

THE WARREN COUNTY AGRICULTURAL DEVELOPMENT BOARD
THE DEPARTMENT OF LAND PRESERVATION
500 MT PISGAH AVE, P.O. BOX 179
OXFORD, NJ 07863

RIGHT TO FARM RESOLUTION NO. 09-01

On motion by Mr. Race, seconded by Mr. Baduini the following resolution was adopted by the Warren County Agricultural Development Board at a meeting held August 20, 2009.

RESOLUTION OF THE WARREN COUNTY AGRICULTURE DEVELOPMENT BOARD FINDING THAT IT HAS JURISDICTION IN THE MATTER OF THE APPLICATION OF CHELSEA FORGE VINTNERS, LLC RIGHT-TO-FARM APPLICATION AND APPROVING THE APPLICATION OF CHELSEA FORGE VINTNERS, LLC TO AMEND ITS EARLIER APPLICATION FOR CONSTRUCTION OF A 2,500 SQUARE FOOT ADDITION TO INCLUDE AN ADDITIONAL 400 SQUARE FEET FOR A TOTAL OF 2,900

WHEREAS, Chelsea Forge Vintners, LLC had previously received approval from the Warren County Agriculture Development Board in April 2006 to construct a 2,500 square foot addition to its existing building for storage of processing equipment, barrels of wine and supplies located at _____ Pohatcong, New Jersey, and;

WHEREAS, Chelsea Forge Vintners, LLC, applied to the Warren County Agriculture Development Board for approval to construct an additional 400 feet to the original addition of 2,500 feet for a total of 2,900 square feet; and

WHEREAS, the Board determined that Chelsea Forge Vintners, LLC operates a commercial farm in accordance with the requirements of N.J.S.A. 4:1C-9 and that it is engaged in a generally accepted agricultural operation or practice pursuant to N.J.A.C. 2:76-2B.2; and;

WHEREAS, in accordance with the procedure set forth in N.J.A.C. 2:76-2.10, a hearing was scheduled for June 18, 2009. By letter dated June 17, 2009, Lyn Paul Aaroe, Esq., attorney for the Township of Pohatcong requested an adjournment of the hearing date. The adjournment request was considered by the Board at the June 18, 2009 meeting where Pohatcong Township Mayor Babinsky and the Township Engineer, Mr. Weber, were present. The Board granted the adjournment request and the Township was advised that the hearing would be carried to the July meeting with no further notice being issued.

WHEREAS, in accordance with the procedure set forth in N.J.A.C. 2:76-2.10, a hearing was held on July 16, 2009. Chelsea Forge Vintners, LLC presented its case, and the Township of Pohatcong did not appear. The Township nor any of its representatives contacted the Board to advise that they would not attend and therefore the hearing proceeded with consideration of the Town's earlier letter dated May 28, 2009, objecting to the Board's consideration of this matter.

WHEREAS, the applicant Thomas M. Sharko, of Chelsea Forge Vintners, LLC, testified that this is a 400 foot addition to the plan which was originally approved by the Board and which will be utilized to house activities directly related to the agricultural use; and;

WHEREAS, the Township of Pohatcong had argued that the applicant should be required to obtain variance relief; and;

WHEREAS, having considered the evidence and testimony submitted by the parties and the Township of Pohatcong's arguments;

NOW, THEREFORE BE IT RESOLVED, that based upon the evidence submitted the Board finds as follows;

1) That Chelsea Forge Vintners, LLC operates a commercial farm in accordance with the requirements of N.J.S.A. 4:1C-9;

2) That Chelsea Forge Vintners, LLC is engaged in a generally accepted agricultural operation or practice pursuant to N.J.A.C. 2:76-2B.2;

3) That Chelsea Forge Vintners, LLC has a legitimate farm based reason for not complying with the Township of Pohatcong's ordinances requiring site plan approval as it is a small (400 square foot) addition to the originally approved 2,500 square foot addition to an existing building to house additional processing equipment, barrels of wine and supplies which are directly related to the agricultural use which presently exists on the property;

4) That the 400 square foot addition will not implicate any health, safety or welfare issues which do not already exist on the premises and which were not already considered by the Board;

5) That the Township of Pohatcong shall immediately issue all appropriate permits for the construction of an addition to the building as presented in the plans submitted;

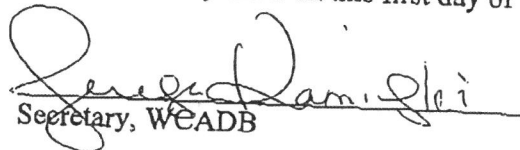
6) That the Board retains jurisdiction of this matter.

7) That Chelsea Forge Vintners, LLC must see the Warren County Planning Department regarding the County road for approval because the building is close to the road.

CERTIFICATION

I, Teresa Kaminski, Secretary to the Warren County Agriculture Development Board, do hereby certify the foregoing to be a true and accurate copy of a Resolution adopted by the Warren County Agriculture Development Board at a meeting of said Committee held on August 20, 2009.

IN WITNESS WHEREOF, I have hereunder set my hand on this first day of September, 2009.


Secretary, WCADB