

## RESOLUTION

**RE: Hunterdon County Agriculture Development Board  
Determination of Site Specific Management Practices for Stonybrook Meadows Farm  
Block 41, Lot 40.05, Township of East Amwell, County of Hunterdon**

**WHEREAS:**

1. On June 22, 2012, a Site Specific Agricultural Management Practices application was submitted by Stonybrook Meadows, LLC, the owner of Block 41, Lot 40.05, in East Amwell Township, County of Hunterdon, to the Hunterdon County Agriculture Development Board (hereinafter referred to as the "CADB" or "Board"). The applicant sought a determination that would permit Stonybrook Meadows to undertake the following activity:

A. Utilize and operate an existing farm market on the property which is approximately 250 square feet in size.

2. The Board determined that it has jurisdiction to review this application pursuant to the Right to Farm Act, N.J.S.A. 4:1C-9 and implementing rule N.J.A.C. 2:76-2.3.

3. In October 2011, upon receipt of an SSAMP application filed by Ms. Del Campo on behalf of Stonybrook Meadows, the Board certified Stonybrook Meadows, LLC as a commercial farm prior to scheduling a public hearing on the SSAMP application. At that time Ms. Del Campo testified and furnished proofs that her operation met the required economic standard. The farm consists of 19+ acres, of which 18 acres are dedicated to agricultural and/or horticultural uses. She provided documentation regarding her farming income and farmland tax assessment for 2011, her application for 2012, as well as several additional years of proof of income. On July 12, 2012, Ms. Del Campo testified that there has been no material change to her farming operation since the Board made its previous finding that her operation met the required economic, acreage dedicated to use for farming, farming income and farmland assessment standards and certified Stonybrook Meadows as a commercial farm.

Based on the representation that there had been no material change in the operation at the farm since October, 2011, the Board determined that Stonybrook Meadows LLC continued to be a commercial farm.

4. Following the commercial farm certification, the CADB conducted a public hearing to determine whether Stonybrook Meadows Farm is entitled to Site Specific Agricultural Management Practices approval for the aforementioned operation of a farm market.

5. The Board is satisfied that notice of the hearing was published in the Hunterdon County Democrat and served via certified mail to all property owners within 200 feet of the farm.

6. At the hearing, Anthony J. Sposaro, Esq. appeared on behalf of Stonybrook Meadows and Jeffrey P. Blumstein, Esq. appeared on behalf of Linda and Edward Feinberg in opposition to the application. No representative for the Township of East Amwell was present.

7. The Exhibits introduced at the hearing were marked as follows:

A-1 UCC Certification for a 30 x 48 foot Pole Barn obtained by Stonybrook Meadows LLC;

A-2 Zoning Permit for farm market issued by East Amwell Township;

N-1 Fact Sheet for Commercial Farm Buildings (Uniform Construction Code)

8. At the onset of the hearing, and on multiple occasions during the pendency of the hearing, opposition to the Board's exercise of jurisdiction in this matter was raised by counsel for the Feinbergs. The Board was further advised by counsel that an emergent application for a stay of the hearing was filed on behalf of the Feinbergs with the SADC, arguing that jurisdiction for the pending application was vested with the SADC based on the pending appeal before the SADC of the Board's May 9, 2012 Resolution concerning a previous SSAMP application filed by Stonybrook Meadows on September 14, 2011. However, at the time of the hearing, the SADC had not yet issued a decision on the emergent application, and the Board was advised that a decision on that application would not be issued until on or after July 26, 2012. For reasons which were previously set forth in its Resolution of May 9, 2012, the CADB determined that jurisdiction was properly vested in the Board. Further, on advice of counsel, the Board determined that the pending appeal did not preclude them from continuing the hearing on this matter

9. The applicant's position is that given the fact that they are a commercial farm and are performing generally accepted agricultural management practices; the operation of a farm market should be given Right to Farm protection.

10. The opposition's position is that Stonybrook Meadows does not meet the qualification for Right to Farm Protection because they willingly relinquished an existing zoning permit for the structure and are attempting to circumvent the appropriate zoning process. The opposition further encouraged the Board to relinquish jurisdiction to the SADC due to the fact that there is a current appeal to the SADC of the Board's previous resolution pertaining to Stonybrook Meadows LLC's farming operations.

**NOW, THEREFORE, BE IT RESOLVED THAT THE HUNTERDON COUNTY AGRICULTURE DEVELOPMENT BOARD MAKES THE FOLLOWING FINDINGS.**

1. The CADB approves the applicant's Site Specific Agricultural Management Practice application and the operation of an existing farm market on the property which is approximately 250 square feet in size

2. This determination shall be forwarded to the State Agriculture Development Committee within thirty (30) days, pursuant to N.J.A.C. 2:76-2.3(e).

3. Any person aggrieved by this decision, may appeal to the State Agriculture Development Committee, pursuant to N.J.A.C. 2:76-2-3(f).

HUNTERDON COUNTY AGRICULTURE  
DEVELOPMENT BOARD

Dated:

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DAVE BOND, CHAIRMAN