

RESOLUTION 2022-05

Hunterdon County Agriculture Development Board

Determination for the Site-Specific Agricultural Management Practice Application

Susan and Allen Funk (West View Vines)

Block 25, Lot 4, Township of Raritan, County of Hunterdon

WHEREAS:

1. On April 20, 2022, a Site-Specific Agricultural Management Practice application was submitted by Susan and Allen Funk (hereinafter referred to as “West View Vines” or the “Applicant”), the owner of Block 25, Lot 4, in Raritan 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 construct a 15’ by 30’ concrete pad to be used by the applicant in their wine making operation. Specifically, providing relief from Raritan Township’s denial of a zoning permit for the construction of the concrete pad (Section 296-131(B)(1)).

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 9, 2022, the Board certified West View Vines as a commercial farm prior to scheduling a public hearing on the application. Allen Funk testified and furnished proofs that his operation met the required economic standard. The farm consists of greater than 5 acres and produces grapes and hay in excess of \$2,500 annually. Further, the Lot is within the Hunterdon Agriculture Development Area (ADA) and in the R-1 District, 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 7, 2021, CADB staff conducted a site visit of West View Vines.

5. The CADB scheduled a public hearing to determine whether West View Vines is entitled to Site Specific Agricultural Management Practice approval and relief from the Raritan Township zoning ordinance in connection with the construction of a 15’ x 30’ concrete pad for wine making.

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 West View Vines, as well as the Township of Raritan and the State Agriculture Development Committee.

7. The July 14, 2022 hearing was postponed by the CADB in order to allow County Counsel time to confirm with the SADC that the SADC did not want need to hear the matter instead of the CADB.

8. At the July 14, 2022 CADB meeting, County Counsel announced that the public hearing on the West View Vines SSAMP was carried to September 8, 2022 without the need for further notice.

9. On July 22, 2022, County Counsel confirmed with the SADC that the CADB was the proper body to hear the SSAMP for West View Vines.

10. The September 8, 2022 public hearing on West View Vines was carried to the October 13, 2022 CADB without further notice at the request of the Applicant who could not attend the September meeting.

11. At the October 13, 2022 hearing, Allen and Susan Funk appeared on behalf of West View Vines without an attorney. Michael Silbert, Esq. appeared on behalf of the Township of Raritan and several members of the public appeared as well.

Appearances and testimony were made over the course of the hearing by the following witnesses on behalf of the Applicant, Raritan Township and the public:

For West View Vines:

Allen Funk Applicant

Susan Funk Applicant

For Raritan Township:

Michael Silbert, Esq. Raritan Township Attorney

For the Public:

Ron Tonge Neighbor

Peter Smith Neighbor

Peter Lisi Neighbor

Roy Quintana Neighbor

Stephen Rubin Neighbor

Gregg Chaplin Neighbor

Kimberly Fromme Neighbor

Devin Cornia Executive Director of Northeast Organic Farming Association

John Wappel Neighbor

Mark Carvlin Neighbor

12. The Board received the following materials before and/or during the hearing:

a. Proof of publication of public hearing and notice to 200-foot list.

b. Correspondence from Ronald Tonge dated July 14, 2022

- c. Correspondence from Gregg and Dee Chaplin dated July 14, 2022
 - d. Correspondence from Peter Lisi dated July 13, 2022
 - e. Correspondence from Joseph Gill dated July 14, 2022
 - f. PowerPoint presentation from Applicant (presented at the hearing).
 - g. Correspondence from Ronald Tonge presented at the hearing and read into the record by Mr. Tonge.
13. The following relevant testimony was provided during the public hearing:
- a. West View Vines is located on a 6+ acre lot. One acre is dedicated to the house and the remaining 5+ acres are farmland assessed. The Applicant has 3.4 acres dedicated to growing grapes and 1.75 acres for growing hay. The 3.4-acre area designated for growing grapes currently has less than 3 acres of vines. Applicant has trellises constructed to plant an additional 600 vines in April of 2023. At that time the vineyard will be approximately 3.4 acres in size.
 - b. West View Vines is a new vineyard that has completed three harvests. The 2020 harvest sold its grapes to Unionville Winery, the 2021 harvest to Grape Finale and the 2022 harvest to Grape Escape. The Applicants practice organic farming and do not use irrigation.
 - c. The Applicants wish to obtain a farm winery license from the State of New Jersey so that they can make their own wine to gift/sell to family and friends.
 - d. Applicant will be making the wine inside an existing 30' x 30' detached garage located near the Applicants residence. They wish to install a 30' x 15' concrete pad over currently existing gravel in front of the garage. The existing gravel area is from a driveway turnaround that was torn out as part of the house renovation.
 - e. The purpose of the pad is to make the wine making process cleaner and more efficient. The grape bins and harvested grapes can be rinsed off and also the crushing equipment will be operated on the pad so that the equipment and the pad can easily be rinsed off after use.
 - f. Applicant currently anticipates using the crusher/de-stemmer and press to harvest the grapes approximately 2-3 times per year and cleaning the storage tanks and the bottle filling machine approximately 1-2 times per year.
 - g. Applicant estimates that right now he could make approximately 40-50 cases of wine (480-600 bottles) with the 2022 harvest. Applicant hopes that down the road he will have a large enough yield that he can bottle up to 1800 bottles, but that is all dependent on the harvest each year. Applicant will not make wine from grapes other than those grown on the property which limits the amount of wine he can make. If more grapes are grown than what is needed, he would sell those grapes to other winemakers.
 - h. Applicant agreed to install a retention area adjacent to the garage to collect water run-off that may come from the periodic rinsing. Applicant described the retention area not as a pond because

there wasn't enough water for that but more like a land sculpting to keep the water from running down the hill towards the cul-de-sac. Applicant will be utilizing the services of a licensed contractor to create the retention area along with planned changes to the driveway on the property.

