

## **RESOLUTION 2024-09**

### **Amending Resolution 2024-05**

#### **Hunterdon County Agriculture Development Board**

#### **Determination for the Site-Specific Agricultural Management Practice Application**

#### **Katie Ciarletta and Thomas Truchan, Jr. (Whispering Ponds, LLC)**

**[redacted] Block 38, Lot 48, Township of Readington, County of Hunterdon**

#### **WHEREAS:**

1. On April 28, 2024, a Site-Specific Agricultural Management Practice application was submitted by Katie Ciarletta and Thomas Truchan, Jr. (hereinafter referred to as “Whispering Ponds” or the “Applicant”), the owner of Block 38, Lot 48, in Readington Township, County of Hunterdon, to the Hunterdon County Agriculture Development Board (hereinafter referred to as the “CADB” or “Board”). The Applicant sought a determination to permit Applicant to undertake the following activity:

Construct a new 60’x 60’ post and frame structure for farm storage (36’ x 60’ with attached 12’ lean-to awnings on both sides) for agricultural use with an impervious area totaling 3,600 square feet.

- A. In connection with the plan for construction, the Applicant is seeking relief from Readington Township’s stormwater management ordinance to the extent that it is more stringent than the State of New Jersey Stormwater Management (SWM) Rules, N.J.A.C. 7:8. Specifically, the Applicant is seeking waiver of the Township’s requirement of the submission of a Site Development Stormwater Plan (“Stormwater Plan”) to the Township Engineer for approval prior to the issuance of any Zoning and/or Construction permits for the proposed structures.
  - B. In connection with the plan for construction, the Applicant is seeking relief from Readington Township’s zoning ordinance 50’ setback requirement. Specifically, the Applicant is seeking to construct the building 34 feet from the property line instead of the required 50 feet setback requirement.
2. The Board determined that it has jurisdiction to review this application pursuant to the Right to Farm Act, N.J.S.A. 4:1C-9 and implementing rule N.J.A.C. 2:76-2.3.
  3. On June 13, 2024, the Board certified the Whispering Ponds Farm as a commercial farm prior to scheduling a public hearing on the application. Thomas Truchan, Jr. testified and furnished proof that his operation met the required economic standard. The farm consists of approximately 10.24 acres, and produces horses, goats and chickens in excess of \$2,500 annually. Further, the Lot is within the Hunterdon Agriculture Development Area (ADA) and in the RR zone, an area where agriculture is a permitted use. Documentation to demonstrate the farming income and proof of farmland tax assessment were produced.
  4. On July 10, 2024, CADB staff conducted a site visit of the Whispering Ponds Farm.
  5. On July 11, 2024, the CADB conducted a public hearing to determine whether the Whispering Ponds Farm is entitled to Site Specific Agricultural Management Practice approval and relief from the Readington Township stormwater management ordinance in connection with the construction of a 60’ x 60’ agricultural structure.

6. The Board is satisfied that written notice of the hearing was published in the Hunterdon County Democrat and served via certified mail to all property owners within 200 feet of the Whispering Ponds Farm, as well as the Township of Readington and the State Agriculture Development Committee.

7. At the hearing, Thomas Truchan, Jr. appeared on behalf of Whispering Ponds Farm. He confirmed that he and his wife, Katie Truchan, were both the owners of the property as well as the managing members of Whispering Ponds, LLC. No representative for the Township of Readington was present at the hearing. One neighbor, Diane Anthony, stated she did not object to a barn, she asked what kind of animals would be on the farm because she didn't like pigs. She also made a comment about the number of cars on the property. Mr. Truchan stated they had 15 goats, horses and chickens. He also stated that the cars were in his personal driveway. Ms. Anthony was satisfied with the response and asked no further questions. No objection to the Application was raised by any neighboring landowners or other members of the public either before, during or after the hearing.

8. The Hunterdon County Agriculture Development Board Request for Site Specific Agricultural Management Practice Application for Hearing submitted by Whispering Ponds Farm is part of the record presented to the Board. At the July 11, 2024, hearing, the following documents and materials were introduced during the course of the hearing:

- Completed SSAMP Application Form
- Notice of Public Hearing
- Four-page sketch of proposed 60' x 60' structure.
- Satellite Map with locations of the proposed 60' x 60' structure on Block 38, Lot 48

