

BERGEN COUNTY AGRICULTURE DEVELOPMENT BOARD
MINUTES OF REGULAR MEETING
March 12, 2015

ROLL CALL

Present:

Ronald Binaghi, Jr.
Angelo Caruso
Joel Flagler
Chris G. James
Darryl Secor
Evelyn Spath-Mercado
Denny Wiggers

Absent:

James A. Abma, Sr.
Joseph Valente

STAFF

Robert A. Abbatomarco,
Administrator, Bergen CADB

Adam L. Strobel, Director
Division of Open Space

Kevin Funabashi, Assistant County Counsel

GUESTS

Stefanie Miller, State Agriculture Development Committee

Call to Order

Chairwoman Spath-Mercado called the meeting to order in Conference Room 3D at 11:43 a.m. in the Bergen County Administration Building, Hackensack, and announced that the meeting was being held in conformity with the requirements of the “Open Public Meeting Act.”

Election of Officers

On a motion by Mr. Binaghi and seconded by Mr. James, the Board unanimously elected Ms. Spath-Mercado as Chair. On a motion by Ms. Spath-Mercado and seconded by Mr. Binaghi, the Board unanimously elected Mr. James as Vice-Chair.

Approval of Minutes

On a motion by Mr. Wiggers and seconded by Mr. Secor, the Board approved the minutes of the regular meeting held on December 3, 2014.

Chairman’s Comments

None.

Correspondence

Mr. Abbatomarco noted an SADC memo requesting input on its proposed 2015 Right to Farm outreach program.

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Right to Farm

- **Fresh & Fancy Farms, New Milford, Site-Specific Agricultural Management Request**

Mr. Abbatomarco introduced the SSAMP request submitted by Fresh & Fancy Farms, LLC, and provided background information on the Borough of New Milford's past successful effort using a County Open Space Trust Fund grant to acquire the development rights from the former Klinger farm property and the Perrone farm property in order to preserve both properties either as agriculture or open space parkland. He noted that as a result of the town's use of state Green Acres' funding in this open space acquisition, that a conservation and walkway easement was placed on both properties and a corresponding plan of the easement area was shown.

Frank Rivellini, attorney for the applicant, made introductory remarks about the SSAMP request.

Don Low, owner of Fresh & Fancy Farms, presented an overview of the various proposed elements of the SSAMP request, including: agricultural structures, existing and proposed; possible agricultural uses and activities; signage; farm-to-table dinners and activities; farm stand; greenhouse use and orientation; and security gate.

There was discussion by Board members with Mr. Low regarding whether greenhouses considered "temporary" structure, number of existing and proposed agricultural structures, propagation of plant material from seeds, cuttings, plugs, proposed raising of chickens and eggs, coverage requirements, zoning and orientation of existing greenhouse, waivers of municipal setback requirements, use of public walkway, kitchen use, size of sales area, impervious coverage restrictions, growing of flowers, herbs, perennial plants, trees, shrubs.

There was discussion by Board members regarding the documentation submitted by the applicant to support agricultural production of more than \$50,000 to meet Right to Farm criteria.

Mr. Funabashi asked whether there were any open violations on the property and Mr. Rivellini responded there were several before municipal court that were on hold related to operating an eating establishment without a license for a farm-to-table event that never took place. Mr. Low commented about a violation for putting up a hoop house without a permit. Mr. Low commented about previous owner, Klinger, operating Barnyard Gifts from the property. Mr. Low responded that there were two violations issued on the property.

Mark Liebman and Scott Sproviero were present on behalf of the Borough of New Milford. Mr. Sproviero stated there was no objection to property as a commercial farm and that New Milford believed it was restaurant based on advertisement of farm-to-table dinner. He referenced property was before Zoning Board of Adjustment in 2012 for various variances, such as building height, signage, coverage, set-backs, all of which were granted, and that they were to be done in accordance with the approved site plan. He stated Board of Health denied permits. He stated barn was for storage, but was now hearing about a different use. He stated parking was limited to 4 spaces on site. He stated there was the belief that most of the products sold at the farm were from outside sources. He stated there was nowhere to park trucks for deliveries. He stated the town was concerned with expanded uses.

