

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

**RESOLUTION NO. 20-13**

On motion by Mr. Baduini, and seconded Mr. Bodine, the following resolution was adopted by the Warren County Agricultural Development Board at a meeting held November 19, 2020.

**RESOLUTION OF THE WARREN COUNTY AGRICULTURE  
DEVELOPMENT BOARD APPROVING THE APPLICANTS' REQUEST  
FOR A SITE SPECIFIC DETERMINATION IN THE MATTER OF K+A  
FARMS, LLC BLOCK 57, LOTS 13 & 14 IN FRANKLIN TOWNSHIP,  
WARREN COUNTY, NEW JERSEY, RIGHT-TO-FARM APPLICATION  
TO ALLOW THE CONSTRUCTION OF A 40 x 60 FOOT BARN AND A  
CHICKEN COOP**

**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 (hereinafter "Board") to determine whether its operation constitutes a generally accepted agricultural management practice; and

**WHEREAS**, Keith Zipprich, Jr. and Amanda Adam (the "Applicants") applied for a Site Specific Agricultural Management Practice ("SSAMP") determination for their property located at [redacted], Township of Franklin, New Jersey, and known as Block 57, Lots 13 and 14 on the Township Tax Map ("Property")

**WHEREAS**, pursuant to N.J.A.C. 2:76-2.3(b), the Board advised the State Agriculture Development Committee and Franklin Township of the request for a SSAMP determination; and

**WHEREAS**, pursuant to N.J.S.A. 4:1C-9 and N.J.A.C. 2:76-2.3, upon receipt of a request for a SSAMP, the Board must first determine whether the Applicants' operation satisfies at least one of the following two conditions:

- (1) It is located in an area of which, as of December 31, 1997, or thereafter, agriculture is a permitted use under Municipal zoning ordinances and is consistent with the Municipal master plan; or
- (2) The commercial farm was in operation as of the effective date of the amended Right to Farm Act, July 2, 1998; and

**WHEREAS**, based upon the application documentation submitted by the Applicant, including a copy of the Franklin Township Zoning Map and pertinent sections of the Franklin Township Zoning Ordinance, the Board finds that the Property is located in the "Rural

Conservation” Zone which, as of December 31, 1997, or thereafter, agriculture is a permitted use pursuant to Franklin Township Municipal Zoning Ordinances §90-53 & §90-54 and is consistent with the Franklin Township Municipal master plan; and

**WHEREAS**, pursuant to N.J.S.A. 4:1C-3 and N.J.A.C. 2:76-2.1 defining “commercial farm”, the Board also must determine whether the Applicants’ operation satisfies at least one of the following two requirements:

- (1) a farm management unit of no less than 5 acres, producing agricultural or horticultural products worth \$2,500.00 or more annually and satisfying the eligibility criteria for differential property taxation pursuant to the Farmland Assessment Act of 1994; or
- (2) A farm management unit of less than 5 acres, producing agricultural or horticultural products for \$50,000.00 or more annually and otherwise satisfying the eligibility criteria for differential property taxation pursuant to the Farmland Assessment Act of 1994; and

**WHEREAS**, based upon the application documentation submitted by the Applicants, including a copy of Applicants’ 2020 Application for Farmland Assessment, the Board finds that Applicants’ farm management unit includes 8+ acres owned by Applicants and therefore is not less than 5 acres;

**WHEREAS**, based upon the application documentation submitted by the Applicants, including a copy of the Schedule F “Profit and Loss From Farming” statement from Applicants’ 2019 Federal Income Tax Returns and the Board finds that the Applicants’ farm management unit produces agricultural and horticultural products in excess of \$2,500.00 and satisfies the eligibility criteria for differential property taxation pursuant to the Farmland Assessment Act of 1994; and

**WHEREAS**, pursuant to N.J.S.A. 4:1C-9, to be eligible for protection under the Right to Farm Act, the agricultural operation must also: (1) conform to agricultural management practices adopted by the Committee; (2) comply with all relevant Federal or State statutes and regulations; and (3) not pose a direct threat to public health and safety; and

**WHEREAS**, pursuant to N.J.A.C. 2:76-2.3(i), the Board scheduled a public hearing regarding Applicants’ request for a SSAMP determination which was noticed to take place at the October 15, 2020 Board meeting;

**WHEREAS**, the Applicants provided the Board with proof of written notice having been made in accordance with the requirements of N.J.S.A. 2:76-2.8(c), including, but not limited to, proof of written notice dated October 1, 2020 to all property owners within 200 feet of Applicants’ Property, Franklin Clerk and Land Use Board, the State Agriculture Development Committee, the Warren County Planning Department, utility companies and proof of publication of the Notice of Hearing in The Express Times on October 3, 2020; and

**WHEREAS**, the Applicants were represented by themselves; and

**WHEREAS**, the Township of Franklin did not appear at the hearing; and

**WHEREAS**, no other members of the public were present and Applicants provided sworn testimony under oath, and;

**WHEREAS**, Board member Jason Menegus recused himself from this matter; and

**WHEREAS**, Keith Zipprich, Jr. and Amanda Adam gave the following testimony about their property and the building they wish to construct on the property:

