

WARREN COUNTY AGRICULTURAL DEVELOPMENT BOARD
THE DEPARTMENT OF LAND PRESERVATION
500 MT PISGAH AVE, P.O. BOX 179
OXFORD, NJ 07863

AMENDED RESOLUTION NO. 22-03

On motion by Mr. Burke, and seconded by Mr. Hood, the following resolution was adopted by the Warren County Agricultural Development Board at a meeting held February 17, 2022.

**RESOLUTION OF THE WARREN COUNTY AGRICULTURE
DEVELOPMENT BOARD APPROVING THE APPLICANTS' REQUEST
FOR A SITE SPECIFIC DETERMINATION IN THE MATTER OF STAR
D FARM, LLC, BLOCK 7, LOT 1.03 IN HARMONY TOWNSHIP,
WARREN COUNTY, NEW JERSEY, RIGHT-TO-FARM APPLICATION
TO ALLOW THE CONSTRUCTION OF A 180' L X 80' W X 24' HIGH
INDOOR RIDING ARENA AND ATTACHED 180' L X 24' W LEAN-TO**

WHEREAS, pursuant to the Right to Farm Act, N.J.S.A. 4:1C-1 et seq. and the State Agriculture Development Committee regulations, N.J.A.C. 2:76-2.3(a), a commercial farm owner or operator may make a request to the County Agriculture Development Board (hereinafter "Board") to determine whether its operation constitutes a generally accepted agricultural management practice; and

WHEREAS, Star D Farm, LLC, owned by Patrick and Kelley Smith, (the "Applicants") applied for a Site Specific Agricultural Management Practice ("SSAMP") determination for their property located at _____ Township of Harmony, New Jersey, and known as Block 7, Lot 1.03 on the Township Tax Map ("Property")

WHEREAS, pursuant to N.J.A.C. 2:76-2.3(b), the Board advised the State Agriculture Development Committee and Harmony Township of the request for a SSAMP determination; and

WHEREAS, pursuant to N.J.S.A. 4:1C-9 and N.J.A.C. 2:76-2.3, upon receipt of a request for a SSAMP, the Board must first determine whether the Applicants' operation satisfies at least one of the following two conditions:

- (1) It is located in an area of which, as of December 31, 1997, or thereafter, agriculture is a permitted use under Municipal zoning ordinances and is consistent with the Municipal master plan; or
- (2) The commercial farm was in operation as of the effective date of the amended Right to Farm Act, July 2, 1998; and

WHEREAS, based upon the application documentation submitted by the Applicant, including a copy of the Harmony Township Zoning Map and pertinent sections of the Harmony Township Zoning Ordinance, the Board finds that the Property is located in the "(RH-B) Residential Historic Business District" which, as of December 31, 1997, or thereafter, agriculture is a permitted use pursuant to Harmony Township Municipal Zoning Ordinances §165-14 and §165-20, and is consistent with the Harmony Township Municipal master plan; and

WHEREAS, pursuant to N.J.S.A. 4:1C-3 and N.J.A.C. 2:76-2.1 defining “commercial farm”, the Board also must determine whether the Applicants’ operation satisfies at least one of the following two requirements:

(1) a farm management unit of no less than 5 acres, producing agricultural or horticultural products worth \$2,500.00 or more annually and satisfying the eligibility criteria for differential property taxation pursuant to the Farmland Assessment Act of 1994; or

(2) A farm management unit of less than 5 acres, producing agricultural or horticultural products for \$50,000.00 or more annually and otherwise satisfying the eligibility criteria for differential property taxation pursuant to the Farmland Assessment Act of 1994; and

WHEREAS, based upon the application documentation submitted by the Applicants, including a copy of Applicants’ 2020 Application for Farmland Assessment, the Board previously found that Applicants’ farm management unit includes 150+ acres owned by Applicants and therefore is not less than 5 acres;

WHEREAS, based upon the application and documentation submitted by the Applicants, including a copy of the Schedule F “Profit and Loss From Farming” statement from Applicants’ 2020 Federal Income Tax Returns, the Board previously found that the Applicants’ farm management unit produces agricultural and horticultural products in excess of \$2,500.00 and satisfies the eligibility criteria for differential property taxation pursuant to the Farmland Assessment Act of 1994; and

WHEREAS, having made the above findings at its November 18, 2021 meeting, the Board adopted Resolution 21-12 determining that the Applicants farm is a Commercial Farm pursuant to N.J.S.A. 4:1C-1 et seq. at the December 16, 2021 meeting;

WHEREAS, pursuant to N.J.S.A. 4:1C-9, to be eligible for protection under the Right to Farm Act, the agricultural operation must also: (1) conform to agricultural management practices adopted by the Committee; (2) comply with all relevant Federal or State statutes and regulations; and (3) not pose a direct threat to public health and safety; and

WHEREAS, pursuant to N.J.A.C. 2:76-2.3(i), the Board scheduled a public hearing regarding Applicants’ request for a SSAMP determination which was noticed to take place at the December 16, 2021 Board meeting;

