# Board of Chosen Freeholders
# County of Burlington
# New Jersey

**Department of: RESOURCE CONSERVATION**

MARY PAT ROBBIE
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BURLINGTON CADB RESOLUTION # 2016 - 12

**Site Specific Agricultural Management Practice Determination**
**Under The New Jersey Right to Farm Act**
**John Probasco**

Springfield Township Block 1001, Lot 1.01
March 10, 2016

WHEREAS, John Probasco on behalf of Probasco Farms LLC, the current operator of the above-referenced farm ("Applicant"), has applied to the Burlington County Agricultural Development Board ("CADB") pursuant to the NJ Right to Farm Act ("Act") detailed in N.J.A.C. 2:76-2.3 requesting a Site Specific Agricultural Management Practice ("SSAMP") determination as to whether or not certain proposed activities on the above referenced property are consistent with the permissible activities detailed in N.J.S.A. 4:1C-9 et al.; and

WHEREAS, John Probasco proposes to establish an entity (the "Distillery") that will farm the above-referenced property and operate a Craft Distillery in accordance with N.J.S.A. 33:1-10.3d (NJ Craft Distillery License); and

WHEREAS, the CADB conducted its regularly scheduled meeting on January 14, 2016, due notice of said meeting was given in accordance with New Jersey Statutes and the Open Public Meetings Act and a quorum of the CADB being present at the meeting; the matter of eligibility was heard ; and

WHEREAS, the CADB adopted resolution 2016-10 certifying eligibility under the RTF act for the Applicant on the subject property; and

WHEREAS, on January 28, 2016 Recklesstown Farm Distillery LLC was established; and

WHEREAS, on March 10, 2016 the CADB conducted its regularly scheduled meeting, due notice of said meeting was given in accordance with New Jersey Statutes and the Open Public Meetings Act and a quorum of the CADB being present at the meeting; the matter of the SSAMP was heard ; and



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WHEREAS, the Applicant has submitted proof of written notice as required in N.J.A.C. 2:76-2.8: and

WHEREAS, the Applicant was represented by John Probasco; and

WHEREAS, the CADB received into evidence the following Exhibits:

Submitted by the Applicant:

Exhibit A – CADB resolution 2016-10

Exhibit B - John Probasco's proposed Distillery Site Specific Agricultural Management Practice request /proposal

Exhibit C – Recklesstown Farm Distillery, LLC business plan document

WHEREAS, the Board has considered the specific elements of the SSAMP request itemized below:

1. processing of crops grown on the farm into craft distilled spirits
2. construction of a "farm oriented pole building" to be used for the processing, tastings and sales of the spirits
3. conducting educational tours of the farm and distillery
4. The sale of merchandise such as glassware, t-shirts and other items used to advertise the operation

WHEREAS, N.J.S.A. 4:1C-9 of the Act, details the specific permissible activities protected by the Act, including:

- Production of horticultural crops and commodities
- Processing and packaging of the agricultural output of the farm
- Construction of buildings and parking areas that will serve as a farm market
- Agricultural-related educational activities provided that the activities are related to marketing the agricultural output of the farm

WHEREAS, the Act defines a Farm Market as a facility used for the wholesale or retail marketing of the agricultural output of a commercial farm, and products that contribute to farm income… ; and

WHEREAS, N.J.A.C. 2:76 2A.13 affords Right to Farm Protection for the sale of "Complementary Products" such as promotional items and farm-branded t-shirts, hats and bags; and

WHEREAS, pursuant to N.J.S.A. 4:1C-9, the commercial farm must be in compliance with all relevant federal or State statutes or rules and regulations adopted pursuant thereto, and not pose a direct threat to public health and safety; and

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

1. The applicant meets the eligibility criteria as required under the Act

2. The activities for which the applicant is seeking an SSAMP determination are protected activities detailed in N.J.S.A. 4:1C-9 and in N.J.A.C. 2:76 2A.13

NOW, THEREFORE, BE IT FURTHER RESOLVED that the Board does not afford Right to Farm protection to the rental and use of space for small life celebratory events in accordance with N.J.A.C. 2:76-2A.13(b) as referenced in Exhibit C as this is not currently a protected activity under the Act.

