

County of Burlington

Department of Resource Conservation
50 Rancocas Rd., Mount Holly, NJ 08060
Mailing: P.O. Box 6000, Mount Holly, NJ 08060 (856) 642-3850 www.co.burlington.nj.us

Eve A. Cullinan, County Administrator

Board of County Commissioners

Felicia Hopson, Director Dan O'Connell, Deputy Linda A. Hynes Tom Pullion Balvir Singh

BURLINGTON CADB RESOLUTION # 2021-06

Site Specific Agricultural Management Practice Determination Under The New Jersey Right to Farm Act Diane & Grant Gabler

Pemberton Township Block 800, Lot 4.10 July 8, 2021

WHEREAS, Diane & Grant Gabler on behalf of Pinelands Produce, the current operators of the abovereferenced farm ("Applicant"), have applied to the Burlington County Agricultural Development Board ("CADB") pursuant to the NJ Right to Farm Act ("Act") detailed in N.J.A.C. 2:76-2.3 requesting a Site Specific Agricultural Management Practice ("SSAMP") determination as to whether or not certain proposed activities on the above referenced property are consistent with the permissible activities detailed in N.J.S.A. 4:1C-9 et al.; and

WHEREAS, Diane & Grant Gabler currently operate a produce and vegetable farm on the above-referenced property; and

WHEREAS, the CADB conducted its regularly scheduled meeting on March 11, 2021, due notice of said meeting was given in accordance with New Jersey Statutes and the Open Public Meetings Act and a quorum of the CADB being present at the meeting; the matter of eligibility was heard; and

WHEREAS, the CADB adopted resolution 2021-02 certifying eligibility under the RTF act for the Applicant on the subject property; and

WHEREAS, on May 13, 2021 the CADB conducted its regularly scheduled meeting, due notice of said meeting was given in accordance with New Jersey Statutes and the Open Public Meetings Act and a quorum of the CADB being present at the meeting; the matter of the SSAMP was heard; and

WHEREAS, the Applicant has submitted proof of written notice as required in N.J.A.C. 2:76-2.8: and

WHEREAS, the Applicant was represented by Diane & Grant Gabler; and

WHEREAS, the CADB reviewed and confirmed the information contained in the following Exhibits:

Submitted by the Applicant:

Exhibit A – Proof of Adjacent Property Owner Notice

Exhibit B - Site Specific Agricultural Management Practice request related to the multi-use shipping container used as a customer pick-up location and as a packing area for orders

Exhibit C- Pemberton Township zoning violation dated 2-10-2021

- WHEREAS, CADB staff detailed the nature of the SSAMP request and the Applicant's request to allow a storage structure to remain in its existing location which does not comply with Pemberton Township's setback zoning ordinance; and
- WHEREAS, CADB staff presented background information related to the site conditions as they relate to the zoning violation; and
- WHEREAS, CADB staff reported that the existing storage structure was approximately 60 feet from the edge of pavement from Kennedy Lane; and
- WHEREAS, CADB staff reported that the structure was used for agricultural purposes including the storage of miscellaneous farm tools, sales records, seed and other common farm items; and
- WHEREAS, CADB staff contacted the Pemberton Township zoning office on various occasions to discuss the nature of the SSAMP request and the Right to Farm process; and
- WHEREAS, CADB staff reviewed comments received from the Township of Pemberton expressing support for the current location if the natural, vegetative screening is maintained; and
- WHEREAS, the Board has considered affording Right to Farm protection for the location of the existing farm storage structure; and
- WHEREAS, the Board considered the municipal setback ordinance as it relates to the location of the existing structure; and
- WHEREAS, N.J.S.A. 4:1C-9 of the Act, details the specific permissible activities protected by the Act, including:
 - Processing and packaging of the agricultural output of the farm
- WHEREAS, pursuant to N.J.S.A. 4:1C-9, the commercial farm must be in compliance with all relevant federal or State statutes or rules and regulations adopted pursuant thereto, and not pose a direct threat to public health and safety; and
- NOW, THEREFORE BE IT RESOLVED that the Board makes the following findings:
 - 1. The applicant meets the eligibility criteria as required under the Act
 - 2. The commercial farm is in compliance with all relevant federal or State statutes or rules and regulations adopted pursuant thereto, and does not pose a direct threat to public health and safety; and
 - 3. The agricultural structure is appropriately located for its multiple agricultural uses
 - 4. The existing location of the agricultural structure in question shall not be subject to the Pemberton Township municipal setback requirement
 - 5. The activities for which the applicant is seeking an SSAMP determination are protected activities detailed in N.J.S.A. 4:1C-9 and in N.J.A.C. 2:76 2A.13

NOW, THEREFORE, BE IT FURTHER RESOLVED that copies of this resolution shall be provided to the SADC, Pemberton Township and the Applicant.

