RESOLUTION

RE: Dispute Resolution Hearing, N.J.A.C. 2:76-2.10
In the Matter of Readington Township and Hionis Greenhouses
Block 36, lot 45, Township of Readington, County of Hunterdon

WHEREAS:

On April 20, 2004, a Right to Farm ("RTF") Application for Hearing was submitted to the Hunterdon County Agriculture Development Board ("CADB"), along with a Commercial Farm Certification completed by Spiros Hionis, co-owner of Hionis Greenhouses (Block 36, Lot 45). The RTF Application concerns a complaint filed by the Township of Readington against Hionis Greenhouses in Readington Township Municipal Court alleging that the farming operation is in violation of its municipal approval regarding truck traffic, storage of materials and use of the property. The complaint was transferred by the Municipal Court to the CADB to hear the matter in accordance with the Board's jurisdiction concerning commercial farm operations pursuant to N.J.A.C. 2:76-10.

On May 20, 2005, Hionis Greenhouses submitted a Site Specific Agriculture Management Practice ("SSAMP") Application for Hearing requesting permission to expand the farming operation to include retail sales.

At its June 9, 2005 meeting, the CADB discussed the complaint and reaffirmed that Hionis Greenhouses constitutes a commercial farm operation. A Right to Farm hearing was scheduled for July 14, 2005. Both parties were in agreement that the CADB retained jurisdiction to conduct the hearing pursuant to N.J.A.C. 2:76-2.10.

On June 10, 2004, a site visit was conducted at Hionis Greenhouse with the following individuals in attendance: Susan Blew, CADB Chairperson, Peter Melick, CADB Member, Gary Pohorely, CADB Administrator, Dinah Rowbotham, CADB Assistant Administrator, Peter Hionis, Hionis Greenhouses operator, Betty Ann Fort, Readington Township Board of Adjustment Chairperson, Donald Moore, attorney for Readington Township, Jeff Klein, Readington Township Zoning Officer and Michael DeSapio, representative of County Counsel's office.

On July 14, 2005, the CADB held a public hearing to address the following issues:

(1) Whether the activities set forth in the complaint filed by Readington Township violated generally accepted practices for the commercial farm operation; and
(2) Whether Hionis Greenhouses could expand its operations to include retail sales.

Formal notice of the meeting was published in the Hunterdon County Democrat and served on all landowners within 200 feet of the subject property.

At the hearing, John T. Lynch, Esq., appeared on behalf of Hionis Greenhouses. Donald K. Moore, Esq. appeared on behalf of Readington Township.

The witnesses who testified at the hearing were:

1. John Barczyk
2. Betty Ann Fort
3. Peter Hionis
4. Dr. John Martin

The Exhibits introduced at the hearing were marked as follows:

C-1 4/8/04 Letter from John Lynch, Esq. (representing Hionis Greenhouses) with RTF application

C-2 4/20/04 Letter from Linda Bergen, Court Administrator and RTF application from Hionis Greenhouses

C-3 5/11/04 Letter from Lynch to Gary Pohorely about site inspection

C-4 5/20/04 Memo from Pohorely to various parties discussing the site inspection

C-5 6/3/04 Letter from Lynch to Pohorely asking for any written information provided by Readington Township

C-6 8/24/04 Memo from Pohorely to Jeff Klein, Readington Township Zoning Officer, and Lynch concerning upcoming hearing

C-7 8/25/04 Letter from Lynch to Pohorely asking for any written information provided by Readington Township

C-8 10/8/04 Memo from Pohorely to the three attorneys (Gaetano M. DeSapio, Hunterdon County Counsel, Donald Moore, Readington Township Board of Adjustment Attorney and Lynch) suggesting three options

C-9 10/13/04 Letter from Lynch to Pohorely responding to Pohorely's recent memo

C-10 5/20/05 RTF application and Commercial Farm Certification from Hionis for retailing on the site

C-11 5/26/05 Letter from Moore to Pohorely responding to Lynch's letter

C-12 6/6/05 Memo from Pohorely to the three attorneys providing an update

C-13 6/8/05 Letter from Lynch to Pohorely regarding RTF complaint

C-14 6/13/05 Letters from Pohorely to Peter Hionis and Moore concerning the upcoming hearing

