

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

RESOLUTION NO. 16-09

On motion by Mr. Baduini, and seconded by Mr. Bodine, the following resolution was adopted by the Warren County Agricultural Development Board at a meeting held June 16, 2016.

**RESOLUTION OF THE WARREN COUNTY AGRICULTURE
DEVELOPMENT BOARD APPROVING THE APPLICANT'S REQUEST FOR A SITE
SPECIFIC DETERMINATION IN THE MATTER OF THE ERHARD FARM
RIGHT-TO-FARM APPLICATION FOR IMPROVEMENT OF EXISTING GRAVEL
DRIVEWAY AND ADDED PARKING AREA**

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 commercial farm owner or operator may make a request to the County Agriculture Development Board (hereinafter "Board") to determine if his or her operation constitutes a generally accepted agricultural management practice; and

WHEREAS, on April 5, 2016, Craig & Christine Erhard owners of the Erhard Farm, (hereafter "Applicant"), Block 24 Lot 5 in Oxford Township, (hereafter "Property") made a request in writing to the Board for a site-specific agriculture management practice (hereinafter, "SSAMP") for the improvement of an existing gravel driveway and added gravel parking area; and

WHEREAS, on April 5, 2016, pursuant to N.J.A.C. 2:76-2.3(c), the applicant advised in writing the State Agriculture Development Committee and the Township of Oxford of their request; and

WHEREAS, on March 17, 2016, pursuant to N.J.A.C. 2:76-2.3(b), the applicant provided proof that their agricultural operation is a commercial farm as defined at N.J.S.A. 4:1-C-3 and N.J.A.C. 2:76-2.1; and

WHEREAS, on March 17, 2016, Applicant provided proof to the Board in the form of a commercial farm certification, including supporting documentation that the property is 5 acres or more and produces agricultural and/or horticultural products worth \$2,500 or more annually, and is eligible for differential property taxation pursuant to the Farmland Assessment Act of 1964, that the farm is located in the R-80 Zone, an area in which as of December 31, 1998 or thereafter, agriculture has been a permitted use under the municipal zoning ordinance and is consistent with the municipal master plan, and that the Property is a "commercial farm" as defined by N.J.S.A. 4:1C-3 and N.J.A.C. 2:76-2.1, and the Board memorialized same by resolution on April 21, 2016; and

WHEREAS, a public hearing regarding Applicant's request was noticed to take place at the April 21, 2016 Board meeting and the Applicant was instructed to provide notice to all property owners within 200 feet as suggested by the Court in Curzi v. Raub, 415 N.J.Super 1 (N.J. Super. App. Div. 2010); and

WHEREAS, appropriate proof of service and publication of the Notice of Hearing was provided and the Board was found to have jurisdiction to proceed with the hearing on April 21, 2016; and

WHEREAS, in accordance with the procedure set forth in N.J.A.C. 2:76-2.10, a public hearing was held on April 21, 2016, when the Applicant was represented by Robert Boak, Esq. who presented their case. Robert Nyland, Deputy Mayor of the Township of Oxford appeared and provided sworn testimony under oath. No neighboring residents of Applicant, nor any other interested party appeared to express their concerns; and

WHEREAS, Mrs. Erhard provided sworn testimony under oath that they needed to improve the existing driveway with gravel because of the tracking of mud to Belvidere Road by the logging trucks and also added the gravel parking area for a turnaround for the trucks; and

WHEREAS, Mrs. Erhard testified that said property currently has a woodland management plan; and

WHEREAS, the following exhibits were marked into evidence:

- Exhibit A-1: Copy of Oxford Tax Map of BL 24 L 5, most recent recorded deed to property, and excerpt of Oxford Zoning ordinance;
- Exhibit A-2: Aerial photograph of property;
- Exhibit A-3: Enlarged copy of tax map

WHEREAS, the Township of Oxford issued a Notice of Violation and notified Mr. & Mrs. Erhard that a site plan approval would need to be obtained and Mrs. Erhard therefore requests that the existing driveway improvements and added gravel parking area be permitted without the need for site plan approval as the purpose is for agricultural reasons; and

WHEREAS, Mrs. Erhard testified that the gravel parking area was necessary for the parking and turnaround of vehicles used for the agricultural activities on site including cropland and woodland management. The gravel parking area is approximately 100 feet x 200 feet and will be used for the parking of tractors and a box trailer solely for agricultural purposes; and

WHEREAS, sworn testimony under oath was received from Robert Nyland, Deputy Mayor, Oxford Township who testified that the Township is not against agriculture and welcomes it in the community. The Township's concerns are that the parking improvements should be used solely for agricultural use and not used or expanded for any other commercial activity that may be conducted on site;

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

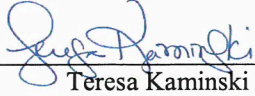
- 1) That the Board previously determined that Applicant operates a commercial farm in accordance with the requirements of N.J.S.A. 4:1C-9; and
- 2) That Applicant is engaged in a generally accepted agricultural operation or practice pursuant to N.J.A.C. 2:76-2B.2; and
- 3) That Applicant has a legitimate farm based reason for not complying with the site plan approval requirement in the Township of Oxford's Zoning Ordinances Chapter 340-10 R-80 Zone District Requirements & Chapter 265-4 Site Plan Review Required; and
- 4) That the improvements to the existing gravel driveway and added parking area, will not implicate any health, safety or welfare issues; and
- 5) That the Township of Oxford shall immediately withdraw any and all notices of violation and/or issue all appropriate permits as presented in the application submitted to the CADB; and
- 6) The Board's determination for the use of the driveway and parking area is restricted to agricultural use only. Any use of the parking area for non agricultural related activities including but not limited to other commercial activities not related to agriculture is not authorized by this Board; and
- 7) That the Board retains jurisdiction of this matter.

BE IT FURTHER RESOLVED, that the Board shall forward a copy of its written recommendation of the SSAMP Resolution to Craig & Christine Erhard (applicant for the Erhard Farm), the Township of Oxford, 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 – abstained; Mr. Bodine – yes; Mr. Baduini – yes; Mr. Burke – yes;
Mr. Dempski – abstained; Ms. Willever – abstained; 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 June 16, 2016 to memorialize the Board's action on April 21, 2016 in which a motion was made by Mr. Menegus and was seconded by Mr. Bodine and Roll Call at said meeting was as follows: Mr. Schnetzer – recused; Mr. Bodine – yes; Mr. Burke – yes; Mr. Dempski – absent; Ms. Willever – recused; Mr. Menegus – yes.



Teresa Kaminski