

**RESOLUTION
OF THE
HUNTERDON COUNTY AGRICULTURAL
DEVELOPMENT BOARD**

**Determination of Generally Accepted Agricultural Operation Or Practice
GROM EQUINE FACILITY - BLOCK LOT
FITZER ROAD, KINGWOOD TOWNSHIP**

WHEREAS, Robert and Kim Grom, the owners of Block , Lot in Kingwood Township, have applied to the Hunterdon County Agricultural Development Board for a determination that their proposed equine facility is a generally accepted agricultural operation or practice; and

WHEREAS, this Board has determined that it has jurisdiction to review this application pursuant to the Appellate Division decision in Township of Franklin v. David Den Hollander, The Right To Farm Act, N.J.S.A. 4:1C-9, and implementing rules at N.J.A.C.2:76-2.3; and

WHEREAS, the Groms' application was submitted to this Board on May 10, 2001, with a supplementary submission on June 11, 2001; and

WHEREAS, the Groms have met with representatives of Kingwood Township and resolved all issues concerning this application which arise under the Kingwood Township Zoning Ordinance, and the agreement between the Groms and Kingwood Township is set forth in a letter dated June 21, 2001; and

WHEREAS, the Groms were represented by Guliet D. Hirsch, Esq. of Archer & Greiner, P.C., and testimony on behalf of the applicants was given at the hearing by William Hall, P.E., L.S., the applicants' site engineer, and Robert Grom, one of the owners; and

WHEREAS, Kingwood Township and its Planning Board was represented in this matter by David R. Pierce, Esq. of Lindabury, McCormick & Estabrook; and

WHEREAS, a public hearing on this matter was held on June 21, 2001, said hearing preceded by public notice, and the public was given an opportunity to attend and participate in the hearing; and

WHEREAS, the Board received and reviewed a series of documents marked into evidence and listed on the Exhibit List attached to this Resolution; an

WHEREAS, the Subcommittee of the Board made a site inspection visit on June 12, 2001 and issued a favorable report to the Board.

NOW THEREFORE, the Board makes the following findings of fact and conclusions of law:

1. The Applicants' proposed equine facility is shown on a set of plans dated June 2001 entitled "Site Plan For Grom Horse Facility in Kingwood Township, Hunterdon County, New Jersey," prepared by William C. Hall, P.E., L.S., of Bohren and Bohren Engineering Associates, and consisting of three sheets as well as a separate sheet, dated June 10, 2001 and showing the front elevation and floor plan and entitled "New Horse Barn For Robert and Kim Grom" (hereinafter described as the "final plans").

2. The final plans for the proposed equine facility, as well as the other documents submitted on behalf of the applicants, are in sufficient detail to allow review of whether the proposed equine facility should be considered a generally accepted agricultural operation or practice.

3. The Groms' equine facility, as proposed to the Board, involves a wood-frame horse barn with driveway to The barn would include a stable area with an indoor run, an indoor arena and loft and stairs. The stable would include 24 stalls as well as wash stalls, tack room and other facilities. The major functions of the proposed equine facility would be the boarding of horses owned by the Grom family and others, breeding of horses and sale of foals, training of horses for show purposes, rehabilitation and training of abused or abandoned horses, sale of horses trained at the facility and 4-H Club activities.

4. Based upon the testimony and documentary materials presented to the Board, the Board specifically finds that the proposed equine facility:

- a. Would be a commercial farm because:
 1. The facility is proposed to be located on a site which is 110 acres in size, thus exceeding the five-acre minimum pursuant to the Right To Farm Act;
 2. As set forth in the Certification of Robert Grom, will produce agricultural products worth at least \$2500.00 per year, said products including the breeding, boarding and other activities related to horses.
 3. The property is farmland assessed and will continue to be farmland assessed after the proposed equine facility is constructed.
- b. Is located in the AR-2 Zone of Kingwood Township. Farming and agricultural activities are permitted uses in the AR-2 Zone.
- c. Conforms with all zoning requirements of Kingwood Township.
- d. Will conform with all applicable laws and regulations as evidenced by the various permits accepted as exhibits in evidence.

- e. Will not pose a threat to public health, safety or welfare of surrounding residents or Kingwood Township in general. The Board bases this conclusion upon the mitigating measures shown on the final plans as well as the applicants' agreement to abide by conditions requested by Kingwood Township and included as conditions in this Resolution.

NOW, THEREFORE, BE IT RESOLVED, that the Hunterdon County Agricultural Development Board hereby determines that the proposed Grom equine facility is a generally accepted agricultural operation or practice pursuant to The Right To Farm Act and implementing rules, and said approval is expressly conditioned upon conformance with the following conditions which conditions the applicant has proposed and Kingwood Township has consented to:

1. Description(s) and specification(s) for lighting will be provided to Kingwood Township representatives. The applicant will install shields or take any other measures deemed necessary to assure the protection of adjacent properties from glare. After installation, all lights will be subject to a night glare test. Only the lights along the front of the building will be kept on at night, with lights at the rear and sides of the building to be activated at night by motion detectors.
2. There will be no commercial sale of tack.
3. The total number of shows or club events shall be restricted to no more than twelve (12) per calendar year, this restriction applying to gatherings of any number of members of the general public, but not to gatherings of people who board horses at the facility, or to 4-H Club or similar events.
4. General activities at the Grom equine facility, such as riding, will stop at 8:00 p.m. Meetings of the 4-H Club and similar activities may occur up to around 10:00 p.m.
5. In the event that any signage is desired for this facility, the Groms will make application to the Kingwood Township Planning Board for signage which conforms with the Kingwood Township Land Use Regulations.
6. There will be no sale of trailers.
7. There will be no parking along the public road.
8. There shall be no auctions of any kind.

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 AGRICULTURAL
DEVELOPMENT BOARD

Robert Reed, Chairman

WITNESSETH:

Secretary

DATE OF DECISION: June 21, 2001

DATE OF ADOPTION OF RESOLUTION: June 21, 2001

EXHIBIT LIST

**Grom Application To Hunterdon County Agricultural
Development Board Re Proposed Equine Facility**

- A-1 Certification of Service and Publication
- A-2 06/07/01 Notice published in Hunterdon Democrat (by Gaetano M. DeSapio)
- A-3 Application Package Submitted 05/10/01 (includes 04/24/01 Plot Plan, 05/10/01 Archer & Greiner Letter and Certification of Robert Grom)
- A-4 Site Plan Dated 06/11/01 (3 pages)
- A-5 Kingwood Township Zoning, Ch. 132
- A-6 05/09/01 Letter From David Pierce To Gaetano DeSapio
- A-7 06/21/01 Letter From Guliet Hirsch, Esq. To David Pierce
- A-8 Front Elevation and Floor Plan Dated 06/10/01
- A-9 05/10/01 Letter to Robert Grom from Karen Kritz, N.J. Department of Agriculture
- A-10 05/23/01 Hunterdon County Soil Conservation District Certification
- A-11 06/07/01 Hunterdon County Health Department Approval of Septic System