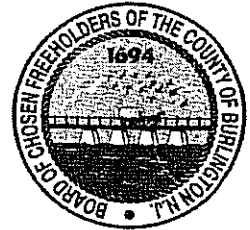


**Board of Chosen Freeholders
County of Burlington
New Jersey**



Department of Resource Conservation

Mailing Address:

P.O. Box 6000
Mount Holly, New Jersey 08060-6000

Location:

1900 Briggs Road
Mount Laurel, New Jersey 08054

Telephone No. 856-642-3850
Fax: 856-642-3860

BURLINGTON CADB RESOLUTION # 2006-8

**Recommendation of a Site-Specific
Agricultural Management Practice
Under The New Jersey Right to Farm Act**

Block , Lot , Southampton Township
February 9, 2006

WHEREAS, Mr. George Abbott ["Abbott"] has proposed the use of a mobile home for the purpose of serving as a portable poultry house on his farm located at Ongs Hat Road, in Township of Southampton, County of Burlington, State of New Jersey and designated as Block , Lot on the tax map of Southampton Township ["the Property"]; and

WHEREAS, Abbott has applied to the Burlington County Agricultural Development Board ["the Board"] pursuant to N.J.A.C. 2:76-2.3 requesting a determination as to whether the existing use of the mobile home as a portable poultry house constitutes a generally accepted agricultural management practice; and

WHEREAS, the Board conducted its regularly scheduled monthly meeting on January 12th, 2006, due notice of said meeting was given in accordance with New Jersey Statutes and the Open Public Meetings Act and a quorum of the Board being present at the meeting; the application was heard; and

WHEREAS, Abbott was not in attendance, but had provided exhibits in support of his application; and

WHEREAS, representation from the Township of Southampton ["Objectors"] were not in attendance, but provided exhibits in opposition to the Abbott application; and

WHEREAS, the Board received into evidence the following Exhibits:

Exhibit A – Application for recommendation of a Site Specific Agricultural Management Practice concerning the use of a mobile home as a portable poultry house;

Exhibit B - 2005/2006 tax bill for Southampton Township Block Lot

- Exhibit C – Letter from Roman Hall Bar & Restaurant documenting \$2,748.00 in purchases of eggs and vegetables from Mr. Abbott in 2005;
- Exhibit D – Township of Southampton zoning map and zoning descriptions detailing the Abbott property;
- Exhibit E – Letter dated December 2, 2005 from Board staff notifying the Township of Southampton of the pending Right to Farm Site Specific Agricultural Management Practice Request
- Exhibit F – Four pictures of the current mobile home on the Property
- Exhibit G – Letter dated December 27, 2006 from Susan M. Luchese, New Jersey Department of Agriculture, Division of Animal Health pertaining to the use of the mobile home as a portable poultry house;
- Exhibit H – Letter dated January 9, 2006 from Raymond Samulis, Rutgers Cooperative Extension Agent, pertaining to the use of the mobile home as a portable poultry house;
- Exhibit I – Letter dated January 9, 2006 from Dr. Michael Westendorf, Rutgers University Department of Animal Health, pertaining to the use of the mobile home as a portable poultry house;
- Exhibit J – Copies of six (6) citations issued to Abbott regarding the placement of a mobile home on his premises; and

WHEREAS a Site Review was conducted on December 20, 2005 with Dan McGonigle (Township Zoning Officer), Susan Luchese (NJ Department of Agriculture Division of Animal Health), Mr. Abbott and Brian Wilson (Burlington County Board staff); and

WHEREAS a Site Review was conducted on December 21, 2005 with Dr. Michael Westendorf (Rutgers University Department of Animal Health), Raymond Samulis (Rutgers County Extension Agent), Barry Dirkin (Burlington County Principal Environmental Specialist) Mr. Abbott, Brian Wilson (Burlington County Board staff) Jeff Rabin (Sr. Asst. County Solicitor); and

WHEREAS the Board has considered the application, the applicant's certification and the exhibits presented in favor of and in opposition to the application;

NOW, THEREFORE BE IT RESOLVED that the Board makes the following findings:

The Board's Consideration of the Eligibility of the Abbott Application under the Right to Farm Act

1. There are credible exhibits to establish that the commercial farm is no less than five (5) acres.
2. The commercial farm produces agricultural / horticultural products worth at least \$2,500 per year.
3. The list of such products is listed in the application.
4. The farm is eligible for differential property taxation pursuant to the Farmland Assessment Act of 1964.
5. The farm is located in an area in which, as of December 31, 1997 or thereafter, agriculture has been a permitted use under the municipal zoning ordinance and is consistent with the municipal master plan and Pinelands Comprehensive Management Plan.
6. The AP (Agricultural Production) Zone in Southampton allows for agricultural as a permitted use.
7. The AP Zone in question was in place as of December 31, 1997 or thereafter.
8. A complete written application for recommending a Site-Specific Agricultural Management Practice was made to the Board.
9. With all of the criteria above having been satisfied, the Board finds that the Abbott Farm meets the eligibility criteria under the Right to Farm Act.

The Board's consideration of the exhibits and staff observations with respect to whether the existing use of the mobile home meets the criteria of a Site- Specific Agricultural Management Practice

10. The Board finds that based upon the letters from Susan Luchese, Dr. Michael Westendorf and Ray Samulis, the use of the mobile home for a portable poultry house is an acceptable agricultural management practice.
11. The Board duly considered the Objectors' position that it take into account the type of structure that is being used and recognize the structure as a mobile home, not an agricultural management practice.
12. The Board recognizes that it has no authority to supersede any federal or state regulations.
13. The Board finds that there is a legitimate agricultural reason for the local zoning regulations to be pre-empted.
14. The Board finds that the use is not a direct threat to public health and safety.

NOW, THEREFORE, BE IT FURTHER RESOLVED that, based on the aforesaid findings of fact, the Burlington County Agricultural Development Board finds that the operation of the property by Abbott, specifically the use of a mobile home as a portable poultry house, constitutes a generally accepted Agricultural Management Practice.

NOW, THEREFORE, BE IT FURTHER RESOLVED that, the Board finds it shall be the responsibility of Abbott to ensure compliance with all federal and state laws.

2-09-00
Date

William H. Pettit, Sr.
Chairman, Burlington CADB

Yeas: 11
Nays: 0
Abstentions: 0

(names) _____