

Somerset County Agriculture Development Board

Recommendation of a Site Specific
Agriculture Management Practice

Hunter Farms North
Princeton Show Jumping, LLC d/b/a Hunter Farms North
Block 26001 – Lot 1.02
Township of Montgomery

WHEREAS, Princeton Show Jumping, LLC d/b/a Hunter Farms North (hereinafter "PSJ") is the current record owner of Block 26001, Lot 1.02 located in the Township of Montgomery, County of Somerset, as recorded in the Somerset County Clerk's Office in Deed Book 6519, Page 3387 by deed dated May 7, 2012, totaling 101.46 acres, (hereinafter the "Premises"); and

WHEREAS, Mr. Andrew Philbrick is the sole owner of PSJ and is a former US Equestrian Team rider, coach, and longtime equine breeder and trainer (hereinafter "Mr. Philbrick"); and

WHEREAS, pursuant to the Right to Farm Act, N.J.S.A. 4:1C-1, et seq., and regulations promulgated by the State Agriculture Development Committee (hereinafter "SADC"), a commercial farm owner or operator may make a request to the Somerset County Agriculture Development Board (hereinafter "SCADB") to determine if his or her operation constitutes a generally accepted agricultural management practice; and

WHEREAS, the Premises is a preserved farm under a Deed of Easement held by the SADC dated December 2, 2003 (hereinafter "DOE"); and

WHEREAS, on January 10, 2013, the SADC submitted a letter to PSJ stating that SADC staff noticed new riding rings, judging booths, parking areas and temporary tents on the Premises during a recent inspection, and sought to schedule another onsite inspection with PSJ to clarify any potential violations of the DOE; and

WHEREAS, on January 14, 2013, PSJ filed a written request with the SCADB for the creation and recognition of a "site-specific agriculture management practice" (hereinafter "SSAMP") in connection with a proposed "equestrian facility consisting of outdoor and indoor riding rings, a grand prix field, viewing stands, judges and officials towers, areas for temporary horse stalls, horse barn and parking areas" (*PSJ SSAMP Application – Section 1.6*); and

WHEREAS, by way of this SSAMP application, Mr. Philbrick describes the nature of the proposed equine operation on the Premises as follows: "Applicant intends to conduct approximately 12 horse shows annually. Horses will be bred and trained on the premises. Hay production will continue. Applicant proposes construction (completion) of a state-of-the-art equestrian facility capable of handling Olympic Trials, competitions and international events. In order to address site-related issues, applicant stipulates to the following: 1) Horse show hours (8:00AM – 5:00PM); 2) no RVs; 3) No site lighting except for any lighting that may be associated with the stable once constructed; 4) Ancillary agritourism, i.e., wine tasting, farmers markets, and the like, limited to when horse shows are being conducted; and 5) Use of Skillman Road field area for parking limited to horse show weekends (*PSJ SSAMP Application – Section 2*); and

WHEREAS, PSJ currently owns and operates a hunter/jumper equine breeding, raising, training and sales operation known as "Hunter Farms" on a non-preserved farm approximately two miles from the Premises ; and

WHEREAS, Mr. Philbrick sometimes refers to this original equine-related site as Hunter Farms South, and the Premises as Hunter Farms North; and

WHEREAS, PSJ presently hosts several 3-5 day hunter/jumper equine shows at Hunter Farms South; and

WHEREAS, during these shows PSJ showcases its own horses in competition with horses owned by other individuals in the region in competitive show jumping events; and

WHEREAS, by way of this SSAMP application, PSJ proposes to utilize the Premises to expand his current equine operation and to host horse shows; and

WHEREAS, Mr. Philbrick will breed and train the horses on the Premises, once the required equine-related infrastructure is completed; and

WHEREAS, upon receipt of the PSJ SSAMP application, the SCADB staff forwarded same to the SADC for their review and comment given SADC's status as the DOE holder; and

