Salem County Agriculture Development Board
51 Cheney Road
Woodstown, NJ 08098
(856)339-8619

December 3, 2020

Mrs. Susan Payne, Executive Director
State Agriculture Development Committee
Health/Agriculture Building
PO Box 330
Trenton, NJ 08625-0330

RE: SSAMP – Running Deer Farms. LLC

Dear Mrs. Payne,

An SSAMP request was filed and received by Running Deer Farms, LLC on October 1, 2020. The Salem CADB held a formal hearing at its October 28, 2020 meeting and attached is a copy of the approved Salem CADB resolution that was approved at its December 2, 2020 meeting.

Sincerely,

Kris Alexander
Salem CADB
Program Administrator

Enclosure
Cc: Quinton Township (w/enclosure)
Adam Telsey (w/enclosure)

RESOLUTION OF THE SALEM COUNTY AGRICULTURE DEVELOPMENT BOARD

2020-3

Determination of Site-Specific Agriculture Management Practice for Running Deer Farms, LLC – Quinton-Hancocks Bridge Road

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 to determine if his or her operation constitutes a generally accepted management practice; and

WHEREAS, Adam I. Telsey, Esquire, on behalf of the applicant submitted a request for a Site-Specific Agriculture Management Practice (hereinafter "SSAMP") via letter dated September 28, 2020; and

WHEREAS, the request asked for a Site-Specific Agriculture Management Practice permitting the installation of a pole barn for housing of farming vehicles and equipment (the "project") on property designated as Quinton Township Block 17, Lot 8; and

WHEREAS, the applicant provided proof of publication and notice to adjacent property owners and the Township of Quinton as required by the relevant statutes and administrative codes; and

WHEREAS, the application provided certain exhibits as part of their application, including a copy of the deed, farmland assessment applications for 2021, copy of tax map, sketch of proposed building, copy of the Deed of Easement and testimony presented during the meeting of October 28, 2020; and

WHEREAS, the applicant seeks SSAMP approval for the purpose of obtaining a municipal zoning permit for the project despite any potential zoning noncompliance, and without the need for municipal site plan review; and

WHEREAS, during the meeting on October 28, 2020, the applicants appeared and presented testimony in support of their application; and

NOW, THEREFORE, BE IT RESOLVED that the Salem County Agriculture Development Board makes the following findings:

1. The property in question is Block 17, Lot 8 in Quinton Township, owned by the applicant;
2. Running Deer Farms, LLC (Wayde Allen) is the operator of the farm;
3. The property meets the eligibility criteria for differential property taxation pursuant to the Farmland Assessment Act of 1964, P.L. 1964, c. 48 (N.J.S.A. 54:23.1 et seq);
4. The property is located in an area in which agriculture is a permitted use under the municipal zoning ordinance and is consistent with the municipal master plan;
5. The Board incorporates the documents submitted with the application by reference as well as the additional testimony, Glen Hoefactor, at the meeting of October 28, 2020;
6. The applicant's proposed pole barn for farm equipment storage and such activity is "included in" or "related to" one or more of the protected agricultural activities that are listed in *N.J.S.A.* 4:1C-9.

7. The applicant has demonstrated that the project by virtue of the applicant's depictions and explanations of the subject property and the project's proposed location within the subject property, has demonstrated legitimate agriculturally-based reasons for deviation from any potentially-applicable zoning requirements that are not satisfied. The Township of Quinton received notice of the application and has expressed no concerns or objections relating to the project of any potentially applicable zoning or site plan requirements. For these reasons, and given the important public policy objectives of the Right to Farm Act, the Board finds that the "balancing test" mandated by the New Jersey Supreme Court in *Twp. of Franklin v. den Hollander*, 172 N.J. 147 (2002) should be struck in the applicant's favor.
8. The Board is satisfied that that the applicant's commercial farm operation and project is in compliance with relevant state law and does not pose a direct threat to public health and safety.
9. For the above reasons, the Board finds that the applicant's project is entitled to SSAMP approval.

BE IT FURTHER RESOLVED that upon consideration of the documentation presented and the findings of fact, the Salem CADB determines that the applicant is entitled to protections under the Right to Farm Act and the applicant's Site Specific Agriculture Management Practice application is hereby approved.

BE IT FURTHER RESOLVED that, for the reasons set forth above and the preemptive effect of the Right to Farm Act and this SSAMP approval, the Board intends for this signed resolution together with the application plans and materials, to serve as sufficient basis for the Quinton Township Zoning Officer to issue such zoning permit(s) as may be necessary for issuance of building permits for the applicant's project.

BE IT FURTHER RESOLVED that the Board shall forward a copy of its written recommendation of the SSAMP to the State Agriculture Development Committee within thirty (30) days, pursuant to N.J.A.C. 2:76-2.3(e) as well as to Quinton Township and any other individual or organization deemed appropriate by the Board within 30 days of this recommendation.

BE IT FURTHER RESOLVED that any party aggrieved by this decision, may appeal to the State Agriculture Development Committee, pursuant to N.J.A.C. 2:76-2.3(f).

SALEM COUNTY AGRICULTURE
DEVELOPMENT BOARD

Dean W. Sparks

DEAN SPARKS, CHAIRMAN

Dated: 12.2.20