

RIGHT TO FARM RESOLUTION NO. 03-04

RESOLUTION TO THE WARREN COUNTY AGRICULTURAL DEVELOPMENT BOARD FINDING THAT IT HAS JURISDICTION IN THE MATTER OF THE APPLICATION OF RAYMOND L. RAUB, III, AND GAIL A. RAUB, HIS WIFE, FOR A SITE SPECIFIC DETERMINATION OF ACCEPTED AGRICULTURAL MANAGEMENT PRACTICE

WHEREAS Raymond L. Raub, III, and Gail A. Raub applied to the Warren County Agricultural Development Board for approval for a site specific determination that their property was operated under an acceptable agricultural management practice, that being farming; and;

WHEREAS The Board determines that the Raubs operate a commercial farm in accordance with the requirements of N.J.S.A. 4:1C-9 and that they are 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 September 13, 2004. Mr. Raub presented his case and offered exhibits including an application for a site specific determination, a profit and loss statement from farm for calendar year 2003, an application for farmland assessment for calendar year 1998, a copy of a deed dated July 17, 1997, recorded in the Warren County Clerk's office in Book 1526 at page 158, and a letter dated August 5, 2004, consisting of three pages from Nevitt Duveneck from Finelli Consulting Engineers, Inc. Mr. Raub testified that he has approximately fourteen beef cattle on the property and the farm produces primarily hay and soybeans. The testimony further revealed that Mr. Raub has fourteen storage trailers parked along the perimeter of his property which he stores hay and straw for feed, as well as, resale. All trailers are licensed and are on wheels. Mr. Raub further testified that the property under consideration is approximately 30+ acres, that he rents an additional 120 acres adjacent to this site where he likewise grew hay, wheat and soybeans. When questioned by a Board member, Mr. Raub testified that he had a variety of farm equipment, including a John Deere tractor, hay rake, baler (round and square bales), bulldozer, hay wagons and other incidental farm equipment; and;

WHEREAS The matter was then opened up to the public and Glenn Klauser, Esq., from Lopatcong Township questioned Mr. Raub as to the storage trailers. Mr. Raub testified that they are used for storage of hay, as they are less expensive than constructing a barn on the property. Thereafter, Mr. Greg Siple testified that, in his opinion, it was advantageous to the public to have a small farmer operate on the surrounding state lands, as well as this specific piece of property.

WHEREAS the Board having considered the evidence and testimony submitted by the parties and the request from the Township of Lopatcong concerning the trailers; and;

WHEREAS, the Board having found that Mr. Raub has a legitimate accepted agricultural management use of the subject property, that being farming, and that the trailers on the property are used directly in connection with the farm operation.

NOW THEREFORE BE IT RESOLVED that based upon the evidence submitted the Board finds as follows:


- 1) That Raymond L. Raub, III and Gail A. Raub operate a commercial farm in accordance with the requirements of N.J.S.A. 4:1C-9;
- 2) That Raymond L. Raub, III and Gail A. Raub are engaged in a generally accepted agricultural operation or practice pursuant to N.J.A.C. 2:76-2B.2;
- 3) That the Board retains jurisdiction of this matter.

CERTIFICATION

I, Janette Hendershot, Secretary to the Warren County Agricultural Development Board, do hereby certify the foregoing to be a true and accurate copy of a Resolution adopted by the Warren County Agricultural Development Board at a meeting of said committee held on October ~~27~~, 2004.

IN WITNESS WHEREOF, I have hereunder set my hand in the official seal of this body this 25th day of October 2004.

SEAL:

 Janette Hendershot _____