

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

**RESOLUTION NO. 22-14**

On motion by Mr. Bodine, and seconded by Mr. Hood, the following resolution was adopted by the Warren County Agricultural Development Board at a meeting held October 20, 2022.

**RESOLUTION OF THE WARREN COUNTY AGRICULTURE DEVELOPMENT  
BOARD APPROVING THE APPLICANT'S REQUEST FOR A SITE SPECIFIC  
DETERMINATION IN THE MATTER OF HILL TOP FARM, BLOCK 601, LOT  
62 IN BLAIRSTOWN TOWNSHIP, WARREN COUNTY, NEW JERSEY,  
RIGHT-TO-FARM APPLICATION FOR APPROVAL TO PERMIT  
CONSTRUCTION OF A PROPOSED 70 FOOT LENGTH X 50 FOOT WIDTH  
X 20 FOOT HEIGHT METAL POLE BARN FOR STORAGE OF  
AGRICULTURE EQUIPMENT**

**WHEREAS**, pursuant to the Right to Farm Act, N.J.S.A. 4:1C-1 et seq. and the State Agriculture Development Committee regulations, N.J.A.C. 2:76-2.3(a), a commercial farm owner or operator may make a request to the County Agriculture Development Board (hereinafter "Board") to determine whether its operation constitutes a generally accepted agricultural management practice; and

**WHEREAS**, Hill Top Farm, owned by Jack Brink, (the "Applicant") applied for a Site Specific Agricultural Management Practice ("SSAMP") determination for their property located at [redacted] in the Township of Blairstown, New Jersey, and known as Block 601, Lot 62 on the Township Tax Map ("Property"); and

**WHEREAS**, pursuant to N.J.A.C. 2:76-2.3(b), the applicant advised the State Agriculture Development Committee and Blairstown Township of the request for a SSAMP determination; and

**WHEREAS**, pursuant to N.J.S.A. 4:1C-9 and N.J.A.C. 2:76-2.3, upon receipt of a request for a SSAMP, the Board must first determine whether the Applicant's operation satisfies at least one of the following two conditions:

- (1) It is located in an area of which, as of December 31, 1997, or thereafter, agriculture is a permitted use under Municipal zoning ordinances and is consistent with the Municipal master plan; or
- (2) The commercial farm was in operation as of the effective date of the amended Right to Farm Act, July 2, 1998; and

**WHEREAS**, based upon the application documentation submitted by the Applicant, including a copy of the Blairstown Township Zoning Map and pertinent sections of the Blairstown Township Zoning Ordinance, the Board finds that the Property is located in the "R-5" Zone which, as of December 31, 1997, or thereafter, agriculture is a permitted use pursuant to Blairstown Township Municipal Zoning District Regulations 19-400 Section §19-405 (A) and is consistent with the Blairstown Township Municipal master plan; and

**WHEREAS**, pursuant to N.J.S.A. 4:1C-3 and N.J.A.C. 2:76-2.1 defining “commercial farm”, the Board also must determine whether the Applicant’s operation satisfies at least one of the following two requirements:

- (1) A farm management unit of no less than 5 acres, producing agricultural or horticultural products worth \$2,500.00 or more annually and satisfying the eligibility criteria for differential property taxation pursuant to the Farmland Assessment Act of 1994; or
- (2) A farm management unit of less than 5 acres, producing agricultural or horticultural products for \$50,000.00 or more annually and otherwise satisfying the eligibility criteria for differential property taxation pursuant to the Farmland Assessment Act of 1994; and

**WHEREAS**, based upon the application documentation submitted by the Applicant, including a copy of Applicant’s 2021 FA-1, the Board finds that Applicant’s farm management unit includes the 16.8 acres owned by Applicant and therefore is not less than 5 acres;

**WHEREAS**, based upon the application documentation submitted by the Applicants, including a copy of the Schedule F “Profit and Loss From Farming” statement from Applicants’ 2021 Federal Income Tax Returns, the Board finds that the Applicants’ farm management unit produces agricultural and horticultural products in excess of \$2,500.00 and satisfies the eligibility criteria for differential property taxation pursuant to the Farmland Assessment Act of 1994; and

**WHEREAS**, having made the above findings at its August 18, 2022 meeting, the Board adopted Resolution #22-12 determining that Hill Top Farm, Block 601 Lot 62, in Blairstown Township is a Commercial Farm pursuant to N.J.S.A. 4:1C-1 et seq. at their September 15, 2022 Meeting; and

**WHEREAS**, pursuant to N.J.S.A. 4:1C-9, to be eligible for protection under the Right to Farm Act, the agricultural operation must also: (1) conform to agricultural management practices adopted by the Committee; (2) comply with all relevant Federal or State statutes and regulations; and (3) not pose a direct threat to public health and safety; and

**WHEREAS**, pursuant to N.J.A.C. 2:76-2.3(i), the Board scheduled a public hearing regarding Applicant’s request for a SSAMP determination which was noticed to take place at the September 15, 2022 Board meeting; and

**WHEREAS**, the Applicant provided the Board with proof of written notice having been made in accordance with the requirements of N.J.S.A. 2:76-2.8(c), including, but not limited to, proof of written notice to all property owners within 200 feet of Applicant’s Property, Blairstown Clerk and Land Use Board, the State Agriculture Development Committee, the Warren County Planning Board and proof of publication of the Notice of Hearing in The Daily Record, Morris County, New Jersey on September 4, 2022; and

