WARREN COUNTY AGRICULTURAL DEVELOPMENT BOARD
THE DEPARTMENT OF LAND PRESERVATION
500 MT PISGAH AVE, P.O. BOX 179
OXFORD, NJ 07863

RESOLUTION NO. 14-05

On motion by Mr. Gourniak, and seconded by Ms. Willever, the following resolution was adopted by the Warren County Agricultural Development Board at a meeting held March 20, 2014.

RESOLUTION OF THE WARREN COUNTY AGRICULTURE DEVELOPMENT BOARD APPROVING THE APPLICANT'S REQUEST FOR A SITE SPECIFIC DETERMINATION IN THE MATTER OF THOMAS SHARKO, CHELSEA FORGE VINTNERS, LLC, T/A ALBA VINEYARDS, RIGHT-TO-FARM APPLICATION FOR CONSTRUCTION OF A 96′ LENGTH X 48′6″ HEIGHT X 42′ WIDTH BARN

WHEREAS, pursuant to the Right to Farm Act, N.J.S.A. 4:1C-1, *et seq.* and the State Agriculture Development Committee regulations, N.J.A.C. 2:76-2.3, a commercial farm owner or operator may make a request to the County Agriculture Development Board (hereinafter "Board") to determine if his or her operation constitutes a generally accepted agricultural management practice; and

WHEREAS, on December 19, 2013, Thomas Sharko owner/operator of Chelsea Forge Vintners, LLC, t/a Alba Vineyards (hereafter "Applicant"), Block 110 Lot 13 in Pohatcong Township, (hereafter "Property") made a request in writing to the Board for the development of a site-specific agriculture management practice (hereinafter, "SSAMP") for the allowance of construction of a barn structure to house tractors and other farm machinery; and

WHEREAS, on January 31, 2014, pursuant to N.J.A.C. 2:76-2.3(c), the Board advised in writing the State Agriculture Development Committee and Pohatcong Township of the Applicant's request; and

WHEREAS, on November 21, 2013, pursuant to N.J.A.C. 2:76-2.3(b), the Board requested that Applicant provide proof that their agricultural operation is a commercial farm as defined at N.J.S.A. 4:1-C-3 and N.J.A.C. 2:76-2.1; and

WHEREAS, on December 18, 2013, Applicant provided proof to the Board in the form of a commercial farm certification, including supporting documentation that the property is 5 acres or more and produces agricultural and/or horticultural products worth $2,500 or more annually, and is eligible for differential property taxation pursuant to the Farmland Assessment Act of 1964, that the farm is located in the R-1 Zone, an area in which as of December 31, 1998 or thereafter, agriculture has been a permitted use under the municipal zoning ordinance and is consistent with the municipal master plan, and that the Property is a "commercial farm" as defined by N.J.S.A. 4:1C-3 and N.J.A.C. 2:76-2.1, and the Board memorialized same by resolution on January 16, 2014; and

WHEREAS, a public hearing regarding Applicant's request was noticed to take place at the February 20, 2014 Board meeting and the Applicant was instructed to provide notice to all property owners within 200 feet as suggested by the Court in Curzi v. Raub, 415 N.J.Super 1 (N.J. Super. App. Div. 2010); and

WHEREAS, in accordance with the procedure set forth in N.J.A.C. 2:76-2.10, a public hearing was held on February 20, 2014, when the Applicant presented his case, a representative of the Township of Pohatcong appeared, specifically Mayor James Kern and John Gardner, Chairman of the Pohatcong Township Land Use Board, who advised that they appeared in support of the application, and no neighboring residents of Applicant appeared to express their concerns; and

WHEREAS, Mr. Sharko testified that he needs the proposed barn to house his tractors and other farm machinery; and

WHEREAS, the dimensions of the proposed barn structure are 96′ L X 48′6″ H X 42′ W and the Township of Pohatcong Zoning Department notified Mr. Sharko on December 10, 2013 that a zoning permit can not be issued for his proposal to construct a barn because the zoning ordinance for the R-5 zone limits barns to 3,000 square feet and Mr. Sharko is proposing 4,032 square feet, accordingly, the barn is a permitted use in the zone; it just exceeds the size limitations contained in the ordinance; and

WHEREAS, Mr. Sharko requested that the proposed barn be permitted because the proposed barn structure will be used to house farm equipment and will comply with all other zoning requirements for a principal building, including area and yard requirements.

NOW, THEREFORE BE IT RESOLVED, that based upon the evidence submitted and testimony presented by the Applicant the Board finds as follows:

1) That the Board previously determined that Applicant operates a commercial farm in accordance with the requirements of N.J.S.A. 4:1C-9; and

2) That Applicant is engaged in a generally accepted agricultural operation or practice pursuant to N.J.A.C. 2:76-2B.2; and

3) That Applicant has a legitimate farm based reason for not complying with the 3,000 square foot limit in Township of Pohatcong's Code Section 285 Attachment 2:1; and

4) The Mayor and a representative of the Township Land Use Board appeared in support of the application; and

5) That the barn structure of 96′ L 48′6″ H X 42′ W, will not implicate any health, safety or welfare issues; and

6) That the Township of Pohatcong shall immediately issue all appropriate permits for the construction of the barn structure as presented in the application submitted to the CADB; and

7) That the Board retains jurisdiction of this matter.

BE IT FURTHER RESOLVED, that the Board shall forward a copy of its written recommendation of the SSAMP Resolution to Thomas Sharko (applicant for Chelsea Forge Vintners, LLC, t/a Alba Vineyards), the Township of Pohatcong, the State Agriculture Development Committee (SADC), and any other individuals or organizations deemed appropriate by the Board within 30 days of the recommendation.

Roll Call: Mr. Schnetzer – yes; Mr. Bodine – yes; Mr. Baduini – abstain; Mr. Gibbs – yes; Mr. Gourniak – yes; Ms. Willever – yes; Mr. Menegus – abstain;

CERTIFICATION

I, Teresa Kaminski, Secretary to the Warren County Agriculture Development Board, do hereby certify the foregoing to be a true and accurate copy of a Resolution adopted by the Warren County Agriculture Development Board at a meeting of said Board held on March 20, 2014 to memorialize the Board's action on February 20, 2014 in which a motion was made by Mr. Gibbs and was seconded by Mr. Bodine and Roll Call at said meeting was as follows: Mr. Schnetzer – yes; Mr. Bodine – yes;; Mr. Gibbs – yes; Mr. Gourniak – yes; Ms. Willever – yes; Absent – Mr. Baduini and Mr. Menegus.

Teresa Kaminski