

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

**Determination of Generally Accepted Agricultural Operation Or Practice
SOUTHWARK FARMS EQUINE FACILITY - BLOCK 11, LOT 3
EAST AMWELL TOWNSHIP**

WHEREAS, Amy Jorgensen on behalf of Southwark Farms, L.L.C., the owner of Block 11, Lot 3 in East Amwell Township, has applied to the Hunterdon County Agriculture Development Board for a determination that its existing equine facility, as supplemented by a proposed addition, 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, Amy Jorgensen's application was submitted to this Board on July 2, 2001, with a supplementary submission on August 30, 2001; and

WHEREAS, Amy Jorgensen has met with representatives of East Amwell Township and resolved many of the issues concerning this application which arise under the East Amwell Township Zoning Ordinance, and the comments and request for conditions by East Amwell Township is set forth in the Minutes of the September 5, 2001 East Amwell Planning Board meeting and in a memorandum dated September 10, 2001 with attached memoranda from the Road Supervisor dated September 10, 2001 and the Engineer dated September 6, 2001; and

WHEREAS, Amy Jorgensen was 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 Amy Jorgensen, the owner; and

WHEREAS, East Amwell Township and its Planning Board was represented in this matter by Planning Board Chair, Barbara Wolfe; and

WHEREAS, a public hearing on this matter was held on September 13, 2001, said hearing preceded by notice to property owners within 200 feet and notice published in the Hunterdon Democrat, 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; and

WHEREAS, the Right To Farm Committee made a site inspection visit on August 15, 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 Applicant's existing equine facility, with proposed additions, is shown on a set of plans dated August 2001, last revised on August 21, 2001, entitled "Site Plan For Jorgensen Horse Facility in East Amwell 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 (hereinafter described as the "final plans").

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

3. The Jorgensen equine facility is located on 65 acres fronting on _____ and is improved with a sign, access road, bridge crossing, house, several farm buildings, two wells, three septic systems and an indoor ring. There are three components to the proposed addition. First, a 94' by 272' (25,568 square feet) pole building to house an indoor arena for training of horses boarded on the property. Second, the narrow area in the existing stable building will be converted to approximately twenty-one (21) stalls. Third, a fenced outdoor riding area is to be graded and improved. The major functions of the Jorgensen equine facility, before and after the proposed additions are completed, would be the boarding of horses owned by the Jorgensen family and others, breeding of horses and sale of foals and training of horses for show purposes.

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 65 acres in size, thus exceeding the five-acre minimum pursuant to the Right To Farm Act;
 2. As set forth in the Certification of Amy Jorgensen, 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 addition to the equine facility is completed.
- b. Is located in the Amwell Valley Agricultural District of East Amwell Township. Farming and agricultural activities are permitted uses in this zone.

- c. With the proposed addition, the existing equine facility is a permitted use under East Amwell Zoning Ordinance and generally conforms with all zoning requirements of East Amwell Township.
- d. With the proposed addition, the existing equine facility will not pose a threat to public health, safety or welfare of surrounding residents or East Amwell 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 certain conditions requested by East Amwell Township and included as conditions in this Resolution and by the implementation of the proposed modified conditions set forth in this Resolution.

NOW, THEREFORE, BE IT RESOLVED, that the Hunterdon County Agriculture Development Board hereby determines that the existing Jorgensen equine facility with the proposed addition 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:

1. As per the agreement between the Applicant and East Amwell Township, riding activities and lights shall be off in the indoor arena by 9:00 p.m., subject to reasonable exceptions necessary for care and maintenance of the horses. Riding activities in the existing barn shall cease at 10:00 p.m., but maintenance and clean-up may continue past that hour.
2. The following conditions concern lighting. No lighting is proposed for the outdoor riding area. All new lighting shall be reviewed for conformance with East Amwell Ordinance Section 618 and other applicable ordinances by the East Amwell Township Engineer. Construction may proceed prior to completion of this review, but lighting

may not be installed until Township Engineer approval occurs. This Board is not requiring existing lights on the site to be changed or replaced.

3. Buffering as shown on the final plans (A-3) shall be installed and supplemented with five (5) additional pine trees located to shield the view of the indoor arena from the house on Lot 2.01.
4. This Board takes no position regarding the existing apartments on the farm since this matter is not presently before the Board and the Applicant does not propose to add or change the present residential use.
5. A maximum of twelve (12) horse shows per year shall be permitted. Shows may be held on any day of the week. Any loudspeakers shall be installed to face away from neighboring homes. Prior to the first horse show, the Hunterdon County Engineer's Office shall review weight limits on the four bridges on Boss Road and the turning radius at the intersection of Boss Road with State Route 179 and the intersection with County Route 604. If the County Engineer identifies any hazard in connection with horse trailer use due to bridge weight limits or any turning radius, the Applicant shall return to the Board with a solution prior to scheduling any horse show(s). Construction of the indoor arena and other improvements may proceed prior to completion of this analysis by the County Engineer. If the analysis identifies a hazard, construction may proceed to completion, but no horse shows may be held unless a solution is approved by this Board. The Applicant shall be responsible for communicating with the County Engineer's office and arranging for the review.
6. The Applicant shall seek N.R.C.S. advice for its proposed manure management system and implement N.R.C.S. recommendations.
7. The drainage system as proposed by the Applicant, including the dry wells, shall be installed as per final plans.
8. Prior to use of the indoor arena, the Applicant shall grant East Amwell Township an easement for a 25-foot road right-of-way from the centerline of Boss Road, or provide evidence that the easement already exists.
9. There shall be no commercial sale of tack, except as may be incidental to horse shows.
10. There shall be no sale of trailers.
11. There shall be no parking on the public road.

12. There shall be no auctions of any kind.
13. Signage will conform to the East Amwell Land Management Ordinance.
14. Construction of proposed improvements may proceed prior to approval of the lighting plan revisions requested in the September 6, 2001 review letter of the East Amwell Township Engineer.

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

Linda B. Weber, Secretary

DATE OF DECISION: September 13, 2001

DATE OF ADOPTION OF RESOLUTION: September 13, 2001

EXHIBIT LIST

Jorgensen Application To Hunterdon County Agriculture
Development Board Re Indoor Arena Addition To Equine Facility

- A-1 Certification of Service and Publication
- A-2 Application Package Submitted 07/02/01 (includes Location Plan, 07/02/01 Archer & Greiner Letter and Certification of Amy Jorgensen)
- A-3 Site Plan Dated August 2001, last revision date: 08/21/01 (3 pages)
- A-4 September 10, 2001 Memorandum from East Amwell Township Planning Board, with attachments noted of 09/10/01 Memorandum from East Amwell Road Supervisor Marion and 09/06/01 Memorandum from East Amwell Township Engineer O'Neal
- A-5 September 12, 2001 Archer & Greiner Letter Responding To East Amwell Memoranda
- A-6 May 5, 2001 Letter To Robert Grom From Karen Kretz, Agribusiness Coordinator, New Jersey Department of Agriculture