# DECISION ON AN APPLICATION FILED PURSUANT TO THE NEW JERSEY RIGHT TO FARM ACT FOR A DETERMINATION OF A SITE SPECIFIC AGRICULTURAL MANAGEMENT PRACTICE (AMP)

WHEREAS pursuant to the Right to Farm Act, N.J.S.A. 4:1C-1 et seq., and the State Agriculture Development Committee (hereinafter referred to as "SADC") regulations, N.J.A.C. 2:76-2.3, a commercial farm owner or operator may file a request to the County Agriculture Development Board to determine if his or her operation constitutes a generally accepted agricultural management practice ("AMP") or to determine if his or her operation complies with a specific AMP if the SADC has promulgated one related to the activity in question; and

WHEREAS pursuant to the Right to Farm Act, N.J.S.A. 4:1C-10.1, and the State Agriculture Development Committee regulations, N.J.A.C. 2:76-2.3, any person aggrieved by the operation of a commercial farm shall file a complaint with the applicable County Agriculture Development Board prior to filing an action in court; and

#### WHEREAS Mrs. Wachman is desirous of:

- 1) Adding a sheep shearing presentation to the agricultural program; and
- Conducting general farm tours, which includes a goat milking demonstration and beekeeping demonstration; and
- (3) Utilizing livestock guardian dog(s) as necessary to control predators on the farm in
- conformance with industry standards; and
- (4) Farm festivals: hayrides, pony rides, story time, farm games; and
- 5) Interaction with farm animals (agricultural animal display and petting); and
- Educational farm program featuring classes such as: "Beekeeping", "From Wheat to Cookles", "From Sheep to Shawl", etc.; Classes in animal slaughter: kosher slaughter methods; and
- 7) Family farm membership: permitting member families to visit the farm once per week for personal interaction with the farm animals and other agriculture related activities and events; and
- 8) Farm market; and
- 9) Signage:
  - a. The primary on-site farm business sign shall comply with the following standards:
    - The sign is set back at least 10 feet from the paved portion of the street right of way;
    - ii. The maximum size does not exceed 30 square feet;
    - The maximum height to the top of the sign does not exceed 15 feet from the ground;



- Temporary signs promoting a seasonal on-farm direct marketing facility, activity, or event may be installed up to one month prior to the facility, activity, or event's seasonal opening and shall be removed within 15 days of seasonal closing;
- c. Signs shall not interfere with sight distances at street intersections, ingress and egress points to or from parking areas, and other locations where the signs would pose a direct threat to public health and safety;
- d. Signs may be attached to farm buildings or fences if not freestanding;
- The use of signs shall comply with relevant federal or state laws and regulations.

WHEREAS on February 1, 2012 Wachman formally applied to the Ocean County Agriculture Development Board (hereinafter referred to as "OCADB") pursuant to N.J.A.C. 2:76-2.3 requesting a determination as to whether agritourism activities hereinafter constitute a generally accepted agricultural management practice (hereinafter referred to as "Site-Specific AMP Request"); and

WHEREAS a site review was conducted by the OCADB members and staff in which the Board members and staff present made observations concerning the nature and extent of the proposed agricultural activity to occur in connection with this application; and

WHEREAS the OCADB noticed a meeting for June 13, 2012 in compliance with the Open Public Meetings Act and a quorum of the Board being present at the aforesaid meeting, the OCADB considered the application; and

WHEREAS Wachman provided testimony on his Site Specific AMP Request application to the OCADB; provided the OCADB with a brief history and explanation of the agricultural activities conducted on the property; and he provided further testimony as to the necessity and benefits of incorporating an agritourism program within the purview of agricultural activities conducted on the farm; and

WHEREAS the Right to Farm Act states that a commercial farm operation can engage in certain agricultural activities notwithstanding any municipal ordinances to the contrary if the operation satisfies the eligibility criteria of the Act, N.J.S.A. 4:1C-9; and

WHEREAS through meaningful deliberations, OCADB considered whether the proposed use of an agritourism program meets the eligibility criteria of the Act, including the impact of the agricultural activity on public health and safety, in order to determine whether Mrs. Wachman may incorporate an agritourism program notwithstanding the fact that the township's ordinances do not speak to the proposed use being permitted in the zone in question.

