



Board of Chosen Freeholders County of Burlington New Jersey



Department of: RESOURCE CONSERVATION

MARY PAT ROBBIE
Director of Resource Conservation

Phone: (856) 642-3850
Fax: (609) 726-7333

Physical Address:
624 Pemberton Browns Mills Rd
Pemberton, New Jersey 08068

Mailing Address:
P.O. Box 6000
Mount Holly, New Jersey 08060

BURLINGTON CADB RESOLUTION # 2016-13

Right to Farm Complaint Under The New Jersey Right to Farm Act

Block 1401, Lot 16.01 Springfield Township
May 12, 2016

WHEREAS, On December 16, 2015 Mr. Bernard Dunn, Zoning Officer for the Township of Springfield, filed a complaint to the Burlington County Agricultural Development Board ("Board") pursuant to the NJ Right to Farm Act N.J.A.C. 2:76-2.3 ("Act") pertaining to a specific activity occurring on the property referenced above; and

WHEREAS, according to the Springfield Township tax records, the property in question is owned and operated by Mr. and Mrs. James and Laura Wallace; and

WHEREAS, according to Springfield Township tax records the property is currently receiving agricultural assessment; and

WHEREAS, Mr. Dunn's complaint details the "parking of a commercial vehicle in a residential zone" in violation of municipal ordinance 215-136 (B); and

WHEREAS, the complaint includes pictures of a single, tri-axle dump truck on-site; and

WHEREAS, the complaint further states that the vehicle is used "primarily" for a "business"; and

WHEREAS, in accordance with the Act, via a letter dated December 24, 2015, Burlington County staff informed the municipality, the landowner and the NJ State Agriculture Development Committee of the complaint; and

WHEREAS, on December 30, 2015, Burlington County staff met with Mr. James Wallace on site and observed the tri-axle dump truck; and

WHEREAS, during this meeting Mr. Wallace acknowledged that he used the dump truck primarily for a commercial business, but also in support of his equine operation; and



WHEREAS, Staff reviewed the Right to Farm Act with Mr. Wallace and provided him with the necessary paperwork in order to seek Right to Farm eligibility and subsequent protections; and

WHEREAS, Mr. Wallace informed staff he would like Right to Farm protection and would be submitting the completed paperwork shortly; and

WHEREAS, by January 28, 2016 Burlington County staff received no documentation from Mr. Wallace; and

WHEREAS, on January 29, 2016 Burlington County staff submitted a letter to Mr. Wallace further detailing the Act and the specific requirements for eligibility under the Act; and

WHEREAS, on May 9, 2016 staff spoke with Mr. Wallace who then indicated that he did not wish to pursue Right to Farm Protection; and

WHEREAS, as stated in the N.J.A.C. 2:76-2.7 et.seq. the Board is to determine Commercial Farm eligibility; and


WHEREAS, the Board is unable to make such a determination due to the failure of the owner / operator to supply the necessary documentation

NOW THEREFORE BE IT RESOLVED the Board finds that it does not have jurisdiction in this matter,

NOW, THEREFORE, BE IT FURTHER RESOLVED that the Board finds that the Wallace property located designated as Block 1401, Lot 16.01 on the tax map of Springfield Township, Burlington County, is not a "commercial farm" as defined in N.J.S.A. 4:1C-3 and N.J.A.C. 2:76-2.1, because Mr. Wallace presented no evidence to the Board that the property meets the definition of a commercial farm as defined in the Act; and

BE IT FURTHER RESOLVED the Board recommends that copies of this resolution shall be submitted to Mr. Dunn, the Township of Springfield and the landowners.

Member	Yes	No	Abstain	Absent
Chairman Phillip Prickett	X			
Louis DeLorenzo	X			
Robert T. Eckert				
John M. Hlubik	X			
Peter Johnson	X			
Lawrence Kuser				
John J. Logue	X			
Timothy Lutz	X			
Lisa Post	X			
Paul Shinn				
D. Todd Wilkinson	X			


 Chairman Phillip Prickett
 Burlington CADB

5/12/16
 Date