C-15 6/13/05 Letter from Moore to Pohorely responding to Lynch's letter

C-16 6/16/05 Memo from Pohorely to Hionis and Moore about the upcoming site visit

C-17 6/27/05 Letter from Moore to Pohorely enclosing a copy of the Readington Township Board of Adjustment Resolution for Hionis Greenhouses

C-18 7/1/05 Letter from Pohorely to Hionis regarding revisions to RTF application and public notice reminder
C-19 7/7/05 Letter from Lynch to Pohorely regarding Affidavit of Service and Publication
C-20 Photo of tree line on greenhouse property
C-21 Photo of empty metal racks on macadam

M-1 Photo of "Now Open" sign for Hionis Greenhouses on Route 22 West and County Line Road
M-2 Photo of sign at entrance for Hionis Greenhouses off Coddington Road depicting wholesale operations
M-3 Photo of northeastern corner of the property from Coddington Road
M-4 Photo of similar area as M-3 photo toward the south
M-5 Photo of property from Coddington Road towards the center of the property
M-6 Photo of similar area as previous picture moving south
M-7 Photo of similar area as previous picture moving more south
M-8 Photo of storage trailers on southeast corner of Hionis property
M-9 Photo of another angle of storage trailers on southeast corner of Hionis property
M-10 Survey Map of greenhouse by Templain Engineering Associates dated April 29, 1996 (site plan, sheet one)

A-1 A broad spectrum photo of Hionis property directly across street from the driveway entrance
A-2 Photo of property directly across the street from the driveway
A-3 Photo of area of proposed retail sales with booth outside of the greenhouse
A-4 Photo of rows of mums inside the greenhouse ready for transplanting
A-5 Photo of rows of mums and sunflowers inside the greenhouse
A-6 Photo of Poinsettias, etc. in propagation house
A-7 Photo of propagation area inside the greenhouse

Mr. Barczyk testified as follows:

1. He is employed by Readington Township as the Zoning Officer and Fire Official and is familiar with the Hionis Greenhouses property.

2. The Hionis Greenhouses property is located in the Research Office Manufacturing Zone (ROM 1). Farm and agricultural uses are permitted in this zone.

3. If the property were approved for retail sales, the Township would like a condition that the equipment, which is currently stored in front of the greenhouse, be kept in a more orderly manner.

4. If retail sales were permitted on the property, he, as the Zoning Officer, is willing to enforce any contingencies to the approval.

5. The site currently has 30% impervious coverage. This does not constitute a direct threat to public health and safety.

6. Parked vehicles in front of the building does not constitute a direct threat to public health and safety.

7. Storing equipment does not necessarily constitute a direct threat to public health and safety, unless it is stored in a hazardous manner.

8. The property would be "safer" if the trucks and equipment were stored in the back of the property.

9. The variance, which was granted to Hionis Greenhouses in 1996 were approved contingent upon the prohibition of retail sales at the property.

10. The undesirable clutter and condition of the property consists of racks, garbage and items that are no longer functioning as part of the farming operation.

Betty Ann Fort testified as follows:

1. She has been a resident of Readington Township for 17 years and is Chair of the Readington Museum Committee and Chair of the Readington Zoning Board of Adjustment.

2. She took photos of the Hionis property, which she claims is an existing retail operating and testified as to the content of the photos showing signs indicating that plants were for sale to the public.

3. She was a member of the Board of Adjustment when the variance for Hionis Greenhouses was granted in 1996.

4. The unsightly appearance of the farm is a threat to the neighboring landowners mental health.

5. In response to a photo taken of the property in the week prior to the hearing, she stated that the trees were planted at the request of the Township and that the site had never appeared as clean as it did in the picture.

6. The issue now before the CADB is a threat to the Ordinance of Readington Township.

7. The owners of Hionis Greenhouses testified when the original variance was granted that there would be no retail sales on the property, which is why it was added to the 1996 Resolution.

Peter Hionis testified as follows:

1. He is the operator of Hionis Greenhouses, which moved to Readington in 1997. A variance was acquired to construct the greenhouse when the family moved the operation to the property.

2. The market for his type of operation is now much more competitive than it was in 1996 and it is more difficult.

3. In 1997, Hionis Greenhouses had 200 racks at the property, and it now has over 2000 racks. This is because retail stores require his operation to deliver plants on racks and his greenhouse operation is required to store them at the property.