WHEREAS, on February 14, 2013, the SADC directed the SCADB to refrain from acting upon the PSJ SSAMP application until the SADC had the opportunity to review potential violations of the DOE; and

WHEREAS, on February 14, 2013, Tara Kenyon, Principal Planner for the SCADB, notified Mr. Anthony Sposaro (attorney for Mr. Philbrick), Ms. Lauren Wasiluaski (Open Space Coordinator for Montgomery Township) and Mr. David Kimmel (Right-to-Farm Specialist for SADC) via email stating that the SCADB would not review the PSJ SSAMP application until the SADC determined that there were no existing and/or outstanding violations of the DOE; and

WHEREAS, subsequently on March 4, 2013, the Somerset-Union Soil Conservation District approved the Erosion Control Plan submitted by PSJ; and

WHEREAS, on March 18, 2013, Ms. Victoria Britton, attorney for Montgomery Township, submitted correspondence stating the following concerns: 1) if the SSAMP for Hunter Farms North was approved, the impervious coverage limit would be exceeded; 2) the Township stated that the landowner had submitted an application for a permit for new electrical service to the onsite well, however that the access road needed to complete this would add approximately 9,000 SF of impervious coverage; 3) a new access road was being constructed; 4) the Township sought clarification as to whether the outdoor sand riding rings and run-in sheds should be calculated as impervious coverage; 5) the Township had serious concerns regarding soil conservation and erosion control as a violation to the existing Deed of Easement; 6) the Township stated that Hunter Farms North may not be eligible for Right-to-Farm protection due to the lack of breeding and training on the Premises; 7) the Township had serious concerns that stormwater management had not yet been addressed for the Premises; 8) the Township stated that the Agricultural Plan submitted did not depict the location of the run-in sheds or temporary tents that were to be used during the horse shows; 9) the Township stated that the Agricultural Plan submitted did not depict the location of exterior lighting on the Premises; 10) the Township stated that the Agricultural Plan did not depict the location of an Agricultural Labor House, which should be included in order to properly calculate impervious coverage; 11) the Township stated that the proposed Grand Prix Field is located in modified agricultural wetlands; 12) the Township had concerns that proposed signage was not illustrated on the Agricultural Plan; 13) the Township stated that the landowner would not apply for the required municipal Public Assembly Permit, which would allow them to review the horse show events for traffic safety and public health issues; 14) the Township stated that the landowner was not in receipt of the required municipal Driveway Opening Permit and Building Permits; 15) the Township stated that the landowner erroneously calculated the Equine-Related Infrastructure and was concerned that they would exceed the maximum allowed percentage of 25%; and

WHEREAS, on March 21, 2013, Bayer-Risse Engineering (hired by PSJ) submitted a report stating that the surface material used in the outdoor riding rings at Hunter Farms North "was at the more permeable end of that range of allowable permeability rates", compared to the New Jersey Department of Environmental Protection's standards for permeability under the Wastewater Management Rules; and

WHEREAS, on March 24, 2013, Mr. Sposaro (attorney for PSJ) submitted correspondence responding to many points of the March 18, 2013 letter from Ms. Britton (attorney for Montgomery Township) stating the following: 1) the 5% impervious coverage restriction set forth in the Deed of Easement, dated December 2, 2003, would not be exceeded using even the most conservative calculation; 2) the landowner will not be constructing a new access road; 3) the electrical service has been redesigned so that the additional access road is no longer needed; 4) the Township has not yet issued the electrical permit; 4) the landowner has constructed the outdoor sand riding rings with an ultra-permeable geotextile, and therefore should not be calculated as impervious coverage; 5) the landowner recognizes that the Premises is subject to stormwater regulation, and will submit the required documentation for review to the Soil Conservation District, as dictated by New Jersey Stormwater Management Rules; 6) the landowner stated that Hunter Farms North took "great pains to avoid unnecessary disturbance of this property whenever possible"; 7) Hunter Farms has requested assistance from Natural Resources Conservation Service (NRCS) so that conservation and manure management plans can be developed; 8) the landowner states that Montgomery Township has not allowed for permanent electricity, and therefore the proposed stable could not be constructed – once the facilities are constructed and operational, the breeding and training would be transferred to the Premises; 9) the landowner states that Equine-Related Infrastructure will not exceed 25%; 10) the landowner states that all required construction permits have been secured and all improvements comply with building code requirements; and