Exhibit A - Proof of Notification of Adjacent Property Owners

Notification of Adjacent Property Owners

April 4th 2021

SENT VIA CERTIFIED MAIL

Pemberton Twp. Board of Education 148 Arney's Mt Road

PO Box 228

Pemberton NJ 08068

Blk 800 Lot 4.01

To Whom it may concern,

Please be advised a public hearing will be held virtually on May 13th by the Burlington County
Agricultural Development Board for Site Specific Agricultural Management Practice Recommendation
regarding the use and location of the shipping contained that currently exists on the site as a generally
accepted agricultural operation or practice at Pemberton NJ 08068, Block 800 Lot
4.10. The Board requires that all properties within 200ft of the subject property be notified.
Documents in support of the commercial farm's request and public comments at and/or prior to the
hearing are available at the Burlington County Dept. Of Resource Conservation at 50 Rancocas Road
PO Box 6000 Mount Holly NJ 08060 from 9am to 4pm (Mon-Fri). In addition, you may also contact
Brian Wilson @ 856-642-3850 or via email, bwilson@co.burlingtonnj.us, to schedule an appointment
or submit any comments.

5/13/21 CADB Meeting

Thu, May 13, 2021 7:30 PM - 9:30 PM (EDT)Please join my meeting from your computer, tablet or smartphone. https://global.gotomeeting.com/join/353080805You can also dial in using your phone. (For supported devices, tap a one-touch number below to join instantly.) United States: +1 (646) 749-3122- One-touch: tel:+16467493122, 353080805#Access Code: 353-080-805

Sincerely,

Diane & Grant Gabler

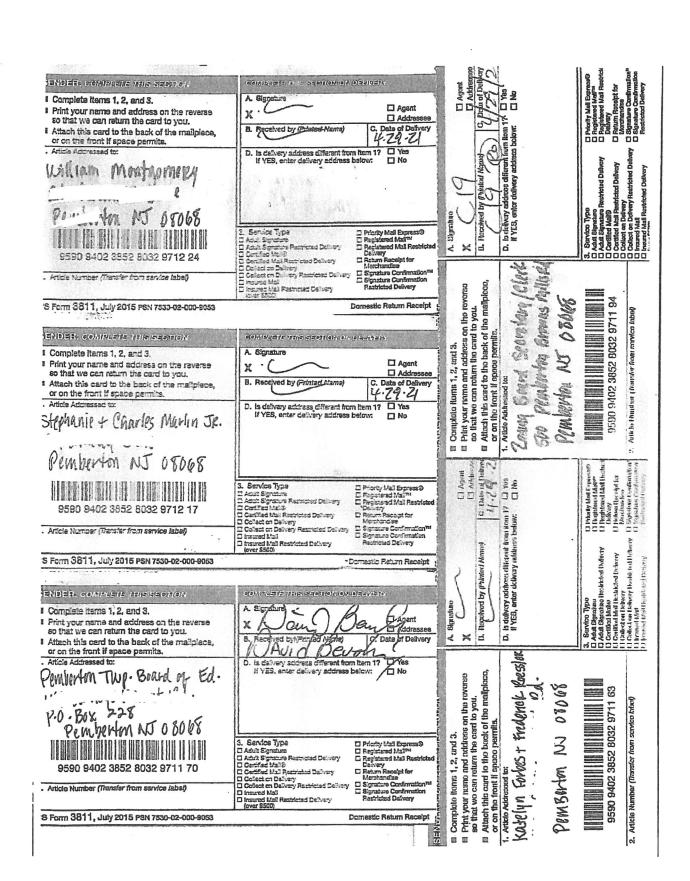
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Pinelandsproduce@yahoo.com

