

RESOLUTION CADB 3-2024

RESOLUTION CERTIFYING COMMERCIAL FARM OPERATION AND RECOMMENDING SITE SPECIFIC AGRICULTURE MANAGEMENT PRACTICE FOR BAJOKA, LLC, LOWER TOWNSHIP BLOCK 752.01, LOTS 16.20, 16.21, 16.22, AND 17.01

WHEREAS, the State of New Jersey has enacted N.J.S.A. 4:1C-11 known as the "Agriculture Retention and Development Act"; and,

WHEREAS, the County of Cape May has created the "Cape May County Agriculture Development Board" pursuant to the aforesaid Statute; and,

WHEREAS, the Agriculture Retention and Development Act known as the Right to Farm Act as amended on July 2, 1998 and in accordance with N.J.A.C. 2:76-2.3(a) requires that the County Agriculture Development Board recommend site specific agricultural management practices; and,

WHEREAS, John P. Stratis of Bajoka, LLC (Applicant), petitioned the Cape May County Agriculture Development Board to certify as a commercial farm, as defined by N.J.S.A. 4A:1C-3 and N.J.A.C. 2:76-2.1, the farm located at Block 752.01, Lots 16.20, 16.21, 16.22, and 17.01, commonly known as [redacted] and [redacted], in the Township of Lower, County of Cape May, State of New Jersey (Farm), and is further seeking a Site Specific Agriculture Management Practice for the operation of a winery, including the construction of a tasting facility on premises; and,

WHEREAS, Applicant presented evidence for the Board to find that the Farm is a commercial farm as defined by N.J.S.A. 4A:1C-3 and N.J.A.C. 2:76-2.1; and

WHEREAS, Applicant presented proof that the 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 of Lower Township, and is consistent with the Lower Township Master Plan; and

WHEREAS, a site inspection of the Farm was conducted on June 10, 2024; and

WHEREAS, Applicant noticed the public hearing in the May 29, 2024 edition of the Cape May County Herald, noticed all property owners within 200ft of the Farm as listed in the certified list of property owners, and provided proof of said publication and service; and

WHEREAS, Applicant provided copies of the farmland assessment application from 2022 and 2024 as well as Schedule F for 2023 showing that the Farm was farm qualified; and

WHEREAS, on June 12, 2024, the Board considered testimony from the Applicant; Vincent Orlando, P.E., P.P.; and Stephen J. Fenwick, R.A.; in support of the designation as a commercial farm, proposed SSAMP for the Farm, site plan, and construction of the facility; and

WHEREAS, the Board considered and reviewed April 17, 2023 (rev. April 22, 2024) Site Plan for Seahorse Farms Winery by Vincent Orlando, P.E., P.P.; December 28, 2018 (rev. August 13, 2023) survey by George Swenson; and November 23, 2023 architectural drawings by Stephen Fenwick, R.A.; that were entered into evidence during the Public Hearing; and

NOW, THEREFORE, BE IT RESOLVED by the Cape May County Agriculture Development Board that upon consideration of the entire record, which includes the paragraphs set forth above in the preamble, the Board makes the following findings of fact and conclusion of law:

1. The Farm is located in the R-1 Zone in which agriculture is a permitted use.

2. The Farm is a commercial farm as defined by N.J.A.C. 2:76-2.1 and N.J.S.A. 4:1C-3.
3. The Farm is greater than five-acres as demonstrated by the site plan and survey as well as the testimony provided during the Public Hearing.
4. The Applicant demonstrated the farm has produced agricultural and horticultural products worth \$2,500 per year based on the sale of grapes as demonstrated by the tax and historical financial records of the Farm, as well as the testimony provided by the Applicant.
5. The Farm is eligible for differential property taxation under the Farmland Assessment Act of 1964 because it consists of more than 5 acres that have been actively devoted to agricultural use for more than 2 years and generates more than \$1000 in annual revenue; and

BE IT FURTHER RESOLVED, that based on the foregoing determination, Applicant's operation is deemed a "commercial farm" as defined by the Right to Farm Act; and

BE IT FURTHER RESOLVED, that based upon the Farm's qualification as a commercial farm, the Board has jurisdiction to review and approve a SSAMP as well as a site plan for an on-farm direct marketing facility and associated activities; and

BE IT FURTHER RESOLVED, that upon consideration of the entire record, including the statements in the preamble above, the Board makes the following additional findings of fact and conclusions of law:

1. The construction of a facility as reflected on the Applicant's site plan and architectural drawings referenced above, as well as the proposed marketing events listed herein, are consistent with generally accepted agricultural management practices and/or are allowed by the Marketing AMP and, therefore, are properly the subject of a SSAMP approval. Accordingly, the construction of the facility is hereby approved. All construction shall be done in accordance with the applicable construction and building code standards and shall be subject to inspection for compliance with applicable code requirements by the Township of Lower.

2. The following events and activities, which are usual and customary in farming business practices and consistent with generally accepted agricultural management practices as allowed by the Marketing AMP, are hereby approved:

- a. Sales of produce and farm products;
- b. On site preparation or cooking of farm products for sale or distribution;
- c. Farm, history, and agriculture-related tours, special events, sales events, and seminars;
- d. Agricultural festivals;
- e. Background live or recorded music during events consistent with local noise ordinances;
- f. Sale of complementary products, including glasses, souvenirs, and branded clothing items in the Farm's Market;
- g. Sale of supplementary products that are related to the agricultural output of the farm;
- h. On-farm direct marketing events may be offered on weekdays, weekends, holidays, seasonally, for part of the year N.J.A.C.2:76-2A.13;

3. The Applicant shall make revisions to the April 22, 2024 site plan application (S24-014) as set forth in the May 30, 2024 notice of disapproval and comply with all other conditions required to receive the approval of the Cape May County Planning Board;

BE IT FURTHER RESOLVED, that the Board shall forward a copy of its written recommendation of the commercial farm designation of the Applicant to the SADC, Lower Township, and any other individual or organizations deemed appropriate by the Board within 30 days of the recommendation.



Matthew P. Stiles, Chairman

Offered By: Robert Schumann

Seconded By: JP Hand

Yes: Robert Schumann, JP Hand, Al Waterli, Matthew Stiles

No:

Absent: Kelly Keppel (Abstain)

Adopted: 7/27/24