NOW THEREFORE BE IT RESOLVED that the OCADB hereby approves the Site Specific AMP application based on the following determinations:

A. Milk and Honey Meadows is a "commercial farm" as defined by statute as a "farm management unit of no less than five acres producing agricultural products worth \$2,500.00 or more annually, and

satisfying the eligibility criteria for differential property taxation pursuant to the 'Farmland Assessment Act of 1964";

- B. The proposed operation is in compliance with relevant state and federal statutes;
- C. The proposed operation does not pose a direct threat to public health and safety;
- D. Wachman may expand Milk and Honey Meadows by incorporating an agritourism program into same notwithstanding the fact that the township's ordinances do not speak to the proposed use being permitted in the zone because: (1) Wachman has demonstrated to the OCADB that she meets the eligibility criteria of the Farmland Assessment Act of 1964; (2) Wachman has demonstrated a legitimate agriculturally based reason to add an agritourism program; (3) OCADB has carefully weighed and analyzed Wachman's reasons for expanding his farm to include an agritourism program without causing substantial detriment to the zone plan and zone ordinance of the Township of Jackson and further without causing substantial detriment to the public good in accordance with the dictates of <u>Township of Franklin v. den Hollander</u>, 172 N.J. 147 (2002) and found that Wachman's proposed agricultural activities should be permitted on his farm.

BE IT FURTHER RESOLVED that approval of this application is subject to the following condition:

1. That the terms and conditions as set forth by the Ocean County Planning Board shall be met as set forth in Exhibit A to this SSAMP.

APPROVED AS TO FORM AND LEGALITY:

LAUREN M. DOOLEY, ESQ., OCEAN COUNTY COUNSEL

DOUGLAS HALLOCK, CHAIR, OCEAN COUNTY AGRICULTURAL DEVELOPMENT BOARD

#### OCEAN COUNTY PLANNING BOARD PO Box 2191 129 Hooper Avenue Toma River, New Jersey 08754

Regular meeting, Wednesday, May 16, 2012, 6:00 PM, Engineering Conference Room, Third Floor, 129 Hooper Avenue, Torns River, New Jersey.

Cheirman Work presiding. Attending: Donald Bertrand, Donald Reed, Elaine McCrystai, James Russell, Joseph Bilotta, Earl Sutton, Frank Scarantino, Laura Benson, David McKeon, Anthony Agilata and Robin Florio.

Chairman Work esked if the Planning Board meeting was in compilance with the Open Public Meetings Act. Ms. Florio advised the Chairman that adequate notice of this meeting was provided.

On a motion by Mr. Bertrand, seconded by Mr. Reed, the minutes of the meeting of May 2, 2012 were moved for approval. The motion was unanimously carried.

#### SUBDIVISION AND SITE PLAN REVIEW

### BERKELEY: Lots 14, 15 & 17 Block 1568 (BT647) Maffla, James

This minor subdivision is for the consolidation of three existing lots into two new lots. County facilities are not affected. On a motion by Ms. McCrystal, seconded by Mr. Russell, this minor subdivision was given final approval. The motion was unanimously carried.

#### EAGLESWOOD: Lots 5 Block 29 (ET44G) Morris, Thomas

On a motion by Mr. Sutton, seconded by Ms. McCrystal, this minor subdivision was given final approval. The motion was unanimously carried.