NOW, THEREFORE, BE IT FURTHER RESOLVED that copies of this resolution shall be provided to the SADC, Springfield Township and the Applicant.

| Member | Yes | No | Abstain | Absent |
|---|---|---|---|---|
| Chairman Phillip Prickett | X | | | |
| Vice Chairwoman Judy Shaw | X | | | |
| Louis DeLorenzo | | | | X |
| Robert T. Eckert | X | | | |
| John M. Hlubik | X | | | |
| Peter Johnson | | | X | |
| Lawrence Kuser | X | | | |
| John J. Logue | X | | | |
| Timothy Lutz | X | | | |
| Lisa Post | X | | | |
| Paul Shinn | | | | X |
| D. Todd Wilkinson | X | | | |

Phillip D Prickett 3/10/16

Chairman Phillip Prickett Date

Exhibit A

# Board of Chosen Freeholders
# County of Burlington
# New Jersey

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BURLINGTON CADB RESOLUTION # 2016 - 10

**Eligibility Determination**
**Under The New Jersey Right to Farm Act**
**John Probasco**

Springfield Township Block 1001, Lot 1.01
January 14, 2016

WHEREAS, John Probasco on behalf of Probasco Farms LLC, the current operator of the above-referenced farm ("Applicant"), has applied to the Burlington County Agricultural Development Board ("CADB") pursuant to the NJ Right to Farm Act ("Act") detailed in N.J.A.C. 2:76-2.3 requesting a Site Specific Agricultural Management Practice ("SSAMP") determination as to whether or not certain proposed activities on the above referenced property are consistent with the permissible activities detailed in N.J.S.A. 4:1C-9 et al.; and

WHEREAS, John Probasco proposes to establish an entity (the "Distillery") that will farm the above-referenced property and operate a Craft Distillery in accordance with N.J.S.A. 33:1-10.3d (NJ Craft Distillery License); and

WHEREAS, the CADB conducted its regularly scheduled monthly meeting on January 14, 2016, due notice of said meeting was given in accordance with New Jersey Statutes and the Open Public Meetings Act and a quorum of the CADB being present at the meeting; the matter of eligibility was heard ; and

WHEREAS, the Applicant was represented by John Probasco; and

WHEREAS, the CADB is required to verify eligibility of the Applicant prior to considering the SSAMP request; and

WHEREAS, the CADB received into evidence the following Exhibits:

Submitted by the Applicant:

Exhibit A – Right to Farm certification form



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Exhibit B – John Probasco's proposed Distillery Site Specific Agricultural Management Practice request /proposal

Exhibit C – 2016 Farmland Assessment Form

Exhibit D – receipt of Agricultural Products in excess of $2,500

WHEREAS the Board has considered the Exhibits; and

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

The Board's Consideration of the Eligibility of the Application under the Right to Farm Act

1. There are credible exhibits to 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 subject farm is eligible for differential property taxation pursuant to the Farmland Assessment Act of 1964.
4. The subject farm is located in an area in which, as of December 31, 1997 or thereafter, agriculture has been a permitted use under the municipal zoning ordinance.
5. Probasco Farms LLC is the current operator of the commercial farm comprised of a Springfield Township Block 1001, lot 1.01; and
6. With all of the criteria above having been satisfied, the Board finds that Applicant meets the eligibility criteria under the Right to Farm Act.

NOW, THEREFORE, BE IT FURTHER RESOLVED that in order proceed on the SSAMP, the applicant shall make notice of a public hearing in accordance with N.J.A.C. 2:76-2.8 to be scheduled for March 10, 2016 or any CADB meeting thereafter; and

NOW, THEREFORE, BE IT FURTHER RESOLVED that copies of this resolution shall be provided to the SADC, Springfield Township and the Applicant.

| Member | Yes | No | Abstain | Absent |
|---|---|---|---|---|
| Chairman Phillip Prickett | X | | | |
| Vice Chairwoman Judy Shaw | X | | | |
| Louis DeLorenzo | X | | | |
| Robert T. Eckert | X | | | |
| John M. Hlubik | X | | | |
| Peter Johnson | | | X | |
| Lawrence Kuser | X | | | |
| John J. Logue | X | | | |
| Timothy Lutz | X | | | |
| Lisa Post | | | | X |
| Paul Shinn | X | | | |
| D. Todd Wilkinson | | | | X |

Chairman Phillip Prickett — 1/14/16 Date