WHEREAS, on March 28, 2013, the SADC held their regularly scheduled meeting and discussed possible violations on the Premises per the DOE, as well as received testimony from witnesses on behalf of PSJ and the Township of Montgomery; and

WHEREAS, at the end of the March 28, 2013 SADC meeting, the SADC decided to finalize their research of the matter and make a decision regarding potential DOE violations at a future meeting; and

WHEREAS, at the May 23, 2013 SADC meeting, the SADC addressed potential DOE violations and adopted a Resolution (hereinafter the "SADC Resolution") reflecting findings and conclusions; and

(See SADC Resolution attached hereto at Exhibit A).

WHEREAS, on May 23, 2013, the SCADB received notification of the SADC action; and

WHEREAS, on May 31, 2013, PSJ submitted an updated site plan, entitled "Agricultural Plan – Hunter Farms North", originally dated January 24, 2013, with a most recent revision date of May 20, 2013 (hereinafter the "Site Plan"); and

(See Site Plan attached hereto at Exhibit B).

WHEREAS, SCADB staff thereafter reviewed the PSJ SSAMP application including the Site Plan to evaluate eligibility for Right to Farm Act protection, as defined at N.J.S.A 4:1C-3 and N.J.A.C. 2:76-2.1, and made the initial determination that the SCADB should exercise its "primary jurisdiction" to evaluate PSJ's eligibility for Right to Farm Act protections as concerns the Premises; and

WHEREAS, on June 3, 2013, Lori Savron, PP, AICP (Montgomery Township Planning Director) submitted correspondence addressing site plan issues involving the well house/storage area, office trailers, future grandstand and judges and officials tower, parking, driveway, lighting, storm water management, signage, landscaping as well as issues involving municipal approvals and Right to Farm Act eligibility. This June 3rd letter was marked into evidence at the June 10th hearing as Montgomery-I; and

WHEREAS, on June 5, 2013, the Right-to-Farm Committee of the SCADB met for a briefing of the history of the PSJ SSAMP application; and

WHEREAS, on June 5, 2013, SCADB staff, SCADB members and SCADB Counsel performed a site inspection of the Premises, which consisted of walking the site with Mr. Philbrick and Mr. Sposaro in order to become acquainted with the physical layout of the Premises and better understand the current farming and proposed equine operation covered by the PSJ SSAMP application and Site Plan; and

WHEREAS, on June 10, 2013, the SCADB held an appropriately noticed and advertised Public Hearing concerning the PSJ SSAMP application; and

WHEREAS, at the above-referenced SCADB Public Hearing, testimony was received from witnesses on behalf of PSJ and the Township of Montgomery, as well as from neighboring property owner Emad Abou-Sabe (owner of Agridor Farm); and

WHEREAS, in accordance with its usual procedure, the SCADB created a record of all documentation submitted by PSJ and the Township of Montgomery and forwarded the matter for a detailed review to the SCADB Right-to-Farm Committee; and

WHEREAS, on June 17, 2013, the SCADB Right to Farm Committee, with the assistance of SCADB Counsel, reviewed and discussed the PSJ SSAMP application and all documentation relating to the matter, with guidance from the "Right to Farm Act" (N.J.S.A. 4:1C-1 et seq.), and New Jersey Administrative Code provisions related to "Agriculture Management Practice for Equine Activities on Commercial Farms" (NJAC 2:76-2A.10) and "Eligibility of Equine Activities for Right to Farm Protections" (NJAC 2:76-2B.3); and

