

**A RESOLUTION
OF THE OCEAN COUNTY AGRICULTURAL DEVELOPMENT BOARD
ELIGIBILITY DETERMINATION FOR A REQUEST FOR A SITE SPECIFIC
AGRICULTURAL MANAGEMENT PRACTICE FOR
Filippone Farms, LLC.**

WHEREAS, Thomas Lanuto, operator of Filippone Farms, LLC (the "Applicant") applied to the Ocean County Agricultural Development Board ("OCADB" or "Board") for a Site Specific Agricultural Management Practice ("SSAMP") for Block 76, Lot 77.12 in the Township of Plumsted (the "Property"); and

WHEREAS, pursuant to the Right to Farm Act, N.J.S.A. 4:1C-1 et. seq. and the State Agricultural Development Committee's ("SADC's") Right to Farm Rules N.J.A.C. 2:76 et. seq., a commercial farm may make a request to the County Agricultural Development Board to determine if his or her operation constitutes a generally accepted agricultural operation or practice; and

WHEREAS, the Applicant has identified the nature or practice of the commercial farm operation located on the Property as follows:

1	Grow, process, and sell 5 varieties of hops
2	Harvest barley and have the barley malted/packaged
3	Grow, process, and sell different types of fruits and vegetables
4	Produce and sell eggs
5	Operate a State-licensed Limited Brewery with on- and off-site sales and a 20-seat tasting room

WHEREAS, pursuant to N.J.A.C. 2:76-2.3 (B) and N.J.S.A. 4:1C-9, upon receipt of request for a SSAMP, the Board must first determine whether the commercial farm satisfies at least one of following two conditions:

- (1) It is located in an area of which, as of December 31, 1997, or thereafter, agriculture is a permitted use under Municipal zoning ordinances and is consistent with the Municipal master plan ("Locational" Requirement) or
- (2) The commercial farm was in operation as of the effective date of the amended Right to Farm Act, July 2, 1998 ("Operational" Requirement) ;
and

WHEREAS, N.J.A.C. 2:76-2.1 and N.J.S.A. 4:1C-3 defines a "commercial farm" as either

- (1) A farm management unit no less than 5 acres, producing agricultural or horticultural products worth \$2,500.00 or more annually and satisfying the eligibility criteria for differential property taxation pursuant to the Farmland Assessment Act of 1994 or
- (2) A farm management unit less than 5 acres, producing agricultural or horticultural products for \$50,000.00 or more annually and otherwise

satisfying the eligibility criteria for differential property taxation pursuant to the Farmland Assessment Act of 1994; and

WHEREAS, on July 6, 2021, the Applicant filed an Application for FY22 Farmland Assessment and is currently assessed as a qualified farm; and

WHEREAS, on April 14, 2022, the Applicant reached out to the OCADB Staff and was provided a Commercial Farm Certification form; and

WHEREAS, on April 16, 2022, the Applicant returned the Commercial Farm Certification form filled out with attached associating documents;

WHEREAS, staff performed review of the documents and requested clarification on the income verification; and

WHEREAS, on May 24, 2022, the Applicant confirmed the staff interpretation of his receipts which totaled \$2,063.00; and

WHEREAS, the following exhibits were reviewed by the Board:

1. Cover Letter prepared by Thomas J. Lanuto, AIA of Lanuto Architecture, LLC in Forked River
2. Plumsted Township Development Application and Variance Relief Form
3. Section of property survey with proposed brewery operation highlighted
4. Pinelands Commission Certificate of Filing
5. 2021 Farmland Assessment
6. CADB Commercial Farm Certification Form
7. Receipts showing sales of agricultural products
8. Plumsted Township Zoning Application
9. Informal Review Letter from Township Land Use Board Engineer
10. Photos

WHEREAS, the Board has made the following findings of fact concerning the eligibility of the Applicant under the Right to Farm Act:

1. The Applicant has established the Property is greater than five (5) acres.
2. The Applicant has established that the Property has produced agricultural/horticultural products worth at least \$2,500.
3. The Property is eligible for differential property taxation pursuant to the Farmland Assessment Act of 1964.

