

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

RESOLUTION NO. 24-01

On motion by Mr. Mathez, and seconded by Mrs. Watters, the following resolution was adopted by the Warren County Agricultural Development Board at a meeting held January 18, 2024.

RESOLUTION OF DENIAL

**RESOLUTION OF THE WARREN COUNTY AGRICULTURE
DEVELOPMENT BOARD DENYING AN APPLICATION FOR A SITE
SPECIFIC AGRICULTURAL MANAGEMENT PRACTICE FOR THE [REDACTED]
FARM, BLOCK 201, LOT 11 & BLOCK 203 LOT 1 IN ALLAMUCHY
TOWNSHIP, WARREN COUNTY, NEW JERSEY**

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, [REDACTED] (the “Applicant”) applied for a Site Specific Agricultural Management Practice (“SSAMP”) determination for his property located at [REDACTED] in the Township of Allamuchy, New Jersey, and known as Block 201 Lot 11 and Block 203 Lot 1 on the Township Tax Map (“Property”)

WHEREAS, pursuant to N.J.A.C. 2:76-2.3(b), the Board advised the State Agriculture Development Committee (SADC) and Allamuchy 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 copies of the Allamuchy Township Zoning Map and pertinent sections of the Allamuchy Township Zoning Ordinance, the Board finds that the Property is located in the “RR Rural Residential Zone” which, as of December 31, 1997, or thereafter, agriculture is a permitted use pursuant to Allamuchy Township Municipal Zoning Ordinance §190-405A and is consistent with the Allamuchy 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 Applicant’s 2022 and 2023 Application for Farmland Assessment, the Board finds that Applicant’s farm management unit includes the 202 acre Lot 11 and the 98 acre Lot 1 owned by Applicants as well as some adjoining additional acreage under lease and therefore is not less than 5 acres;

WHEREAS, based upon the application documentation submitted by the Applicant, including a copy of the Schedule F “Profit and Loss From Farming” statement from Applicant’s 2022 Federal Income Tax Returns, the Board finds that the Applicant’s farm management unit produces agricultural 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, 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, the Board by Resolution #22-07, dated September 21, 2023 granted Certification of Commercial Farm to the applicant, Mr. [REDACTED] of [REDACTED] Acres, Block 201 Lot 11 and Block 203 Lot 1, Allamuchy Township; and

WHEREAS, on July 20, 2023, the SADC received an inquiry from a neighbor of Block 203 Lot 1 for suspicious trucking activity on the preserved farm that was referred to the County as the Deed of Easement holder; and

WHEREAS, on July 26, 2023, the Township of Allamuchy filed a Complaint and Request for Formal Conflict Resolution with the Board regarding [REDACTED] property, Block 203 Lot 1; 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 Right-to-Farm SSAMP determination which was noticed to take place at the September 21, 2023 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, the Township of Allamuchy, the Allamuchy Land Use Board, the Warren County Planning Board, the State Agriculture Development Committee, and proof of publication of the Notice of Hearing in Morris County’s The Daily Record and Easton’s The Express-Times; and

WHEREAS, the Applicant was represented by George Daggett, Esq., and Mr. Daggett requested referral to the SADC's Agricultural Mediation program in lieu of proceeding with the scheduled Right-to-Farm SSAMP Hearing on September 21, 2023; and

WHEREAS, the Township of Allamuchy was represented by Richard Beilin, Esq., and Mr. Beilin did not object to Applicant being referred to the SADC's Agricultural Mediation Program; and

WHEREAS, the Board agreed to cancel the Right-to-Farm SSAMP Hearing on September 21, 2023 at the Applicant's request and refer the Applicant to the SADC's Agricultural Mediation Program; and

WHEREAS, an announcement was made at the Board's September 21, 2023 meeting of the transfer and public notice of RTF SSAMP Hearing cancellation was placed on the County website; and;

WHEREAS, having been permanently preserved as farmland, Applicant's Property (Block 201 Lot 11 and Block 203 Lot 1 in Allamuchy Township) shall be retained for agricultural use and production in compliance with N.J.S.A. 4:1C-11 et seq., and all other rules promulgated by the SADC; and