- a. The land they own is currently under ten acres. Mr. Zipprich also leases another approximately five acres of land from Jenny Crouse.
- b. They are seeking to replace an existing 18 x 20 foot building (10 feet tall) with a new building that is 40 foot width x 60 foot length with a height of approximately 16 feet. They are proposing to tear down the old building and build a new building in its place. The new building will be set back from Asbury Broadway Road approximately 75-80 feet from the edge of the pavement. This will be the same setback as the old building.
- c. This building will be used to house farm equipment and agricultural commodities (vegetables, hay and straw).
- d. The Franklin Township Code relating to accessory buildings and structures in residential districts, Section 90-56(b)(2) provides that lots less than or equal to ten acres but greater than six acres shall not exceed one story or 22 feet in height and may not occupy more than 1,200 square feet of the required rear yard.
- e. A 1,200 square foot building is approximately 30 x 40 feet, which is not adequate for the housing of equipment and agricultural commodities for this farm. The owner is seeking a 40 x 60 foot building which is 2,400 square feet.
- f. The height of the building at 16 feet complies with the 22 foot height requirement in this zone.

**WHEREAS**, Keith Zipprich and Amanda Adam gave the following testimony about their property and the chicken coop they wish to construct on the property:

- a. The property does not currently have a chicken coop, but the farmer would like to raise approximately 30-40 chickens on the property and therefore is seeking a coop to house those chickens. Franklin Township Code §90-54(J) requires that a chicken coop be at least 200 feet from all sides of the property.
- b. Mr. Zipprich testified that the coop would be located to the left (south) side of the new proposed building and would be approximately 150 feet from the property line.
- c. Mr. Zipprich testified that he believes the nearest neighbor is at least 250 feet from the proposed coop.
- d. The size of the coop would be only that necessary to house approximately 30-40 chickens.
- e. The chicken manure would be placed in a compost pile on the back side of the property.

**WHEREAS**, no members of the public wished to speak on this application.

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

- 1) That the Board previously determined that Applicants operate a commercial farm in accordance with the requirements of N.J.S.A. 4:1C-9; and
- 2) All testimonies from Keith Zipprich and Amanda Adam were considered; and
- 3) That the Applicants are engaged in a generally accepted agricultural operation or practice pursuant to N.J.A.C. 2:76-2B.2, specifically the storage of farm equipment and agricultural commodities; and
- 4) That the Board retains jurisdiction of this matter; and
- 5) That the Applicants have a legitimate farm-based reason not to comply with Franklin Township's Code §90-56-(b)(2) limiting the size of the Applicants' barn to 1,200 feet; and
- 6) That the Applicants must comply with all health, safety and welfare issues; and
- 7) That the Township of Franklin shall issue a zoning permit the Applicants to construct a 2,400 square foot (40 feet x 60 feet).

**BE IT FURTHER RESOLVED,**

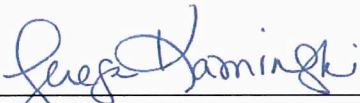
- 1) That the Board previously determined that Applicants operate a commercial farm in accordance with the requirements of N.J.S.A. 4:1C-9; and
- 2) All testimonies from Keith Zipprich and Amanda Adam were considered; and
- 3) That the Applicants wish to engage in a generally accepted agricultural operation or practice pursuant to N.J.A.C. 2:76-2B.2, specifically the housing of chickens; and
- 4) That the Board retains jurisdiction of this matter; and
- 5) That the Applicants have a legitimate farm-based reason not to comply with Franklin Township's Code §90-54(J) requiring a 200-foot setback from all property lines for any chicken coop; and
- 6) That the Applicants must comply with all health, safety and welfare requirements; and
- 7) That the Township of Franklin shall permit the Applicants to construct a chicken coop to house no more than 40 chickens located to the left (south) side of the newly constructed agricultural building. The chicken coop shall be set back at least 150 feet from the nearest side yard.

**BE IT FURTHER RESOLVED**, that the Board shall forward a copy of its written decision of the SSAMP Resolution to the K+A Farms, LLC (Keith Zipprich, Jr. and Amanda Adam, Applicants) the Township of Franklin, 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 – yes; Mr. Bodine – yes; Mr. Baduini – yes; Mr. Burke – yes;  
Mr. Nyland – yes; Mrs. Watters – yes; Mr. Menegus – abstain.

### **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 November 19, 2020 to memorialize the Board’s action on October 15, 2020 in which a motion was made by Mr. Bodine and seconded by Mr. Baduini and Roll Call at said meeting was as follows: Mr. Schnetzer – yes; Mr. Bodine – yes; Mr. Baduini – yes; Mrs. Watters – yes; Mr. Burke – yes; Mr. Nyland – yes; Mrs. Watters – yes. Mr. Menegus – recused.

  
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Teresa Kaminski