4. The Property is located in an areas in which, as of December 31, 1997 or thereafter, agriculture has been a permitted use under the municipal zoning ordinances; and

WHEREAS, at the June 8, 2022 OCADB meeting the Board certified the Lanuto-Filippone Farm located at [redacted] in Plumsted Township as a commercial farm; and

WHEREAS, on June 27, 2022 Ocean County Planning Staff conducted a site inspection of the Property; and

WHEREAS, the Board requested a site plan of the property that is labeled correctly identifying where specific activities are taking place, such as cropland, parking, horse track, brewery, etc.; and

WHEREAS, the Applicant made notice of the public hearing in accordance with N.J.A.C. 2:76-2.8 and on July 18, 2022 the Applicant sent out public notices via certified mail to all neighbors on a certified list from Plumsted Township within 200 feet of the property; and

WHEREAS, on July 19, 2022 the public notice for Applicant Farm was published in the Asbury Park Press newspaper; and

WHEREAS, on July 22, 2022 a site plan for the Property was submitted by the Applicant to Ocean County Planning Staff; and

WHEREAS, on August 3, 2022 the County Engineer reviewed the site plan and provided the following comments:

- Applicant should dimension the county road full and half width right-of-way and if not to County Master Plan road widths provide a dedication for future road widening purposes
- Show opposite side of county road right-of-way
- Provide AASHTO site triangle at driveway
- Show corner monuments

WHEREAS, on August 10, 2022, the Board conducted a hearing regarding the Applicant's SSAMP Application; and

WHEREAS, on August 10, 2022, the Applicant testified the nature of the proposed on-farm direct marketing facility on the premises as follows:

- The Applicant intends to grows, process and sell hops and malted barley
- The Applicant has received a Limited Brewery License, issued by the State of New Jersey Department of Law and Public Safety, Division of Alcoholic Beverage Control.
- The Limited Brewery License allows the Applicant to process the agricultural output of the farm (hops and barley) into craft beer and sell the craft beer to visitors of the farm or at farmers markets.
- The Applicant testified that the processing of agricultural output of the farm (hops and barley) into craft beer and sell the craft beer to visitors is a generally accepted practice used by other farms within the State of New Jersey.
- The Applicant seeks to use 2,850 square feet of an approximate 4,000 square foot pre-existing detached pole barn for the processing of the agricultural products and a tasting room.
- The tasting room will provide a maximum indoor seating limitation of 20 persons and limit of a total indoor occupancy of 30 persons in the taste room at any given time.
- The operation of the taste room will be limited from May to the end of October. The brewery will be producing all year and you will be able to stop and buy a 4 pack to go. However, the Applicant testified that the focus of the craft brewery is to sell the product to liquor stores and farm markets. The hours of operation of the taste room will be from 4PM-6PM on Friday and 12PM-6PM on Saturdays and Sundays. The Applicant anticipates that necessary staffing levels during the operation of the taste room will be anywhere from 4 to 6 staff members.
- No additional lighting will be added to the property as no events will be taking place at night.
- A waste hauler will be coming to the property approximately once a month to dispose the wastewater. The truck used is approximately the size of a UPS or FedEx truck.

- The solid waste from the brewing process will be utilized as fertilizer for the farm. The Applicant testified that this is a common agricultural practice.
- The brewery will have a portable restroom equipped with a hand washing station on site. The company supplying the portable restroom will service and clean it. The applicant informed that there is a path for the pumping truck to access the facility.
- The parking area will be a grass area and will only be used when the facility is open. The site plan indicates room for 32 angled parking spaces.
- There will be no food trucks or live music such as bands at the brewery.
- The brewery will be taking place at the back of the property surrounded by buffers and also fulfilling all the setback standards.

WHEREAS, the Applicant used the following Exhibits to describe the on-farm direct marketing facility:

- Exhibit 1 – Site Plan
- Exhibit 2 – Photos
- Exhibit 3 – Additional Photos and floor plan of brewery

WHEREAS, during the hearing, the Board heard testimony from the following members of the public:

- Pedro Lescaille of [redacted] is concerned about the width of the Applicant's driveway and thinks this could be a problem with the potentially additional traffic. He is also concerned for people who are not part of the community consuming alcohol and being disrespectful and unsafe within the community. Another concern is if the Applicant was to sell the property then the next owner can use the protections of the SSAMP to a larger scale.
- Veronica Murray of [redacted] is concerned about the location of the portable restroom and the potential for them to be able to see it from there property. She is also concerned about there being a brewery right in the middle of a residential neighborhood and how it will impact the neighborhood. Another major concern she has is how the 30 occupant limit will be regulated within the brewery and there being 32 parking spaces.

