

**Board of Chosen Freeholders
County of Burlington
New Jersey**



Department of Resource Conservation

Mailing Address:

P.O. Box 6000
Mount Holly, New Jersey 08060-6000

BURLINGTON CADB RESOLUTION # 2009-18

Location:

1900 Briggs Road
Mount Laurel, New Jersey 08054

Telephone No. 856-642-3850
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**Determination Regarding Eligibility of a Farm Operation for Right to Farm Protection
Under The New Jersey Right to Farm Act**

Block 37, Lot 2.06 Lumberton Township
October 8, 2009

WHEREAS, on September 21, 2009, Burlington County received a written complaint from Ms. Cathy Borstad, Lumberton Township Zoning Officer (Complainant), regarding the operation of a farm located at _____ in Lumberton Township (Block 37, Lot 2.06) owned by Donald and Linda Moser; and

WHEREAS, this complaint was filed in accordance with the NJ Right to Farm Act N.J.S.A. 4:1C-1 (RTF Act) and the regulations detailed in N.J.A.C. 2:76-2.10 (the Regulations); and

WHEREAS, the complaint pertained to the existence of equine riding lessons provided on site and without municipal site plan approval; and

WHEREAS, the NJ State Agricultural Development Committee has adopted N.J.A.C 2:76-2A.10 & 2B.3 which establishes an Agricultural Management Practice (AMP) standard for the operation of Equine Activities on a Commercial Farm; and

WHEREAS, complementary equine activities such as riding lessons are eligible for Right to Farm protection subject to the requirements set forth in N.J.A.C. 2:76-2B.3 (c) – (g); and

WHEREAS, the Regulations require the Burlington County Agricultural Development Board (CADB) to evaluate complaints against farm operations addressed by an AMP adopted by the SADC; and

WHEREAS, the Regulations require that the CADB first contact the landowner to obtain evidence that the operation would qualify as a Commercial Farm under the RTF Act; and

WHEREAS, on September 23, 2009, staff met with the Mosers to review the submitted complaint and eligibility criteria as set forth in the RTF Act; and

WHEREAS, on September 28, 2009, staff submitted a letter to the Mosers further detailing the complaint, eligibility criteria and notification that this issue would be require action at the October 8, 2009 CADB meeting; and

WHEREAS, the Mosers have not been able to provide agricultural production income documentation in order to satisfy the definition of a Commercial Farm as detailed in the RTF Act; and

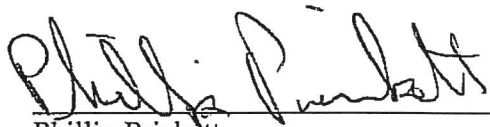
WHEREAS, N.J.A.C. 2:76-2B.3 (f) prohibits fees from riding and driving lessons to be used as income to satisfy productions requirements for RTF protection; and

WHEREAS, the Mosers have expressed an interest in contacting the SADC to deal with this matter through the NJ Agricultural Mediation Program; and

WHEREAS, the Complainant has expressed a willingness to participate in the NJ Agricultural Mediation Program,

NOW, THEREFORE BE IT RESOLVED, that the CADB finds that the Moser property located at 239 Main Street, Lumberton NJ (Block 37, Lot 2.06) does not meet the eligibility requirements cited in N.J.S.A. 4:1C-3 & N.J.A.C. 2:76-2B.3 (f) because the Mosers presented no evidence that this farm operation produces agricultural or horticultural products worth \$2,500 or more annually.

Date 10/8/09


Phillip Prickett
Chairman, Burlington CADB

Yeas: 8
Nays: 0
Abstentions: 0

(names) _____