9. The Board carefully considered the testimony of the Applicant in making its determination.

10. The Applicant's position, which was presented to the Board at the hearing by Thomas Truchan, Jr. is as follows:

- The Applicant proposes to construct one post and frame structure on his property to house goats.
- The proposed agricultural structure dimensions for each structure are 36' wide x 60' long plus attached 12' lean-to awnings for a total of 60' wide x 60' long, with a total impervious area of 3,600 Square Feet.
- With the exception of minimal site preparation, there is no plan for any grading or soil disturbance in connection with the proposed structures.
- Other areas of pre-existing impervious cover (driveways) have been removed and returned to pervious area.
- Prior to seeking SSAMP approval, the Applicant made an inquiry to Readington Township Zoning Officer, to obtain a municipal permit for one 60' x 60' (3,600 Square Foot) structure for farm storage on Block 38, Lot 48. That application was advised by the Office of the Zoning Enforcement Officer of Readington Township of the setback requirements and directed to the Township Engineer to discuss the stormwater requirements. The Township Engineer advised the applicant to review the Township stormwater regulations and suggested they hire an engineer. The size of the proposed structure, which, according to the Township Ordinances, when combined with the other existing impervious cover qualified as major development (exceeded ¼ acre of impervious cover). In accordance with the Readington Township Ordinance requiring the submission of a Stormwater Plan to confirm compliance with specified site disturbance

limits, as well as Township mandated stormwater control rules. The denial was also due to the location of the structure within the 50-foot side yard setback (34 feet from the property line).

- The Applicant maintains that the proposed location of the barn structure was specifically chosen to preserve the largest area of pasture for the animals. Having to move the structure an additional 16 feet from the side yard setback would result in the loss of pasture area.
- The Applicant maintains that the Township's requirement of submission of a Stormwater Management Plan for site development that exceeds  $\frac{1}{4}$  acres of total overall impervious coverage exceeds the State Stormwater Management Rules.
- The Applicant further maintains that in addition to the prohibitive expense of preparing a Stormwater Plan, the stormwater requirements (detention basin and/or rain gardens) would limit the amount of pasture area the farm would have available for the animals.
- The New Jersey Stormwater Management (SWM) Rules, N.J.A.C. 7:8, define "Major Development" as an individual "development" as well as multiple developments that individually or collectively result in (1) the disturbance of one or more acres of land or (2) the creation of One Quarter ( $\frac{1}{4}$ ) acre or more of impervious surface area.
- One acre of land comprises approximately 43,000 Square Feet. One Quarter ( $\frac{1}{4}$ ) acre of impervious surface area would equal approximately 10,750 Square Feet.
- The Whispering Ponds Farm project consists of one 60' x 60' structures which total 3,600 square feet. The proposed structures do not trigger the New Jersey State Stormwater Management Rules, as their size does not meet the definition of a "Major Development" which would require imposition of the Rules and oversight by the soil conservation district.
- The New Jersey State Stormwater Management Rules do not apply to the Whispering Ponds Farm project based on the size of the proposed structures. The Township's requirement of the submission of a Stormwater Plan by the Whispering Ponds Farm because the total impervious cover including areas that have been removed imposes a more restrictive requirement on the Whispering Ponds Farm permit application than is required under the New Jersey State Stormwater Management Rules.
- The Whispering Ponds Farm is a commercial farming operation performing generally accepted agricultural management practices. The proposed plan for the construction of a 60' x 60' structure for housing goats is a sound farming practice which does not trigger the New Jersey State Stormwater Management Rules, and the Applicant should be afforded Right to Farm protection and relief from Readington Township's imposition of stormwater management ordinance and the 50-foot setback requirement.

NOW, THEREFORE, BE IT RESOLVED THAT THE HUNTERDON COUNTY AGRICULTURE DEVELOPMENT BOARD, AFTER HEARING THE TESTIMONY OF THE APPLICANT, AND NO OBJECTION TO THE APPLICATION HAVING BEEN MADE BY THE TOWNSHIP OR ANY OTHER PARTIES, MAKES THE FOLLOWING FINDINGS:

1. The CADB approves the Whispering Ponds Farm's Site-Specific Agricultural Management Practice Application and finds that the New Jersey State Stormwater Management Rules, N.J.A.C. 7:8 do not apply to the Applicant's proposed construction of a proposed 60' x 60' structure, totaling 3,600 Square Feet, for the housing of goats as set forth in his SSAMP

Application. The CADB grants the Applicant's specific request for relief from Readington Township's ordinance which requires the submission of a Stormwater Management Plan to the Township Engineer for approval prior to the issuance of any zoning and/or construction permits for the proposed structures because the total impervious cover on the property exceed  $\frac{1}{4}$  acre, as such requirement exceeds, and is more restrictive than, the New Jersey State Stormwater Management Rules.

2. The CADB further grants the Applicant's specific request for relief from the Readington Township ordinance which requires a 50-foot side yard setback
3. This determination shall be forwarded to the State Agriculture Development Committee within thirty (30) days, pursuant to N.J.A.C. 2:76-2.3(e).
4. Any person aggrieved by this decision may appeal to the State Agriculture Development Committee, pursuant to N.J.A.C. 2:76-2-3(f).

HUNTERDON COUNTY AGRICULTURE  
DEVELOPMENT BOARD



DAVE BOND, CHAIRMAN

Dated:

10/16/2024