WHEREAS, following the June 10, 2013 meeting, the SCADB has received and made part of the record additional correspondence from Mr. Sposaro, Ms. Britton, and Mr. Abou-Sabe; and

WHEREAS, at the July 8, 2013 regular meeting, the SCADB held an open discussion concerning all issues raised in connection with the PSJ SSAMP application, in the presence of all persons present representing PSJ, the Township of Montgomery, and neighboring property owners;

NOW THEREFORE, BE IT RESOLVED, that the SCADB finds that the development and use of the Premises as described in the PSJ SSAMP Application (marked into evidence as Hunter Farms-1), the SADC Resolution (marked into evidence as Hunter Farms-2 and attached hereto at Exhibit A), and the Site Plan (attached hereto at Exhibit B), is in conformance with the Right to Farm Act definition of "commercial farm" (See N.J.S.A. 4:1C-3); and

BE IT FURTHER RESOLVED, that the SCADB finds that the current farming and proposed equine operation on the Premises as described in the PSJ SSAMP Application, SADC Resolution, and Site Plan constitutes a "generally accepted agricultural operation and practice" which operation and practice does not pose a direct threat to public health and safety (See N.J.S.A. 4:1C-9); and

BE IT FURTHER RESOLVED, that the SCADB hereby approves the request by PSJ for a "Site Specific Agricultural Management Practice" for the development and use of the Premises as described in the PSJ SSAMP Application, the SADC Resolution, and Site Plan, subject to conditions more particularly described below; and

BE IT FURTHER RESOLVED, that in granting the PSJ SSAMP Application, the SCADB has sought to consider and balance PSJ's farming-related interests with those legitimate interests of the local government (Township of Montgomery), adjoining property owners (including Mr. Abou-Sabe), and members of the public, as well as the impact of PSJ's development and use of the Premises as impacting upon public health and safety issues; and

BE IT FURTHER RESOLVED, that as a result of the SCADB's evaluation of the above-referenced potentially competing interests, the SCADB places conditions upon its approval of the PSJ SSAMP Application, as follows:

1. PSJ'S Development and Use of the Premises:

PSJ shall develop and use the Premises in conformity with the specifics delineated in the PSJ SSAMP Application and Site Plan submitted by Mr. Philbrick in support of the PSJ SSAMP application submitted to the SCADB; and

2. Conformance With SADC Resolution:

PSJ's development and use of the Premises shall remain in conformity with the conditions set forth in the SADC Resolution, the contents of which are incorporated herein by reference; and

3. Equine Related Infrastructure:

In accordance with the SADC Equine Activities AMP Regulations, the equine related infrastructure on the Premises shall not exceed the twenty-five percent (25%) limitation; and

4. Height of Structures on Premises:

Notwithstanding the local ordinance limiting height of structures to twenty-five (25') feet, PSJ may erect the proposed Judges and Officials' Tower (inclusive of any attachments on top of the roof) to a total height up to thirty-five (35') feet. All other structures located on the premises shall conform to the previously referenced twenty-five (25') feet height limitation established by local ordinance; and

5. Ingress and Egress to the Premises:

For safety purposes, PSJ shall pave the main entrance area abutting Burnt Hill Road so as to prevent migration of gravel onto Burnt Hill Road. This requirement shall be satisfied within six (6) months of the date of this Resolution; and

6. Horse Show Hours of Operation:

As stipulated by PSJ in its SSAMP Application, the horse show hours of operation on the Premises shall be limited to 8:00 a.m. through 5:00 p.m.; and

7. No RV's:

As stipulated by PSJ in its SSAMP Application, there shall be no RV's (other than for housing security during horse shows) located on the Premises with a limitation of two (2) such security-related RVs being present on the Premises during PSJ horse shows; and

8. Lighting:

As stipulated by PSJ in its SSAMP Application, there shall be no site lighting except for lighting that may be associated with the stable once constructed. All outdoor lighting shall be appropriately shielded; and

