint concerned the following issues:

1. Potable Water Supply
2. Potable Water Quality
3. Fire Danger
4. Community Flood Hazard
5. Damage to Public Lands
6. Incompatibility with Public Goals
7. Damage to Local Property Values

WHEREAS, the complaint concerned activities that are not addressed by an agricultural management practice recommended by the SADC or a site specific agricultural management practice adopted by the board. As such, pursuant to N.J.S.A. 4:1C-10.1(c) and N.J.A.C. 2:76-2.10(c), on March 22, 2004, the board forwarded the complaint to the SADC requesting the SADC's determination of whether the disputed agricultural operation constitutes a generally accepted operation or practice (copy attached hereto as Exhibit 2); and,

WHEREAS, on July 8, 2004, the following individuals conducted a site inspection of Great Swamp Greenhouses:

1. Katherine Coyle, Assistant Director, Morris CADB
2. A.J. Both, Assistant Extension Specialist (Controlled Environment Agriculture), Bioresource Engineering, Department of Plant Biology and Pathology, Rutgers University
3. Peter Nitzsche, Morris County Agricultural Agent, Rutgers Cooperative Extension
4. Pedro Perdomo, Morris County Agricultural Agent, Rutgers Cooperative Extension

5. Jake Woland, Assistant Professor, Department of Landscape Architecture, Cook College, Rutgers University
6. David Kimmel, Right to Farm Program Specialist (SADC); and

WHEREAS, pursuant to N.J.S.A. 4:1C-10.1(c) and N.J.A.C. 2:76-2.10(c)2, on September 29, 2004, the SADC held a public hearing regarding Great Swamp Greenhouses; and,

WHEREAS, on December 16, 2004, the SADC made a final ruling regarding Great Swamp Greenhouses (copy attached hereto as Exhibit 3). The SADC concluded the following:

“Great Swamp Greenhouses meets the definition of ‘commercial farm’ in the Right to Farm Act; conforms with generally accepted agricultural practices; and is not in violation of relevant State or federal laws. Lastly, there was no substantive evidence presented to establish that Great Swamp Greenhouses poses a direct threat to public health and safety”; and,

WHEREAS, in making its final ruling, the SADC considered the recommendations of the following experts: A.J. Both, Peter Nitzsche, Pedro Perdomo, and Jake Woland (copies of experts’ recommendations are attached hereto as Exhibit 4); and,

WHEREAS, on December 21, 2004, the board received the SADC’s December 16, 2004 ruling; and,

WHEREAS, pursuant to N.J.S.A. 4:1C-10.1(c) and N.J.A.C. 2:76-2.10(b)1, on January 27, 2005, the board held a public hearing regarding Great Swamp Greenhouses. A summary of the testimony is contained in the “Public Hearing Report” (copy attached hereto as Exhibit 5). One document was submitted into evidence - comments submitted by B. Sachau via e-mail (copy attached hereto as Exhibits 6).

NOW THEREFORE, BE IT RESOLVED, that the board hereby adopts the final ruling of the SADC dated December 16, 2004 and determines that Great Swamp Greenhouses meets the definition of ‘commercial farm’ in the Right to Farm Act, conforms with generally accepted agricultural practices, is not in violation of relevant State or federal laws, and does not pose a direct threat to public health and safety.

William Roerich, 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 the regular meeting of February 17, 2005.

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