- Ann Nobles of [redacted] is concerned about the amount of water it will take to run the brewery and how much it will pull from the system. She is also concerned about the brewery adding more noise, traffic, and pollution to the neighborhood potentially dropping property values. One last concern she has is other property owner's farm animals being disrupted by brewery customers.
- No representative of the Township of Plumsted was present or provided written objections.

WHEREAS, the Board allowed for the Applicant to address the public's concerns stating the following:

- The Applicant testified that the driveway to the Property is 20 feet wide allowing sufficient room to accommodate two-way traffic. The Applicant testified that he would trim the trees along the driveway to allow additional clearance for cars to enter and leave the Property.
- Gates will be added in front of the brewery preventing customers from walking off the Property.
- Alcoholic beverages will not be consumed outside of the building and on site staff will be regulating the 30 occupant limit.
- There is no mechanical exhaust system and the building is naturally vented. The surrounding area will not be able to smell or hear anything coming from the brewing process.
- The portable restroom will be located behind the building and out of sight of neighbors.
- The brewery will use approximately 100 gallons of water on a weekly basis causing for a very minimal effect to anyone else's water usage.

WHEREAS, on August 11, 2022, the Applicant provided an updated site plan indicating the location of the portable restroom, hand washing station(s), dimensions of County Road, AASHTO site triangle, and distance from Brewery building to each neighbor; and

NOW THEREFORE BE IT RESOLVED, that after the careful considerations and balancing of the Applicant's farming related interests with those legitimate interests of the

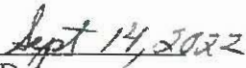
public and the impact of the brewery on public health and safety, the OCADB approves the SSAMP request for:

1. The operation of a farm based Limited Brewery within a pre-existing detached pole barn.
2. The OCADB finds that the operation of a farm based Limited Brewery is consistent with and in furtherance of the on farm direct marketing of agricultural products.
3. All activities related to the farm based craft brewery will take place within the building's interior tasting room and not outside of the building.
4. A maximum occupancy limit of 30 occupants at the brewery at one time.
5. 32 parking spaces located in the grass fields adjacent the driveway near the farm based brewery building.
6. The practice of disposing of all wastewater from the craft brewery process into a 1,500-gallon storage tank until a certified disposal company will legally dispose the byproduct.
7. Utilizing portable handicap accessible restrooms which will be serviced as needed to ensure proper health requirements are maintained
8. Approval of the SSAMP shall be consistent with the adopted On Farm Direct Marketing Agricultural Management Practice.

BE IT FURTHER RESOLVED, that the Board shall forward a copy of this Resolution to the Applicant, the Township of Plumsted, the State Agriculture Development Committee and any other individuals or organizations deemed appropriate by the Board within 30 days; and

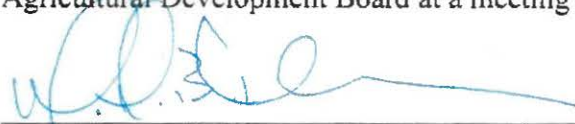
BE IT FURTHER RESOLVED that any person aggrieved by this Resolution may appeal to the SADC in accordance with the provisions of the Administrative Procedure Act, N.J.S.A. 52:14B-1, et seq., and the Uniform Administrative Procedure Rules, N.J.A.C. 1:1, within 45 days from the receipt of this Resolution. If this Resolution is not appealed within 45 days, the Resolution is binding.


Doug Hallock, OCADB Chairman


Date

	Yes	No	Abstain	Absent
Mr. Hallock	✓			
Ms. Sucharski				✓
Mr. Hunter	✓			
Mr. Lynch	✓			
Mr. Vogel	✓			
Mr. Riccardi	✓			

I hereby certify the above to be a true copy of a Resolution adopted by the Ocean County Agricultural Development Board at a meeting held on September 14, 2022.



MATHEW B. THOMPSON, Esq.
Attorney at Law, State of New Jersey