9. Parking:

As set forth by PSJ in its SSAMP Application, use of the Skillman Road field area for parking shall be limited to horse show weekends. Parking lots constructed on the Premises shall conform to those depicted on the Site Plan; and

10. Signage:

As stipulated by Mr. Philbrick during the PSJ SSAMP application hearing process, PSJ does not intend to erect any signs on the Premises other than those already installed at the Burnt Hill Road main entrance; and

11. Vegetative Screening

Given the proposed development and use of the Premises as depicted on the Site Plan, there appears to be no need for additional vegetative screening at this time. The SCADB reserves the right to re-visit this issue during PSJ's future development and use of the Premises; and

12. Landscaping:

PSJ shall install an appropriate amount of landscaping on the Premises provided such landscaping does not result in an adverse impact upon the agricultural use of the Premises; and

13. Storm Water Management:

PSJ shall continue to pursue approval of its Storm Water Management Plan with the Somerset Union Soil Conservation District; and

14. Sound Level of Activities on Premises:

PSJ shall make all reasonable efforts to minimize the sound level of the speakers utilized during the equine activities undertaken on the Premises so as to minimize any adverse impact of such activities on neighboring property owners. The SCADB reserves the right to re-visit this issue during PSJ's future development and use of the Premises; and

15. Local Permits (Construction, Fire Safety, Food Service):

PSJ agrees to apply for and obtain all applicable construction, fire safety, and food service permits associated with PSJ's future development and use of the Premises; and

16. Local Permit (Open Public Assembly):

PSJ's horse shows shall be subject to the requirements set forth in the Montgomery Ordinance "Licensing and Regulating the Conduct and Operation of Outdoor Assemblies of Persons in the Township of Montgomery" (marked into evidence as Montgomery-2). However, rather than file a separate application for and obtain a separate permit under this ordinance for each and every PSJ horse show, PSJ may file one (1) application for obtainment of one (1) permit covering all horse shows scheduled and conducted during each calendar year. Procedurally, PSJ shall file its permit application by December 1st covering all horse shows scheduled for the following calendar year. In accordance with the time parameters established under the above-

referenced ordinance, it is anticipated that the Township of Montgomery will have sufficient time to consider and act upon each PSJ permit application prior to PSJ's initial annual horse show which is typically scheduled for mid-April of each calendar year.

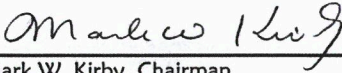
17. Federal and State Statutes, Rules, and Regulations

PSJ's development and use of the Premises must conform to all relevant federal and state statutes, rules, and regulations.

BE IT FURTHER RESOLVED, that PSJ shall be obligated at all times to adequately address and provide measures to ensure that public health and safety issues and concerns remain adequately addressed in connection with PSJ's development and use of the Premises as outlined in the PSJ SSAMP Application, SADC Resolution, and Site Plan. The SCADB encourages PSJ representatives and Montgomery Township representatives to work cooperatively toward addressing all public health and safety issues associated with PSJ's development and use of the Premises. To the extent that PSJ's future development and use of the Premises results in public health and safety issues that are not being adequately addressed by PSJ, the SSAMP approval evidenced by this Resolution will remain subject to revision upon application by the Township of Montgomery.

BE IT FURTHER RESOLVED that the Somerset CADB shall forward a copy of this Resolution to Mr. Andrew Philbrick (PSJ), Mr. Anthony Sposaro, the Township of Montgomery, Mr. Abou-Sabe, the SADC, and any other individuals or organizations deemed appropriate by the Board within 30 days of the execution of this Resolution.

I, Mark W. Kirby, Chairman of the Somerset County Agriculture Development Board, hereby certify that the foregoing is a true copy of a resolution adopted by said Board at their regularly convened meeting of July 8, 2013.



Mark W. Kirby, Chairman



Date