GLOUCESTER COUNTY AGRICULTURE DEVELOPMENT BOARD

RIGHT TO FARM RESOLUTION

CERTIFYING COMMERCIAL FARM OPERATION AND RECOMMENDING SITE SPECIFIC AGRICULTURE MANAGEMENT PRACTICE FOR CONSTANCE CARDILLO/RUSSELLS' ACRES, TOWNSHIP OF WOOLWICH

DATED: JUNE 27, 2013

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 "CADB" or "Board") to determine if his or her operation constitutes a generally accepted management practice; and

WHEREAS, Constance Cardillo (hereinafter "Cardillo") is the owner and operator of Russells' Acres, 90 Russell Mill Road, located on Block 56, Lot 3, Township of Woolwich, New Jersey (hereinafter the Property); and

WHEREAS, on March 20, 2013, Joseph A. Alacqua, Esquire, on behalf of Cardillo, as owner and operator of Russells' Acres, made a request in writing to the Board that the operations of Russells' Acres at the Property be designated as a commercial farm under the Right to Farm definition; and

WHEREAS, Joseph A. Alacqua, Esquire, on behalf of Cardillo, on March 20, 2013 also requested in writing to the Board for the development of site-specific Agriculture Management Practices (hereinafter "AMP") for certain activities concerning certain agricultural operations on the Property, as follows:

1. A determination that the construction of the barn and the dedication of the associated area for equine activities on Block 56, Lot 3, in the Township of Woolwich, as presented in the proposal submitted to the Board, be recognized as a generally accepted agricultural management practice and be designated as a Site-Specific Agricultural Management Practice (SSAMP).
2. A requirement that the Township of Woolwich immediately issue all appropriate construction and other permits for the proposal; and

WHEREAS, pursuant to N.J.A.C. 2:76-2.3 (c), the Board advised in writing the State Agriculture Development Committee and the municipality of the Township of Woolwich of Cardillo's request; and

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

WHEREAS, pursuant to N.J.A.C. 2:76-2.3 (b), Cardillo provided her commercial farm certification, including supporting documentation that their agricultural operation is a commercial farm as defined at N.J.S.A. 4:1C-3 and N.J.A.C. 2:76-2.1; and

WHEREAS, a public hearing was noticed to take place at the May 16, 2013 Board meeting; and

WHEREAS, notice of the public hearing was provided to all property owners within two hundred (200) feet as suggested by the Court in Curzi v. Raub, 415 N.J.Super.1 (N.J.Super. A.D. 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 May 16, 2013, when Cardillo presented her case, through her attorney, Joseph A. Alacqua, Esquire; and

WHEREAS, the Board received into evidence the following Exhibits:

Exhibit GC-1A - - April 20, 2013 correspondence from Joseph A. Alacqua, Esquire, on behalf of Cardillo, requesting the Board to consider this SSAMP request;

Exhibit GC-1B - - Commercial Farm Certification Form for the Property;

Exhibit GC-1C - - Notarized letter from C&M Visalli, LLC confirming that the property generates more than $2,500.00 in agricultural-related income annually;

Exhibit GC-1D - - Tax card and tax bill indicating the property is assessed as a "Q" farm;

Exhibit GC-1E - - Sketch plan of the completed by Land Dimensions Engineering showing the location of the proposed barn and equine area;

Exhibit GC-1F - - Copy of the R-1 Woolwich Township zoning ordinance;

Exhibit GC-1G - - Copy of the 5-A Woolwich Township zoning ordinance;

Exhibit GC-1H - - Copy of a portion of a February 26, 2013 correspondence from the Woolwich Township Joint Land Use Board engineer;

Exhibit GC-1I - - Copy of Woolwich Township zoning definitions;

Exhibit GC-1J - - Copy of N.J.A.C. 2:76-2B.3 indicating the eligibility of equine activities for Right-to-Farm protections;

Exhibit GC-1K - - Copy of informational guide on the basic requirements for New Jersey's Farmland Assessment Act;

