

**RESOLUTION OF THE SALEM COUNTY AGRICULTURE DEVELOPMENT BOARD IN THE MATTER OF EARLEN HAVEN'S REQUEST FOR A SITE SPECIFIC AGRICULTURAL MANAGEMENT PRACTICE DETERMINATION PURSUANT TO THE RIGHT-TO-FARM ACT AND APPROVING THE APPLICATION OF MRS. HAVEN FOR CONSTRUCTION OF A POLE BARN**

**WHEREAS**, on November 16, 2006, Earlen Haven applied to the Salem County Agriculture Development Board (CADB) for a site specific agricultural management practice (SSAMP) recommendation pursuant to the Right To Farm Act (Act), N.J.S.A. 4:1C-1 et seq., and N.J.A.C. 2:76-2.3 for approval to construct a 40 ft. x 44 ft. pole barn on her property, designated as Block 40, Lot 7.02 in the Township of Pilesgrove (“property”); and

**WHEREAS**, Ms. Haven breeds, boards and trains horses on her property, which consists of twenty-three (23) acres; and

**WHEREAS**, Ms. Haven submitted a certification in support of her application for a SSAMP, in which she certified and provided documentation to support that she met the production requirements of the Right to Farm Act, as contained in the Act’s definition of “commercial farm” and that agriculture is a permitted use under the municipal zoning ordinance and is consistent with the municipal master plan or the commercial farm was in operation as of the effective date of P.L. 1998, c. 48; and

**WHEREAS**, Ms. Haven had applied to the Township of Pilesgrove (Township) for a permit to construct a 40 ft. x 44 ft. pole barn on her property; and

**WHEREAS**, the Township wanted verification from Ms. Haven of the use of the structure; and

**WHEREAS**, upon receipt of Ms. Haven’s SSAMP application, CADB staff sent a letter to the Pilesgrove Township Zoning Official seeking information regarding the Township’s position with respect to the pole barn (attached); and

**WHEREAS**, Pilesgrove Township responded by letter dated January 4, 2007, stating that: it has not denied permission to construct the barn; the barn does not fail to comply with any Township ordinances; the Township does not believe the barn poses any public health and safety concerns; and the Township does not have concerns with regard to the impact of the barn on wetlands on Ms. Haven’s property (attached); and

**WHEREAS**, the Township also stated that it was requiring Ms. Haven to appear before the Planning Board due to a prior Board action regarding earlier plans she submitted to the Board, which seemed to be inconsistent with her current request to construct a pole barn;

**WHEREAS**, it appears that when Ms. Haven applied to the Township for permission to construct the barn, her application indicated that the barn was to be used for personal purposes and was not solely to be used for her commercial equine operation; and

**WHEREAS**, CADB staff contacted Lynn Mathews, an equine specialist with the New Jersey Department of Agriculture, regarding whether the proposed pole barn conforms with generally accepted practices in the equine industry;

**WHEREAS**, Ms. Matthews advised the CADB that the pole barn proposed by Ms. Haven is a typical barn used for commercial equine operations and that it does conform with generally accepted practices;

**WHEREAS**, the Right to Farm Act states that a commercial farm operation can engage in certain agricultural activities notwithstanding any municipal ordinances or resolutions to the contrary if the operation satisfies the eligibility criteria of the Act, N.J.S.A. 4:1C-9;

**WHEREAS**, through meaningful deliberations the CADB considered whether the pole barn meets the eligibility criteria of the Act.

**NOW THEREFORE BE IT RESOLVED**, that the CADB approves the SSAMP application based on the following determinations:

- A. Ms. Haven's operation is a "commercial farm" as defined by N.J.S.A. 4:1C-3;
- B. Agriculture is a permitted use on the farm under the township's municipal zoning ordinance, as required by N.J.S.A. 4:1C-9 to receive right-to-farm protection;
- C. The operation does not pose a direct threat to public health and safety;
- D. The pole barn proposed by Ms. Haven is a generally accepted agricultural practice;
- E. The Township has not proffered any concerns, including those related to health and safety, as to why Ms. Haven should not be allowed to construct the pole barn;

F. Pursuant to N.J.S.A. 4:1C-9 and based upon the findings set forth in A through E above, Ms. Haven may construct the pole barn notwithstanding the provisions of any municipal ordinance, resolution or regulation to the contrary.

**BE IT FURTHER RESOLVED THAT** approval of this application is subject to the following condition:

A. Ms. Haven shall use the pole barn solely for commercial agriculture purposes.

I, Kris Alexander, Secretary to the Salem County Agriculture Development Board, do hereby certify the foregoing to be a true and accurate copy of a Resolution adopted by the Salem County Agriculture Development Board at a meeting held on

\_\_\_\_\_.

\_\_\_\_\_  
Kris Alexander, Secretary

\_\_\_\_\_  
Date