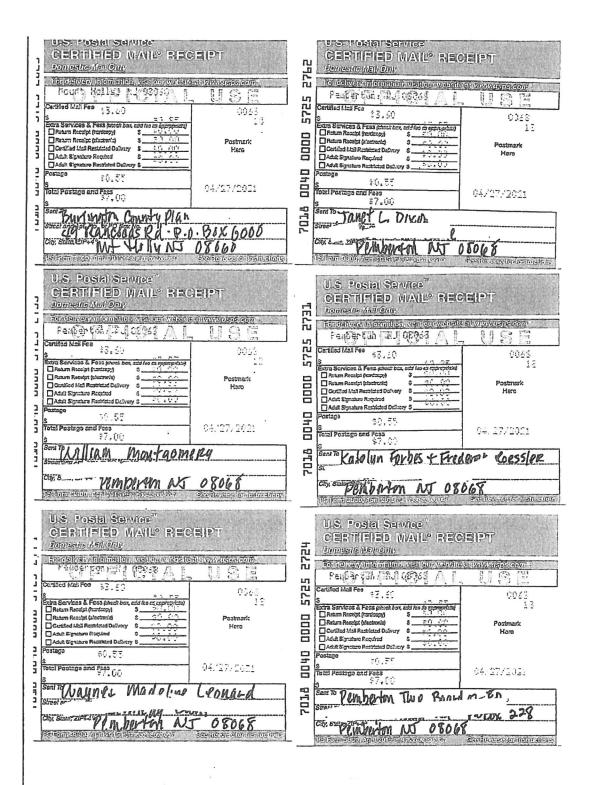
609-284-2080

OWNER & ADDRESS REPORT

					03/15/21 Page 1 of 1
	PELBER	TON TWP	200 REQU	FT. L ESTED	IST FOR BLOCK 800 LOT 4.10, 08068 BY: DIANE GABLER
	LOCK	LOT 4.01	QUAL	CLA 15A	PROPERTY CHANER PROPERTY LOCATION Add'I Lots PEMBERTON TWP BOARD OF EDUCATION 146 ARNEY'S MT RD PO BOX 228 PEMBERTON, NJ 08068
8	00	4.02		2	FORTH TE NO & ROESSLER, FREDERICK TO SHOW, NJ 08068
8	00	4.03		2	MARI IM CARLES E JR & STEPHANIE L
81	00	4.04		2	MONTGOMERY, WILLIAM COROLE
80	00	4.05		2	DIXON. JUNET L OBO68
80	00	4.06		2	LEONARD, WAYNE J & MADELINE OBO68
					THE PINELANDS COMMISSION PO BOX 359 NEW LISBON N.J. 08064
					PSE&G MANAGER-CORPORATE PROPERTIES 80 PARK PLAZA T5B NEWARK N.J. 07102
					Zoning board Secretary + Clerk SOO Pemberton Browns MILLS Rd. Bremb. NJ 08068
					State Agr. Development Committee P.O. Box 330 Trenton NJ 08625 Corinty Planning Board 49 Rancocas Rd. P.O. Box 6000 INT HAlly NJ 08060



I Complete items 1, 2, and 3. I Print your name and address on the reverse so that we can return the card to you. I Attach this card to the back of the mailplece, or on the front if space permits. Article Addressed to: Janet L. Dixon Pemberton W 08008	A. Signature X.	A Signaturo A Signaturo A Signaturo A Signaturo B. Recalved by Protest Native C. Dato of Dathway address different from Item 17 C. Dato of Dathway address different from Item 17 Cellida Walls Benties Type Cellida Walls Fretricted Debway Cellida Walls Restricted Debway Cellida Walls Cellida Wal
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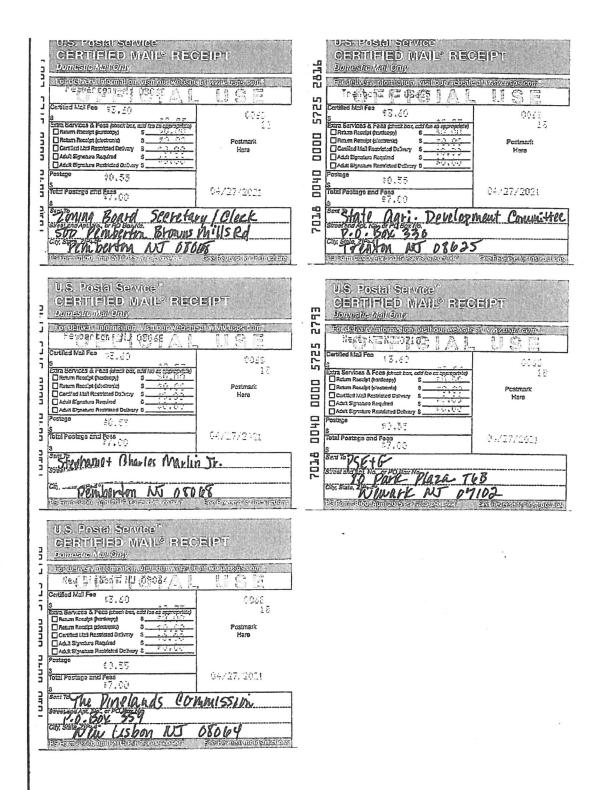


