

RIGHT TO FARM RESOLUTION NO. 06-

RESOLUTION OF THE WARREN COUNTY AGRICULTURE DEVELOPMENT BOARD FINDING THAT IT HAS JURISDICTION IN THE MATTER OF THE JAMES A. MANGINE RIGHT-TO-FARM APPLICATION AND APPROVING THE APPLICATION OF JAMES A. MANGINE FOR CONSTRUCTION OF A FARMSTAND IN FRONT OF HIS PRINCIPAL RESIDENCE

WHEREAS, Mr. Mangine applied to the Warren County Agriculture Development Board for approval to construct a farmstand for the sale of agricultural products grown on his farm in front of his existing residence located at [redacted], Columbia, New Jersey; and;

WHEREAS, the Township has an Ordinance prohibiting accessory structures, including farmstands, to be constructed in front of a principal structure; and;

WHEREAS, the Board determined that Mr. Mangine operates a commercial farm in accordance with the requirements of N.J.S.A. 4:1C-9 and that it 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 April 10, 2006. Mr. Mangine presented his case on April 10, 2006; and;

WHEREAS, the Board understands the purpose of the prohibition of accessory structures in front of a principal structure, however, most older farm buildings are placed in front of the principal structure, (the farmhouse), for convenience and accessibility; and;

WHEREAS, having considered the evidence and testimony submitted by the parties and the Township's prohibition against locating farmstands in front of a principal structure; and;

NOW, THEREFORE BE IT RESOLVED, that bascd upon the evidence submitted the Board finds as follows;

1) That Mr. Mangine operates a commercial farm in accordance with the requirements of N.J.S.A. 4:1C-9;

2) That Mr. Mangine is engaged in a generally accepted agricultural operation or practice pursuant to N.J.A.C. 2:76-2B.2;

3) That Mr. Mangine has a legitimate farm based reason for not complying with the Township's ordinances in that farmstands are customarily close to the roadway for convenience and accessibility. Prohibiting construction of an accessory structure in front

of a principal structure would adversely impact Mr. Mangine's ability to engage in the sale of agricultural production;

4) That the Township shall immediately issue all appropriate permits for the construction of a farmstand in front of the principal residence;

5) 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 April 10, 2006, 2006.

IN WITNESS WHEREOF, I have hereunder set my hand and the official seal of this body this 20th day of July, 2006.

SEAL:



Janette Hendershot