4. In response to photos taken of the tree line, which were taken by Betty Ann Fort, he indicated that there are three rows of trees, some of which are 12 to 15 feet tall.

5. He stores peat moss in the front of the greenhouse along with racks and trucks. There is no alternative area to store these items.

6. He is seeking to place signs in front of his property to advertise the products, which are for sale. He would like to have one large main sign, which is fixed and also small temporary signs as needed during selected times of the year.

7. His operation retrieves and cleans any debris that blows off of his property.

8. All materials, which are stored in the front of the greenhouse are necessary for the operation and there is no alternative place to store the items inside the greenhouse.

9. The existing trailers can be moved, but they must remain in front of the building. The farm operation can not operate successfully unless all items are stored in front of the greenhouse.

10. He would listen to any suggestions for housekeeping furnished by the Township and is willing to consider abiding by the suggestions, if it still permits his farming operation to operate successfully.

11. Approximately 50% of his greenhouse space would be used if he were to store racks and peat moss inside. Such a requirement would put his operation out of business.

12. By moving the dumpster at the property, it is now in a location where debris blowing from the dumpster is no longer a concern. He stated that once the dumpster is full, it is picked up and replaced. He recycles pots that come back.

13. Any garbage or debris around the property, even if it is not from his operation, is cleaned up.

14. He employs approximately 15 people year round and adds employees during the busy seasons.

15. The condition of his property is not a direct threat to public health and safety. He has all permits and licenses and complies with all federal and state laws to the best of his knowledge.

Dr. John Martin testified as follows:

1. He resides in Pennsylvania and is has a PhD in horticulture. He is a professor at Delaware Valley College.

2. Delaware Valley College offers a very hands on curriculum for horticulture. They have 30,000 square feet of greenhouses and run a considerable production operation. He also visits greenhouse operations regularly. It is part of the student's curriculum to work at greenhouses.

3. He has inspected the Hionis Greenhouses operation and states that it is a modern greenhouse production facility.

4. On a scale of 1 to 10, he testified that the housekeeping appearance of Hionis Greenhouses is about a 5 or a 6. He has seen better and he has seen worse. But in his opinion, it is a satisfactory operation.

The following members of the public in attendance at the hearing who testified were:

1. Linda Bergen
2. Virginia Smith
3. Doloris Paquette
4. Paul Filippe
5. Francis Ominion

NOW, THEREFORE, BE IT RESOLVED THAT THE HUNTERDON COUNTY AGRICULTURE DEVELOPMENT BOARD MAKES THE FOLLOWING FINDINGS OF FACT:

1. The property in question is known as Block 36, Lot 45 in the Township of Readington.

2. The property is located in a Research Office Manufacturing Zone (ROM 1).

3. Farm and agricultural uses are permitted in ROM 1.

4. Hionis Greenhouses runs a commercial farming operation on the property.

5. On August 15, 1996, the Readington Township Board of Adjustment adopted a Resolution concerning Lot 45, which included a variance for the construction of a wholesale greenhouse operation on the property.

6. As a condition of the 1996 Resolution, the property owner was restricted from conducting retail sales in connection with the farming operation at the property.

7. The inability of the owner to conduct retail sales at the property limits the ability of the owner to continue to conduct a viable business at the property in a competitive market.

8. The operation of retail sales at the property constitutes an acceptable management practice and would not pose a health or safety threat to the public.

9. Hionis Greenhouses needs to store racks and other materials and house storage trailers at the property in connection with its commercial farm operation.

10. Based on the testimony of Township representatives and members of the public, who were neighboring landowners to the property in question, there may be some issues as to the organization, cleanliness and order of the operation at the property.

NOW, THEREFORE, BE IT RESOLVED BY THE HUNTERDON COUNTY AGRICULTURE DEVELOPMENT BOARD AS FOLLOWS:

1. Hionis Greenhouses has developed a plan for cleaning and maintaining the property, which has been approved by the CADB.

2. Hionis Greenhouses' Site Specific Agricultural Management Practice (SSAMP) application to perform retail sales on the property is approved. Retail sales may be conducted at the property 7 days per week, between the hours of 7 AM and 8 PM.

Dated: November 10, 2005

Susan Blew

SUSAN BLEW, Chairperson