- i. Applicant testified that the equipment will be washed with clean water and intends to use green cleaning supplies as much as possible. Applicant described the amount of water used to rinse off the equipment is similar to washing your car. Applicant does not irrigate the vineyard so the only water he will use is from the same well he uses for his residence. The wine would be stored in steel fermentation and storage, not in barrels because the steel is less water intensive.
- j. Any supplies necessary for the operation will be delivered like any other traditional residential deliveries using UPS, Federal Express or the USPS. An annual delivery of bottles is an exception.
- k. Applicant's property will not have a tasting room, they will not hold public events or have any public-facing signage. The finished product (wine) will be delivered to customers via the mail, hand delivery and some bottles will be picked up by friends and relatives.
- l. Currently, the Applicant does not advertise on the internet or social media and most of the interest in their grapes/wine is through friends and word of mouth. People are willing to buy their wine without having a tasting first because they are aware of Mr. Funk's reputation for being a "wine geek" and taking pride in his grapes/wine and using organic practices. Applicant may utilize internet based advertising or social media at some point in the future.
- m. Applicant testified that there will be no additional traffic due to their wine making activity. The wine making activity is relatively quiet and so the neighbors should not be disturbed by the crushing activity which only takes place 2-3 times a year.
- n. Neighbors raised concerns about traffic, water runoff, noise and over usage of water. The Applicant addressed all of these topics in its application.
- o. One neighbor alleged that this wasn't a real farm but was only for tax purposes and therefore it shouldn't be allowed to do any more than grow hay. Another neighbor spoke in favor of the farm and said if it is farmland assessed he should be able to operate it like any other farm.
- p. Another neighbor raised a concern that the Board didn't have jurisdiction because the Applicant did not currently have the necessary acreage to qualify for a farm wine license.
- q. The Township of Raritan and at least one neighbor was concerned that this application was a "slippery slope" and the applicant would be back at a later date to further expand their operation.
- r. The Executive Director of the Northeast Organic Farming Association spoke in favor of the operation and spoke of his familiarity with a traditional winery that was open to the public and explained that the differences between the two were a "whisper to a scream". He also suggested that the hay production on the property would help to reduce any potential runoff.

14. The Board carefully considered the testimony of the Applicant, Raritan Township Attorney, members of the public and the written comments submitted in making its determination.

15. The Applicant's position, which was presented to the Board at the hearing by Allen and Susan Funk is as follows:

- The Applicant proposes to construct a 15' x 30' concrete pad to be used by the Applicant in their wine making operation.
- The proposed concrete pad will be located in front of the existing detached garage.
- The Applicant will work with a contractor to provide a retention area to collect run-off from the pad after rinsing the wine making equipment.
- Applicant's current growing area is 3.4 acres with the remaining 1.75 acres devoted to another type of agriculture, such as hay production. Applicant reserves the right to configure the growing areas in the future so long as the property may still be maintained in farmland assessment.
- Applicant has agreed to limit their wine making operation to only the grapes that are grown on the farm and not to bring in any additional grapes for processing.
- Applicant has further agreed not to include public events, public tastings, on-site sales or public signage as part of their winery operation.
- All winemaking activities are governed by the New Jersey Division of Alcoholic Beverage Control.
- Prior to obtaining the necessary license to make wine the Applicant may utilize the concrete pad for activities related to the agricultural output such as rinsing grapes bins and grapes after harvest.
- West View Vines is a commercial farming operation performing generally accepted agricultural management practices. The proposed plan for the construction of a 15' x 30' concrete pad for wine making is a sound farming practice, and the Applicant should be afforded Right to Farm protection and relief from Raritan Township's denial of a zoning permit.

NOW, THEREFORE, BE IT RESOLVED THAT THE HUNTERDON COUNTY AGRICULTURE DEVELOPMENT BOARD, AFTER HEARING THE TESTIMONY AND EVIDENCE OF THE PARTIES, AND BALANCING THE INTERESTS OF WEST VIEW VINES, THE TOWNSHIP OF RARITAN, AND THE PUBLIC, MAKES THE FOLLOWING FINDINGS:

1. West View Vines operates a commercial farm as defined by N.J.S.A. 4:1C-3 and conducts permissible farming activities on the property pursuant to N.J.S.A. 4:1C-9.

2. The CADB approves West View Vines' Site Specific Agricultural Management Practice Application and grants the Applicants' specific request for relief from Raritan Township Code Section 296-131(B)(1), which requires a zoning permit for the construction of a 15' x 30' concrete pad for winemaking and related agricultural activities.
3. This approval is conditioned upon the Applicants specific conditions outlined in Paragraph 15 above. If the Applicant wishes to deviate from any of these previously agreed upon conditions, the Applicant must seek additional Right to Farm Protection from the CADB.
4. That the Board retains jurisdiction of this matter; and
5. That the Applicant has a legitimate farm-based reason not to comply with Raritan Township's zoning ordinance as the proposed use is a reasonable agricultural activity; and
6. That the Applicant will not implicate any health, safety and welfare issues;
7. 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).
8. 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: November 10, 2022