**WHEREAS**, the Applicant was represented by himself and provided sworn testimony under oath, and;

**WHEREAS**, Jack Brink gave the following testimony about his property and the building that he wishes to construct on the property:

- a. The subject property is currently 16.8 acres.
- b. He is seeking to construct a 70 foot length by 50 foot width by 20 foot height metal pole barn, and the proposed building will be adhere to the Township's set back requirements.
- c. The proposed building will be used to house farm equipment.
- d. The proposed building will be located near an existing driveway on the property.
- e. Due to the shape of the property (flag lot) and environmental constraints on the property (Yard Creek is located behind the applicant's house and winds around the applicant's property), the applicant wishes to place the new agricultural barn in the front yard of his property.
- f. The Blirstown Township Code relating to accessory buildings and structures in the R-5 (Single-Family Residential) Residential Zoning District, Ordinance Article 19-400, §19-401 F., prohibits placement of an accessory building or structure in the front yard.
- g. There are presently two houses and one barn on this property, which is why the Township referred him to the Board.

**WHEREAS**, Mr. Tierney stated that there were concerns regarding the location of this building within the Riparian Buffer zone as Yard's Creek, which winds around the property, is a Category I Stream.

**WHEREAS**, the meeting was opened to members of the public to ask questions or raise concerns regarding this Application. No members of the public requested to speak on this application; and

**WHEREAS**, The Blirstown Township Zoning Officer, David J. Diehl, supports the applicant's proposed location of the barn/agricultural building on the subject lot as noted in the correspondence to the Warren County Department of Land Preservation submitted by David J. Diehl, Zoning Officer, Blirstown Township, dated August 31, 2022; and

**WHEREAS**, no members of the Township appeared to give testimony on this application.

**NOW, THEREFORE BE IT RESOLVED**, that based upon the evidence submitted and testimony presented by the Applicant, the Board finds as follows:

- 1) That the Board previously determined that Applicant operates a commercial farm in accordance with the requirements of N.J.S.A. 4:1C-9; and
- 2) Testimony from Jack Brink was considered; and
- 3) The Applicant is engaged in a generally accepted agricultural operation or practice pursuant to N.J.A.C. 2:76-2B.2, specifically the storage of farm equipment and ag production; and
- 4) The Board retains jurisdiction of this matter; and
- 5) The Board finds that the Applicant has a legitimate, farm-based reason for the construction of the proposed building (accessory structure), and grants the Applicant relief from Blirstown Township's Code Ordinance Article 19-400, § 19-401 F; and

- 6) The Applicant must comply with the balance of the Blairstown Township Zoning Ordinance, including the Township's front side yard setback of 50 feet for R-5 District Zones listed in the Township's Code 19-400 Section 19-405 (D) § Area and Yard Requirements; and
- 7) The Applicant shall comply with all relevant Federal or State statutes and regulations, and shall not pose a direct threat to public health and safety; and
- 8) The Township of Blairstown shall permit the Applicant to construct a 70 foot length by 50 foot width by 20 foot height metal pole barn; and
- 9) Implementation of any improvements or activities on the Property shall conform to all relevant Federal and State statutes, rules and regulations, including, but not limited to the New Jersey Department of Agriculture, New Jersey Department of Environmental Protection, and the United States Department of Agriculture; and
- 10) The Applicant shall obtain all necessary governmental approvals (or waivers thereof) from any other governmental agencies with jurisdiction over the improvements or activities proposed and hereby approved, which may include the municipal Fire and Construction Officials, Warren County Health Department, Warren County Planning Board, Upper Delaware Soil Conservation District, New Jersey Department of Environmental Protection, New Jersey Highlands Council or other governmental agencies as may be applicable; and
- 11) The proposed structure shall only be used for agricultural storage.

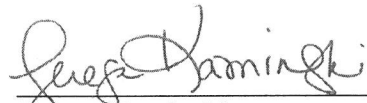
**BE IT FURTHER RESOLVED**, that the Board conditioned the approval on the Applicant obtaining a New Jersey Department of Environmental Protection permit, if found relevant, for the property, Block 601, Lot 62 due to concerns of Riparian Buffer boundary on the Category I Yard's Creek that winds around his property; and

**BE IT FURTHER RESOLVED**, that the Board shall forward a copy of its written decision of the SSAMP Resolution to Hill Top Farm (Jack Brink, Applicant), the Township of Blairstown, the State Agriculture Development Committee (SADC), and any other individuals or organizations deemed appropriate by the Board within 30 days of the memorialization of this recommendation.

Roll Call: Mr. Schnetzer – yes; Mr. Bodine – yes; Mr. Mathez – yes; Mr. Burke – yes;  
Mr. Hood – yes; Mrs. Watters – yes; Mr. Menegus – abstain.

### **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 Board held on October 20, 2022 to memorialize the Board's action on September 15, 2022 in which a motion was made by Mr. Bodine and seconded by Mr. Burke and Roll Call at said meeting was as follows: Mr. Schnetzer – yes; Mr. Bodine – yes; Mr. Burke – yes; Mr. Hood – yes; Mrs. Watters – yes. Mr. Menegus recused and Mr. Mathez absent.

A handwritten signature in cursive script, appearing to read "Teresa Kaminski".

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Teresa Kaminski,  
Secretary to the Board