County of Burlington

Department of Resource Conservation
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Eve A. Cullinan, ***County Administrator***

Board of County Commissioners
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Linda A. Hynes
Tom Pullion
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State of New Jersey Agriculture Development Committee
and
Burlington County Agriculture Development Board

BURLINGTON CADB RESOLUTION # 2021-3

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

Southampton Township
Block 1503, Lot 8

May 13, 2021

WHEREAS, On March 29, 2021 Mr. And Mrs. Jeff and Karen Campbell ("Complainant") of Southampton Township, submitted a Complaint (hereinafter, the "Complaint") to the Burlington County Agricultural Development Board ("Board"), pursuant to the NJ Right to Farm Act ("Act") N.J.S.A. 4:1C-10.1a and N.J.A.C 2:76-2.7a pertaining to a specific activity occurring on the property (the "Property") referenced above; and

WHEREAS, according to the Southampton Township tax records, the Property is owned by Mr. John Hancock; and

WHEREAS, John Hancock serves as the farm operator of the Property; and

WHEREAS, the Property is approximately 44 acres and contains approximately 20 acres of pasture; and

WHEREAS, the Property is operated as a cattle farm consisting of approximately 20 head of beef cattle; and

WHEREAS, according to Southampton Township tax records, the property is currently receiving agricultural assessment for property tax purposes and is in an area in which, as of December 31, 1997 or thereafter, agriculture has been a permitted use under the municipal zoning ordinance and is consistent with the municipal master plan, or that the commercial farm was in operation as of the effective date of P.L. 1998, c.48 (C.4:1C-10.1 et al); and

WHEREAS, the Complaint alleges the owner's refusal "...to maintain his farm by containing his cattle. We have repeatedly had cattle on our property doing damage for more than a year plus..."; and

WHEREAS, the Complaint further details interactions with Board staff regarding this matter; and

WHEREAS, pursuant to N.J.A.C 2:76-2.8(d)1, via letters dated March 31, 2021, Board staff informed the municipality, the landowner, and the NJ State Agriculture Development Committee of the Complaint; and

WHEREAS, pursuant to N.J.A.C. 2:76-2.7(b), the board shall contact the commercial farm owner or operator to provide evidence that the agricultural operation is a commercial farm pursuant to N.J.S.A. 4:1C-3; and

WHEREAS, since the March 31 letters, Board staff has had two additional contacts via phone calls with Mr. Hancock reviewing the Right to Farm process and the allegations contained in the Complaint and the information Mr. Hancock is required to submit in order to seek Right to Farm protections; and

WHEREAS, the March 31st, 2021 letter addressed to Mr. Hancock requested that by April 16, 2021, he submit proof of income "...of at least $2,500..." as required by the Act; and

WHEREAS, on April 16, 2021 Mr. Hancock contacted Board staff explaining that he did not have the necessary documentation to prove the income eligibility requirement and that he would not be seeking Right to Farm protection for this matter; and

WHEREAS, pursuant to N.J.A.C. 2:76-2.7(c)1 the board shall, at one or more regular meeting(s), determine Commercial Farm eligibility and/or determine whether the operation or practice is included in one or more of the permitted activities set forth in N.J.S.A. 4:1C-9.; and

NOW THEREFORE, BE IT RESOLVED by the Board after reviewing the allegations in the Complaint, and the lack of proof of income as required by the farm owner / operator the Board makes the following findings:

1. The Complaint filed in this matter was duly filed and was considered by the Board.

2. The farm management unit designated as Block 1503, Lot 8 on the tax map of Southampton 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 the farm operator presented no evidence to the Board to prove that the property meets the statutory or the regulatory definition of a "commercial farm."

3. A copy of this Resolution shall be transmitted to Mr. & Mrs. Jeff and Karen Campbell, to the Township of Southampton and to Mr. John Hancock.

4. The Board lacks jurisdiction over the activities occurring on the property and dismisses the complaint. The activities occurring on the property are outside the purview of the Board and remain under the jurisdiction of applicable municipal, state or federal agencies.

5. Pursuant to N.J.A.C. 2:76-2.7(k), any person aggrieved by the Board's decision may appeal the decision to the SADC within 10 days from the receipt of the Board's decision. The SADC shall schedule a hearing and make a determination within 90 days of the receipt of the petition for review.

Member	Yes	No	Abstain	Absent
Phillip Prickett				X
John H. Hlubik	X			
Peter Johnson				X
Paul Shinn				X
Sherry Dudas	X			
Stephen Specca	X			
Jeff Tober (Alt.)				X
Kevin Sparkman				X
John Kocubinski				X
Daniel Kennedy	X			
Ed Cohen	X			
Randi Rothmel	X			
Brian Lestini	X			

Daniel Kennedy
Vice-Chairman, Burlington CADB

5/13/2021
Date