Exhibit GC-1L - - Copy of Woolwich Township's Municipal Right-to-Farm ordinance

Exhibit GC-2 - - Copy of an *Application For Zoning Permit*;

Exhibit GC-3 - - Copy of a November 28, 2012 correspondence from Woolwich Township's Joint Land Use Board engineer;

Exhibit GC-4 - - Copy of the minutes of the December 6, 2012 meeting of the Woolwich Township Joint Land Use Board;

Exhibit GC-5 - - An aerial photograph of the subject property and a wetlands delineation accessed through Gloucester County's GCMaps system;

Exhibit WOOL-1 - - Copy of May 7, 2013 correspondence from Mark Shoemaker, Solicitor for Woolwich Township, regarding the proposed activity (includes copies of the Woolwich Joint Land Use Board resolutions numbered #2013-11 and #2013-15);

Exhibit AL-1 - - Copy of May 14, 2013 (dated March 21, 2013) correspondence from Joseph A. Alacqua, Esq., in response to the May 7, 2013 correspondence from Mark Shoemaker, Esq; and

WHEREAS, the Board has considered the Cardillo's request (application), Cardillo's certification, and the exhibits presented and testimony presented.

NOW, THEREFORE, BE IT RESOLVED, that the Board makes the following findings and conclusions:

<u>The Board's consideration of the eligibility of Cardillo's application under the Right to Farm Act</u>.

1. There are credible exhibits that establish that the commercial farm is no less than five (5) acres;

2. The commercial farm produces agricultural/horticultural products worth at least $2,500 per year;

3. The list of such products is listed in the application;

4. The farm is eligible for differential property taxation pursuant to the Farmland Assessment Act of 1964;

5. The farm is in a zoning area in which agriculture is a permitted use;

6. A complete written application for recommending SSAMP's was made to the Board;

7. Where all of the criteria above having been satisfied, the Board finds and determines that Cardillo meets the eligibility criteria of the Right to Farm Act.

NOW, THEREFORE BE IT FURTHER RESOLVED that Cardillo operates a commercial farm at the Property, and in accordance with the requirements of N.J.S.A. 4:1C-9; and is engaged in generally accepted agricultural operations or practices pursuant to N.J.A.C. 2:76-2B.2.

The Board's consideration of the SSAMP request that the construction of a barn and the associated area to be dedicated to equine activities on Block 56, Lot 3, in the Township of Woolwich, be designated as a generally accepted agricultural management practice.

1. Based upon the exhibits entered and testimony presented, the Board finds that it is a generally accepted agricultural management practice to construct a barn and dedicate the associated area for equine activities on Block 56, Lot 3, in the Township of Woolwich, as presented in the proposal submitted to the Board, as part of regular farming operations being undertaken at the Property by Cardillo;

2. The Board finds that the construction of the barn and the dedication of the associated area for equine activities on Block 56, Lot 3, in the Township of Woolwich, as presented in the proposal submitted to the Board, will not implicate any health, safety or welfare issues, and Cardillo has a legitimate farm based reason for such; and

3. Based upon the exhibits entered and testimony presented, the Board finds that it is a generally accepted agricultural management practice to construct a barn and dedicate the associated area for equine activities on Block 56, Lot 3, in the Township of Woolwich, as presented in the proposal submitted to the Board, as part of regular farming operations being undertaken at the Property by Cardillo, and is recognized as a Site-Specific Agricultural Management Practice (SSAMP).

NOW, THEREFORE, BE IT FURTHER RESOLVED that Cardillo may construct a barn and dedicate the associated area for equine activities on Block 56, Lot 3, in the Township of Woolwich, as presented in the proposal submitted to the Board, as part of her commercial farm operation at the Property, as the establishment of such farm buildings is a generally accepted agricultural management practice, and that the construction of the barn and the dedication of the associated area for equine activities on the Property, as presented in the proposal submitted to the Board, is recognized as a Site-Specific Agricultural Management Practice (SSAMP).