Mr. Funabashi commented about the Right to Farm Act "trumping" zoning. Mr. Sproviero commented about its recognition in deference to zoning and that it wasn't "carte blanche," was to consider what was appropriate and avail the use of the Zoning Board.

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Mr. Rivellini commented about not asking to be exempt. Mr. Sproviero commented about what applicant wanted to farm and to represent what he wanted to do and that he believed restaurant use was beyond farm use and needed use approval.

Ms. Spath-Mercado commented about the face of farming has changed.

Mr. James and Mr. Low discussed the proposed gate and neighbors.

Mr. Liebman referenced an email complaining about visitors and parking and 4:1C-3's commercial farm definition and that there weren't any food plants being grown, but all garden plants.

Mr. Funabashi stated that the first step in the Board's review of this SSAMP request was to determine whether the applicant had met the requirements to be eligible for Right to Farm protection.

On a motion by Mr. Binaghi and seconded by Mr. Wiggers the Board voted unanimously to pass Resolution No. 2015-01 determining that Fresh & Fancy Farms, LLC, met the requirements of a commercial farm eligible for Right to Farm Protection for its SSAMP request.

Mr. Liebman stated there was "no such evidence."

Mr. Rivellini explained production and noted the Abram-Demaree case.

Farmland Preservation

- **Eisele's Nursery, Paramus**

Mr. Abbatomarco introduced Ms. Miller, State Agriculture Development Committee. He noted that he, Ms. Miller, Mr. Strobel, and Ms. Spath-Mercado had met with Mr. Eisele at the farm this morning. Ms. Miller commented about the property and stated that it would not be eligible for farmland preservation because its soils were not suitable for supporting agriculture.

There was discussion about greenhouses and impervious coverage. Ms. Miller stated that existing non-agricultural uses of landscaping and compost/mulch would not be permitted on preserved premises; she noted the AMP for mulch/compost.

Mr. Binaghi asked whether the Borough of Paramus could be involved as a partner. There were additional comments about brokering versus growing of plants, delineation of non-agricultural use areas, nonprofit organizations and financial guidance.

Mr. Funabashi cautioned the Board about consideration of farmland preservation with the involvement of the SADC.

Board discussed next steps of further review by SADC and meeting with Eisele's to review various options.

- **Demarest Farms, Saddle River**

Mr. Abbatomarco reported that the closing actually happened on March 3rd with Peter Demarest in attendance.

- **State Farmland Preservation Funding**

Ms. Miller reviewed information she distributed regarding availability of state funding for farmland preservation. She noted that the County would only get a new base grant of funding upon expending all of its previous farmland preservation funding.

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Report of Board Counsel

None.

County Comprehensive Farmland Preservation Plan

None.

Old Business

None.

New Business

Mr. Abbatomarco reported that Twinbrook Nurseries was for sale and that he and Mr. Funabashi met with prospective buyer Danny Kindergan of Kindergan Landscaping, based in Bergenfield with a design studio in Wyckoff, to review the terms of the preserved farm's deed of easement.

Mr. Abbatomarco reported that Jaime Dator of Mahrapo Farms contacted him to discuss whether the establishment of a horse rescue and recovery operation at the farm was permitted in accordance with the preserved farm's deed of easement.

Mr. Flagler informed the Board of the Deer Management Seminar recently held by the County with Rutgers' new dean of urban agriculture.

Discussion

The Board discussed SADC's request for input on its proposed 2015 Right to Farm outreach program.

Public Comment

None.

Time & Date of Next Meeting:

- Tuesday, April 21, 2015, 5:30 p.m.

Adjournment

The Board voted unanimously to adjourn the meeting at 12:50 p.m.