

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

RESOLUTION NO. 12-12

On motion by Mr. Race, and seconded by Mr. Gourniak, the following resolution was adopted by the Warren County Agricultural Development Board at a meeting held July 19, 2012.

**RESOLUTION OF THE WARREN COUNTY AGRICULTURE
DEVELOPMENT BOARD APPROVING THE APPLICANT'S
REQUEST FOR A SITE SPECIFIC DETERMINATION IN THE
MATTER OF SCOTT & LYNNELL HENDRICKS,
CRAZY MOON FARM, LLC RIGHT-TO-FARM APPLICATION FOR
CONSTRUCTION OF AN 86' LENGTH X 37' HEIGHT X 40' WIDTH
BANK BARN WITH ACCESSORY APARTMENT**

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 June 21, 2012, Scott & Lynnell Hendricks owners/operators of Crazy Moon Farm, LLC (hereafter "Applicant"), Block 701 Lots 18 & 18.15 in Frelinghuysen Township, (hereafter "Property") made a request in writing to the Board for the development of a site-specific agriculture management practice (hereinafter, "SSAMP") for the allowance of construction of a bank barn structure with a second floor accessory apartment; and

WHEREAS, on May 31, 2012, pursuant to N.J.A.C. 2:76-2.3(c), the Board advised in writing the State Agriculture Development Committee and Frelinghuysen Township of the Applicant's request; and

WHEREAS, on May 17, 2012 pursuant to N.J.A.C. 2:76-2.3(b), the Board requested that Applicant provide 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 May 17, 2012, Applicant provided proof to the Board 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 AR-6 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 June 21, 2012; and

WHEREAS, a public hearing regarding Applicant's request was noticed to take place at the June 21, 2012 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, in accordance with the procedure set forth in N.J.A.C. 2:76-2.10, a public hearing was held on June 21, 2012, when the Applicant presented his case, no representative of the Township of Frelinghuysen appeared to present its case, and no neighboring residents of Applicant appeared to express their concerns; and

WHEREAS, Mr. Hendricks testified that his farm currently produces hay, but that he plans to raise alpacas on the property, and that he and his wife plan to reside in the accessory apartment within the barn after selling their residence in Boonton, New Jersey; and

WHEREAS, the dimensions of the proposed barn structure are 86'L X 37'H X 40'W and the Township of Frelinghuysen Zoning Department notified Mr. Hendricks on May 3, 2012 that a zoning permit can not be issued for his proposal to construct a barn containing an accessory apartment with a building height of 37 feet on the property because (i) there is currently no principal structure on the property, (ii) construction of the barn would warrant that the barn be recognized as the principal structure, (iii) the proposed accessory use (accessory apartment) inside the principal structure limits the principal structure so that the building height must not exceed 18 feet in height under Ordinance No. 500-501:D, except that farm silos and barns (for farm use associated with a farm) shall not exceed 55 feet in height; and

WHEREAS, farms are a principal permitted use on land and in buildings under Ordinance No. 400-402:A and the maximum building height for a principal structure constituting a barn shall not exceed 55 feet pursuant to Ordinance No. 400-402:D.

WHEREAS, Mr. Hendricks requested that the Board recognize the proposed barn with the accessory apartment as the principal structure and permit the proposed barn structure at a height of less than 55 feet; and

WHEREAS, Mr. Hendricks requested that the proposed barn with the accessory apartment be permitted because (i) there is currently no principal structure on the property, (ii) the proposed barn structure will be used to house farm materials, farm equipment and farm workers, and (iii) the proposed barn structure will comply with all other zoning requirements for a principal building, including area and yard requirements; and

WHEREAS, Mr. Hendricks further testified that the proposed accessory apartment will be approximately 1,457 square feet and no more than the 1,500 square feet permitted by Ordinance No. 500-501:F; and

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

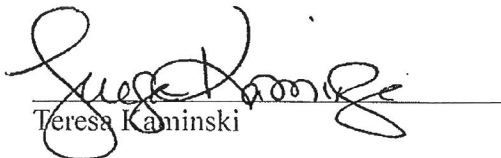
- 2) That Applicant is engaged in a generally accepted agricultural operation or practice pursuant to N.J.A.C. 2:76-2B.2; and
- 3) That Applicant has a legitimate farm based reason for not complying with the 18 foot limit in Township of Frelinghuysen's Ordinance No. 500-501:D; and
- 4) That the barn structure with accessory apartment of 86'L X 37'H X 40'W, will not implicate any health, safety or welfare issues; and
- 5) That the Township of Frelinghuysen shall immediately issue all appropriate permits for the construction of the barn structure with accessory apartment as presented in the application submitted to the CADB; and
- 6) 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 Scott & Lynnell Hendricks (applicant for Crazy Moon Farm, LLC), the Township of Frelinghuysen, the State Agriculture Development Committee (SADC), and any other individuals or organizations deemed appropriate by the Board within 30 days of the recommendation.

Roll Call: Mr. Schnetzer – yes; Mr. Race – yes; Mr. Gibbs – yes; Mr. Gourniak – yes
Mr. Baduini & Ms. Willever abstained
Absent – Mr. Toretta

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 July 19, 2012 to memorialize the Warren County Agriculture Development Board's action on June 21, 2012.


Teresa Kaminski