The Board's consideration of the AMP request to direct Woolwich Township to issue the required construction and associated permits needed for the construction of the barn and the dedication of the associated area for equine activities on the Property.

1. Based upon the exhibits entered and testimony presented, the Board finds that Cardillo has a legitimate farm based reason for construction of the barn and the dedication of the associated area for equine activities on Block 56, Lot 3, in the Township of Woolwich, as presented in the proposal submitted to the Board, located at the Property;

2. The Board finds that it is a generally accepted agricultural management practice to construct a barn and dedicate the associated area for equine activities within the existing farm infrastructure;

3. The Board finds that the construction of the barn and the dedication of the associated area for equine activities on Block 56, Lot 3, in the Township of Woolwich, as

presented in the proposal submitted to the Board, will not implicate any health, safety or welfare issues;

4. The Board finds that Cardillo has a legitimate farm based reason for the construction of the barn and the dedication of the associated area for equine activities on Block 56, Lot 3, in the Township of Woolwich, as presented in the proposal submitted to the Board, for agricultural use on the Property;

5. The Board finds that the construction of the barn and the dedication of the associated area for equine activities on Block 56, Lot 3, in the Township of Woolwich, as presented in the proposal submitted to the Board, will be utilized by Cardillo as part of a generally accepted agricultural management practice;

6. The Board finds that to the extent required, Cardillo is to be granted all necessary approvals by the Township of Woolwich for the construction of the barn and the dedication of the associated area for equine activities on Block 56, Lot 3, in the Township of Woolwich, as presented in the proposal submitted to the Board, and no site plan approval of same shall be required from the Township of Woolwich and/or the Woolwich Township Joint Land Use Board;

7. The Board finds that the Township shall immediately issue all necessary and appropriate permits to Cardillo for the construction of the barn and the dedication of the associated area for equine activities on Block 56, Lot 3, in the Township of Woolwich, as presented in the proposal submitted to the Board, and perform inspections of such construction as required under New Jersey law.

NOW, THEREFORE BE IT FURTHER RESOLVED, that the Board grants relief to Cardillo, as aforesaid, for the construction of the barn and the dedication of the associated area for equine activities on Block 56, Lot 3, in the Township of Woolwich, as presented in the proposal submitted to the Board, at the Property for an agricultural use, and as set forth in the above findings; and

NOW, THEREFORE BE IT FURTHER RESOLVED, that all necessary and required permits shall be issued by the Township of Woolwich to Cardillo for the construction of the barn and the dedication of the associated area for equine activities on Block 56, Lot 3, in the Township of Woolwich, as presented in the proposal submitted to the Board, and all required inspections of the construction shall be undertaken by the Township of Woolwich.

NOW, THEREFORE BE IT FURTHER RESOLVED, that the Board hereby retains jurisdiction of the matter regarding the construction of the barn and the dedication of the associated area for equine activities on Block 56, Lot 3, in the Township of Woolwich, as presented in the proposal submitted to the Board, only.

NOW, THEREFORE BE IT FURTHER RESOLVED, that the Board shall forward a copy of this Resolution as its written recommendation of these site specific agriculture management practices to the State Agriculture Development Committee, the Township of Woolwich, and Cardillo, within thirty (30) days.

WEST JAY KANDLE, III, CHAIRPERSON
GLOUCESTER COUNTY AGRICULTURE
DEVELOPMENT BOARD

YES: 6
NO: 0
ABSTAIN: 0
ABSENT: 1

CERTIFICATION

I, Kenneth Atkinson, Secretary to the Gloucester County Agriculture Development Board, do hereby certify the foregoing to be a true and accurate copy of the Resolution adopted by the Gloucester County Agriculture Development Board at a meeting of said Committee held on June 27, 2013.

SEAL:

KENNETH ATKINSON, BOARD SECRETARY

KENNETH P. ATKINSON
NOTARY PUBLIC OF NEW JERSEY
MY COMMISSION EXPIRES MAY 20, 2018