### JACKSON: Lots 27 & 28 Block 20301 (JT1633A) Toy L'Hodos LLC

This site plan application is for the expansion of an existing farm. Staff review recommended the developer to (1) submit a sight right easement form for sight triangle easements at the proposed driveway on East Veteran's Highway in accordance with County standards to Ocean County (a walver is requested to accept eight triangle easement per AASHTO standards, if the welver is granted this condition has been met). (2) indicate the proposed driveway improvements are to be built 25' from centerline and in accordance with Sections 606:C and 512:B, (3) construct additional pavement widening along East Veteran's Highway to 25' from centerline across the entire frontage of the site and in accordance with Section 611:E-1, (4) provide a concrete curb detail for East Veteran's Highway in accordance with the Ocean County Technical Design Manual, (5) provide a pavement detail for East Veteran's Flighway in accordance with Section 811:B-2. (6) provide cross sections for East Veteran's Highway to Indicate the limit of pavement reconstruction to maintain a 2% cross alope and positive gutter flow, (7) provide a profile for East Veteran's Highway indicating safe sight distance at the proposed driveway in accordance with County design requirements, (8) construct stormwater facilities for East Veteran's Highway addressing water quality requirements in a design to be reviewed and approved by the Ocean County Engineer, (9) submit road improvement plans for East Veteran's Highway indicating County stationing, existing centerline and edge of pavement elevations, proposed curb elevations, (10) add a note to the plan indicating that any relocations within the proposed road widening on East Veteran's Highway are to be completed prior to the Issuance of the construction permit from the Ocean County Engineer's Office, (11) add a note to the plan indicating the developer is required to obtain a permit from the Ocean County Engineering Department prior to the start of construction of any improvements within the right-of-way of East Veteran's Highway, (12) add a note to the plan indicating the developer shall obtain a letter of final acceptance from the Ocean County Engineer for the road and drainage improvements along East Veteran's Highway prior to the release of any bond or other finencial surety posted with the municipality for the completion of said improvement and (13) add a note to the plan indicating "Alignment and grade for curb and road improvements along East Veteran's Highway shall be established by the developer's engineer as approved by the Ocean County Engineer. Stakeout of all curb and road improvements shall be the responsibility of the developer and shall be executed by a licensed New Jersey Professional Land Surveyor, Curb as-builts shall be submitted to the Ocean County Engineer prior to any paving operations. Final as-built information shall be supplied on a reproducible medium, will include top and bottom of curb, centerline and quarter crown grades, monuments where applicable, shall be signed and sealed by a licensed New Jersey Professional Land Surveyor and accompanied by a monument certification where applicable" (a waiver is requested for the proposed road improvements along West Veteran's Highway). Approval is recommended contingent upon the above being done and the Board's decision on the waiver requests.

A letter dated May 16, 2012 was read from Raymond Shea, Jr. of Levin, Shea & Pfeffer, requesting a waiver of Conditions #2 through #13 based on the meeting with the County Engineer on April 26, 2012. A waiver is also requested to accept the sight triangle easement per AASHTO standards. All other documentation required has been submitted.

On a motion by Mr. Scarantino, seconded by Mr. Reed, the Board accepted the sight triangle easement per AASHTO standards and granted a waiver of Conditions #2 through #13; this site plan was given final approval. The motion was unanimously carried.

### JACKSON: Lots 19 Block 11602 (JT1835) Jennifer Steinman

This plan is a "Use Variance plan" being submitted for a use variance from Jackson Township to permit the change of use from a former Post Office building to a pet crematorium. No site modifications are proposed. No improvements are proposed along West Veteran's Highway. On a motion by Mr. Bilotta, seconded by Mr. Russell, this site plan was given final approval contingent upon the developer to submit a deed for an additional right-of-way dedication to 33" from centerline along West Veteran's Highway to Ocean County. Also, if Jackson Township requires the developer to construct improvements then the developer will be required to resubmit to the Ocean County Planning Board for re-approval. The motion was unanimously carried.

#### LACEY: Lots 3,4 / 7,8 Block 224 & 1002 (LT674A) Northeast Passage Inc.

This minor subdivision is for the consolidation of four existing lots into two new lots. The NJDOT "desired typical section" for this section of NJ Foute 9 in accordance with the NJDOT access code is indicated on the plans. County facilities are not affected. On a motion by Ms. McCrystal, seconded by Mr. Reed, this minor subdivision was given final approval. The motion was unanimously carried.

#### LACEY: Lots 7, 8 Block 1002 (LT674B) Northeast Passage Inc.

This site plan application is to perfect improvements from a previous site plan approval and to identify conditions and uses as they currently exist. County facilities are not affected. On a motion by Mr. Bertrand, seconded by Mr. Russell, this site plan was given final approval. The motion was unauthously carried.

#### LAKEWOOD: Lots & Block 1600 (LAT594.91A) 100 Syrecuse Court LLC

This sits plan application is for the construction of a 20,400 s.f. addition to an existing warehouse building along with 44 additional parking spaces and associated site improvements. On a motion by Ms. McCrystal, seconded by Mr. Bilotta, this site plan was given final approval confingent upon the developer to (1) pay an off-tract traffic improvement fee in the amount of \$4,250.00. The motion was unanimously carried.

## LAKEWOOD: Lots & & 14 Block 1600 (LAT594,92) Lakewood TWP Municipal Utilities Authority

This minor subdivision is for the shifting of fot lines. No additional lots are being created. At the November 3, 2010 Ocean County Planning Board meeting the County agreed to accept an additional right-of-way dedication to 35' from centerline along with an additional 5' wide road easement to Ocean County along New Hampshire Avenue, as indicated on the plans. On a motion by Ms. McGrystal, seconded by Mr. Reed, this minor subdivision was given final approval. The motion was unanimously carried.