Exhibit B – SSAMP Request

Burlington County Agriculture Development Board

Request for Site Specific Agricultural Management Practice (SSAMP) Recommendation

Commercial Farm O Mailing Address: Telephone Numbers	perator:	Dini	ne + (§	S NJ OFOIS	Trick and American Commencer (Commencer Commencer Commen
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Annual Gross Receip	pts from Fa	rm Mar	agement U	Init Operation: \$ 4900.	
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Management Unit.	mone or a o	ne ope	01110 7 11111	and note in totalion of the acc	with with your rain
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Please return this Re	quest with t	the follo	owing doci	ıments (check as attached):	
	Most recent	tly filed	farmland	assessment form(s)	
		•		1,	
	Certification	n Form	(blank atta	ached) completed & signed	

Exhibit C – Zoning Violation

TOWNSHIP OF PEMBERTON ZONING OFFICE

500 PEMBERTON-BROWNS MILLS RD.
PEMBERTON, NEW JERSEY 08068-1539
(609)-894-3330 FAX(609)-894-2703
ZONING OFFICER'S CERTIFICATION

Zoning Permit# <u>DENIED</u>	Zonir	ng District A	R Agricultural	Resid. Dist.	
Applicant: Diane Gabler					
Location: B	lock: <u>800</u>	Lot: 4.10			
Project: Shipping Container					
Permitted: Not Permitted:	\boxtimes				
Approved: Denied:	Ordin	ance: <u>190-</u> 1	16		
The zoning permit is issued in accordance Township Zoning Code regulating the use it authorization to proceed with construction INSPECTION	and constru	ction of proper	ty and buildings. T	his is not a building permit	, nor is
Conditions: <u>DENIED</u> , variance is require required setback; see attached determinancepted farming practice.	ed from the nation right	Zoning Board to farm exem	of Adjustment to pt: this is determine	permit 40' when 100' is ned to be a commonly	
City Sewer: Yes No	City W	/ater. 🗌 Yes	☐ No		
Principal Building	Area and Ordina	Yard Require	ements Required	Proposed	
Lot Area				T	
Lot Frontage					
Lot Width					
Lot Depth					
Front Yard Setback					
Side Yard Setback					
Rear Yard Setback Building Height					
Accessory Building					
Side Yard Setback					
Front Yard Setback					
Distance Of Building					
Building Height					
Swimming Pool					
Side Yard Setback					
Rear Yard Setback Distance to Other Structure					
Distance to Other Structure					
Building Coverage					
Principal Building % Accessory Building %					
Accessory Building 76					
Gralg Augustoni, Deputy Zoning	Officer			02-10-2021 Date	
Joining Augustoni, Deputy Lonning	-111431				
Applicant Bossin) o la		

Member	Yes	No	Abstain	Absent
Phillip Prickett	V			
John H. Hlubik	V			
Peter Johnson	V			
Paul Shinn				V
Sherry Dudas		V		
Stephen Specca				V
Jeff Tober (Alt.)			1	
Kevin Sparkman	V			
John Kocubinski				
Daniel Kennedy	V			
Ed Cohen	V			
Randi Rothmel				
Brian Lestini			V	

Chairman Phillip Prickett
Burlington County Agriculture
Development Board

7/8/21 Date