

**RESOLUTION NO. 06-**

**RESOLUTION OF THE WARREN COUNTY AGRICULTURE DEVELOPMENT BOARD ACCEPTING JURISDICTION IN THE MATTER OF JASON PETTY'S REQUEST FOR A SIGHT SPECIFIC DETERMINATION PURSUANT TO THE RIGHT-TO-FARM ACT AND APPROVING THE APPLICATION OF MR. PETTY FOR CONSTRUCTION OF A BARN IN THE ABSENCE OF A PRIMARY STRUCTURE**

WHEREAS, Jason Petty applied to the Township of Franklin for a permit to construct a 60 ft. x 120 ft. barn on his property and same was denied since accessory structures are not permitted when there is no primary structure; and

WHEREAS, Jason Petty applied to the Warren County Agriculture Development Board for approval to construct a barn for storage of farm related equipment and supplies on an existing thirty (30+) acre parcel of land which he actively farms; and

WHEREAS, the Board determined that Jason Petty operates a commercial farm in accordance with the requirements of N.J.S.A. 4:1C-9 and that he is engaged in a generally accepted agricultural operation or practice pursuant to N.J.A.C. 2:76-2B.2; and

WHEREAS, in accordance with the procedure set forth in N.J.A.C. 2:76-2.10, a hearing was held on February 7, 2006. Mr. Petty presented his case and the Township of Franklin, through its counsel John M. Zaiter, presented its arguments by way of a letter dated February 6, 2006, which was read into the record; and

WHEREAS, having considered the evidence and testimony submitted by the parties and the reasons for the Township of Franklin's prohibition against locating accessory buildings in the absence of a principal structure and its position that the property was landlocked.

NOW, THEREFORE BE IT RESOLVED, that based upon the evidence submitted the Board finds as follows:

1. That Jason Petty operates a commercial farm in accordance with the requirements of N.J.S.A. 4:1C-9.

2. That Jason Petty is engaged in a generally accepted agricultural operation or practice.

3. That Jason Petty has a legitimate farm based reason for not complying with the Township of Franklin's Ordinances prohibiting construction of an accessory use in the absence of a principal structure.

4. That as a matter of law, property cannot be landlocked in the State of New Jersey.

5. That Jason Petty has access to the property which is the subject of this application.

6. That the Township of Franklin shall immediately issue all appropriate permits for the construction of a barn in the absence of a principal structure.

7. That the Board retains jurisdiction of this matter.

### CERTIFICATION

I, Janette Hendershot, 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 Committee held on February 7, 2006.

IN WITNESS WHEREOF, I have hereunder set my hand and the official seal of this body this 13<sup>th</sup> day of March, 2006.

SEAL:

 Janette Hendershot

DATE REC'D 3/17/06 BY [Signature]  
FRANKLIN TOWNSHIP

CC: TWP. COMM.  PL. B.D.

ENGINEER  TREASURER

AL. ONLY  BLDG/ZON.