WHEREAS, the SADC informed the Warren County Agriculture Development Board that the Board would need to first confirm there are no outstanding violations of the farmland preservation deed of easement restrictions on the Applicant's farm before the SADC would proceed with mediation; and

WHEREAS, Applicant's farm was inspected on October 10, 2023 by Corey Tierney, Administrator, CADB and Board members, Rene Mathez and Tim Bodine;

WHEREAS, Mr. Tierney's photos of the site showed a large, green, metal garage building measuring approximately 34 feet by 60 feet, commercial trucks, trailers, excavating equipment, and mound of stones (*Attachment-1, Photos taken of Applicant's farm by Mr. Tierney on October 10, 2023*); and

WHEREAS, of the multiple trailers that were present on the property during the inspection, Applicant identified only three trailers which he owned and stated all other trailers belonged to his cousin and were not used for farm operations; and

WHEREAS, one of the Applicant's trailers contained hay, a second trailer contained timber from an old barn that was taken down on the property which Applicant stated he intends to reuse, and a third trailer contained scrap metal; and

WHEREAS, Applicant could not provide access to the interior of the green metal garage during the inspection but stated his cousin used it for his business; and

WHEREAS, there is not an exception area on the Applicants preserved farm; and

WHEREAS, Mr. Tierney told Mr. [REDACTED] during the inspection that the farm appears to be in violation of the deed of easement because Applicant's cousin was using the area for a non-agricultural use, but that the Warren County Agriculture Development Board would ultimately have to make the determination; and

WHEREAS, Mr. Tierney provided a Rural MicroEnterprise Act Application for the non-agricultural activity on the preserved farm to the applicant's attorney on October 12, 2023; and

WHEREAS, at its November 16, 2023 monthly meeting, the Board reviewed the photos taken by Mr. Tierney and discussed the site visit of October 10, 2023; and

WHEREAS, the Board determined at this meeting that the trailers, equipment, and activities associated with the Applicant's cousin's business constituted an impermissible, non-agriculture use on the preserved farm and that the applicant, Mr. [REDACTED] was therefore in violation of the deed of easement for Block 203 Lot 1 in Allamuchy Township; and

WHEREAS, Mr. Tierney notified the Applicant and his attorney on November 28, 2023 of the deed of easement violation and again invited the Applicant to contact the SADC about applying for a Rural Microenterprise Permit; and

WHEREAS, on December 11, 2023 Mr. David Kimmel, Agricultural Resource Specialist at the SADC, notified Mr. Daggett and Mr. Beilin that the SADC could not proceed with mediation because the Board found the farm to be in violation of the farmland preservation deed of easement; and

WHEREAS, On December 12, 2023 Mr. Tierney notified Mr. Daggett and Mr. Beilin that he would prepare a resolution denying Mr. [REDACTED] SSAMP application for the CADB's January 18, 2024 meeting based on the DOE violation, but if Mr. [REDACTED] files a Rural Microenterprise application with the SADC prior to January 18th, then the Board would table the resolution pending a determination by the SADC on that application; and

WHEREAS, the Board did not receive notice from Mr. Daggett, the Applicant, or the SADC that Applicant submitted a Rural Microenterprise application; and

NOW, THEREFORE BE IT RESOLVED, that based upon the foregoing, the Board finds that the Applicant's operation is not eligible for protection under the Right to Farm Act, N.J.S.A. 4:1C-9, because the Applicant's operation does not comply with N.J.S.A. 4:1C-11, and therefore this application for Right to Farm Site Specific Agricultural Management Practice is hereby DENIED.

BE IT FURTHER RESOLVED, that the Board shall forward a copy of its written decision of the Denial Right-to-Farm SSAMP Resolution to Keith [REDACTED] applicant, George Daggett, attorney for the applicant, the Township of Allamuchy, 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. Mathez – yes; Mr. Bodine – yes; Mr. Burke – yes;
Mr. Hood – yes; Mrs. Watters – yes; Mr. Menegus – yes.

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 January 18, 2024.



Teresa Kaminski

