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. 12-08

RESOLUTION OF THE WARREN COUNTY AGRICULTURE DEVELOPMENT BOARD APPROVING THE APPLICANT'S REQUEST FOR A SITE SPECIFIC DETERMINATION IN THE MATTER OF JOHN ANDERSON RIGHT-TO-FARM APPLICATION FOR CONSTRUCTION OF AN APPROXIMATE 40x70 FOOT BARN.

WHEREAS, John Anderson is the owner of the Anderson Family Farm, located on Lot 3, Block 3, Knowlton Township, New Jersey; and

WHEREAS, John Anderson applied to the Warren County Agriculture Development Board for a site specific determination for approval to construct a barn on Lot 3 consisting of approximately 40X70 feet; and

WHEREAS, the Board previously determined on February 16, 2012 that John Anderson operates a commercial farm in accordance with the requirements of N.J.S.A. 4:1C-9 and that he is engaged in a generally accepted agricultural operation or practice pursuant to N.J.A.C. 2:76-2B.2; and

WHEREAS, notice was provided to all property owners within 200 feet as suggested by the Court in Curzi v. Raub, 415 N.J.Super. 1 (N.J. Super. A.D. 2010); and

WHEREAS, notice was also provided to the State Agriculture Development Committee, Township of Knowlton, the Township, through its Zoning Officer, acknowledged receipt of the notice and advised that it had no issue with the Board granting approval to Mr. Anderson; and

WHEREAS, in accordance with the procedure set forth in N.J.A.C. 2:76-2.10, a hearing was held on March 15, 2012. Mr. Anderson presented his case, and the Township of Knowlton advised that approval should be granted; and

WHEREAS, the applicant testified that he was seeking to construct a 40X70 foot barn in the front yard which exceeded the number of accessory structures permitted in the front yard by the Knowlton Township Zoning Ordinance. Mr. Anderson testified that the barn would be utilized for, and directly related to, an agricultural use; and

WHEREAS, Mr. Anderson advised that he would comply with all the setback requirements; and

WHEREAS, having considered the evidence and testimony submitted by the parties;

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

1) That the Board previously determined that John Anderson operates a commercial farm in accordance with the requirements of N.J.S.A. 4:1C-9;

2) That John Anderson is engaged in a generally accepted agricultural operation or practice pursuant to N.J.A.C. 2:76-2B.2;

3) That, having received notice of the hearing, Knowlton Township appeared through its Zoning Officer, who advised that the Township had no objection to the requested relief;

4) That John Anderson has a legitimate farm based reason for not complying with the Township of Knowlton's ordinances requiring a variance to build a barn in the front yard.

5) That the barn building of approximately 40X70 feet, will not implicate any health, safety or welfare issues;

6) That the Township of Knowlton shall immediately issue all appropriate permits for the construction of a barn as presented in the application submitted to the CADB;

7) That the Board retains jurisdiction of this matter.

Roll Call: Mr. Schnetzer – yes; Mr. Race – yes; Mr. Baduini – yes; Mr. Toretta – yes; Mr. Gibbs – yes; Mr. Gourniak – yes; Ms. Willever – absent

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 March 15, 2012 on a motion by Mr. Race and seconded by Mr. Gourniak and to memorialize the Warren County Agriculture Development Board's action on April 19, 2012.

Teresa Kaminski