

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

RESOLUTION 11-03

RIGHT-TO-FARM

On motion by Mr. Toretta, and seconded by Mr. Gourniak, the following resolution was adopted by the Warren County Agricultural Development Board at a meeting held January 20, 2011.

**RESOLUTION OF THE WARREN COUNTY AGRICULTURE
DEVELOPMENT BOARD APPROVING THE APPLICANT'S REQUEST
FOR A SITE SPECIFIC DETERMINATION IN THE MATTER OF JOHN
H. SLACK RIGHT-TO-FARM APPLICATION FOR CONSTRUCTION
OF AN APPROXIMATE 4,800 SQUARE FOOT BARN.**

WHEREAS, John H. Slack is the owner of the John H. Slack Farm, located on Block 103, Lots 2 & 5, and Block 104, Lot 4, Pohatcong Township, New Jersey; and

WHEREAS, John H. Slack applied to the Warren County Agriculture Development Board for a site specific determination for approval to construct a pole barn on Block 103, Lot 5 consisting of approximately 4,800 square feet; and

WHEREAS, the Board previously determined that John H. Slack operates a commercial farm in accordance with the requirements of N.J.S.A. 4:1C-9 and that he is engaged in a generally accepted agricultural operation or practice pursuant to N.J.A.C. 2:76-2B.2; and

WHEREAS, John H. Slack is the owner of a preserved farm under N.J.S.A. 4:1C-11; and

WHEREAS, notice was provided to all property owners within 200 feet as suggested by the Court in Curzi v. Raub, 415 N.J.Super. 1 (N.J. Super. A.D. 2010); and

WHEREAS, notice was also provided to the Township of Pohatcong. Pohatcong Township, through its Land Use Board Attorney, acknowledged receipt of the notice but advised that it would not participate in the hearing; and

WHEREAS, in accordance with the procedure set forth in N.J.A.C. 2:76-2.10, a hearing was held on December 16, 2010. Mr. Slack presented his case, and the Township of Pohatcong did not appear nor did it submit any input with regard to this application; and

WHEREAS, the applicant testified that he was seeking to construct a 4,800 square foot barn where 3,000 is permitted. Mr. Slack testified that the barn would be utilized for, and directly related to, an agricultural use; and

WHEREAS, Mr. Slack requested relief from the setback requirement from the railroad right-of-way to allow him to build within 15 feet of same; and

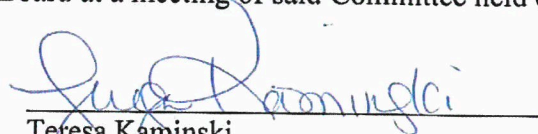
WHEREAS, having considered the evidence and testimony submitted by the parties;

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

- 1) That the Board previously determined that John H. Slack operates a commercial farm in accordance with the requirements of N.J.S.A. 4:1C-9;
- 2) That John H. Slack is engaged in a generally accepted agricultural operation or practice pursuant to N.J.A.C. 2:76-2B.2;
- 3) That, despite receiving notice of the hearing, Pohatcong Township did not appear, nor did it provide any input on Mr. Slack's application;
- 4) That John H. Slack has a legitimate farm based reason for not complying with the Township of Pohatcong's ordinances requiring a variance to build a barn larger than 3,000 square feet.
- 5) That the barn building of approximately 4,800 square feet, will not implicate any health, safety or welfare issues;
- 6) That Mr. Slack is granted a variance to locate the barn building within 15 feet of the existing railroad right-of-way.
- 7) That the Township of Pohatcong shall immediately issue all appropriate permits for the construction of a barn as presented in the application submitted to the CADB;
- 8) That the Board retains jurisdiction of this matter.

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 Committee held on January 20, 2011.


Teresa Kaminski