WHEREAS, the Applicants provided the Board with proof of written notice having been made in accordance with the requirements of N.J.S.A. 2:76-2.8(c), including, but not limited to, proof of written notice dated November 27, 2021 to all property owners within 200 feet of Applicants’ Property, the Harmony Township Clerk and Land Use Board, the State Agriculture Development Committee, the Warren County Planning Department, utility companies and proof of publication of the Notice of Hearing in The Express Times on November 25, 2021; and

WHEREAS, the Applicants were represented by themselves and provided sworn testimony under oath in support of their Application; and

WHEREAS, the Township of Harmony did not appear at the hearing; and

WHEREAS, no other members of the public were present at the hearing; and

WHEREAS, Patrick Smith gave the following testimony about the farming operations conducted at the Property and the building they wish to construct on the Property:

- a. They are seeking to replace an existing outdoor riding arena with an indoor riding arena.
- b. They propose to build a 180' L x 80' W x 24' H indoor riding arena with an additional 24' W X 180' L lean-to that would, at some point, contain 13 stalls for horses. They currently have 12 horses on the farm.
- c. The purpose of the proposed building will be for boarding horses. There is no training. However, the Applicant maintains one personal horse for his daughter.
- d. They are seeking relief from the Municipal Site Plan Approval requirement (Harmony Township Municipal Zoning Ordinances §135-1 et seq.).
- e. The proposed building will meet local ordinance (§165-22(g)) for setback and will be aligned with the other building on the property which is also within the municipal setback (The structure will be set back 60' from Roxburg Station Road Right of Way according to the Plans submitted).
- f. To the best of their knowledge, the Applicants are not seeking variance relief or requesting the waiver of any applicable municipal ordinances for site plan approval.
- g. They have a manure management plan, dust management plan, and are in compliance with all applicable requirements of the State Agricultural Management Practice for Equine Activities on Commercial Farms, N.J.A.C. 2:76-2A.10.
- h. They are not proposing any changes to the existing driveway accesses to County Route 622 or County Route 519.
- i. They are not proposing to modify the existing parking area, nor are they proposing grading within the County Right of Ways.

WHEREAS, it was noted by the Board that the Plans submitted included an error in the calculation for the storm water management amount in that it was calculated for a 74' x 80' structure which is not the measurement of the proposed building; Mr. Smith agreed to correct this error and revised Plans were submitted to the Department of Land Preservation on December 23, 2021 showing a building area of 104' X 180' totaling 18,720 square feet.

WHEREAS, the meeting was opened to members of the public to ask questions or raise concerns regarding this Application. No members of the public requested to speak on this application.

NOW, THEREFORE BE IT RESOLVED, that based upon the evidence submitted and testimony presented by the Applicants, the Board finds as follows:

- 1) The Board previously determined that Applicants operate a commercial farm in accordance with the requirements of N.J.S.A. 4:1C-9; and
- 2) All testimony from Patrick Smith was considered; and
- 3) The Applicants are engaged in a generally accepted agricultural operation or practice pursuant to N.J.S.A. 4:1C-9, specifically the production of agricultural crops, and equine activities in accordance with N.J.A.C. 2:76-2A.10 and N.J.A.C. 2:76-2B.3, specifically the keeping and boarding of horses; and

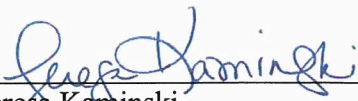
- 4) The Applicants shall continue to comply with all applicable requirements of the State Agricultural Management Practice for Equine Activities on Commercial Farms, including, but not limited to the standards for manure and dust management, in accordance with the conditions set forth in N.J.A.C. 2:76-2A.10; and
- 5) The Board retains jurisdiction of this matter; and
- 6) The Applicants shall comply with all relevant Federal or State statutes and regulations, and shall not pose a direct threat to public health and safety; and
- 7) The Township of Harmony shall permit the Applicants to construct a 180' L x 80' W x 24' H indoor riding arena with an additional attached 24' W x 180' lean-to containing up to 13 stalls.
- 8) This Resolution amends previous Resolution 22-01 which was approved by the Board on December 16, 2021 in order to clarify that the proposed structure does not comply with the standard 75' front yard setback requirement in that zone, but that the proposed structure does satisfy §165-22(g) of the municipal ordinance according to the Applicants and Township.

BE IT FURTHER RESOLVED, that the Board shall forward a copy of its written decision of the SSAMP Resolution to the Star D Farms, LLC (Patrick and Kelley Smith, Applicants) the Township of Harmony, the State Agriculture Development Committee (SADC), and any other individuals or organizations deemed appropriate by the Board within 30 days of the memorialization of this recommendation.

Roll Call: Mr. Schnetzer – yes; Mr. Bodine – yes; Mr. Burke – yes; Mr. Hood – yes;
Mr. Mathez – yes; Mr. Menegus – yes; Mrs. Watters – yes.

CERTIFICATION

I, Teresa Kaminski, Secretary to the Warren County Agriculture Development Board, do hereby certify the foregoing to be a true and accurate copy of a Resolution adopted by the Warren County Agriculture Development Board at a meeting of said Board held on February 17, 2022 to Amend the Resolution memorializing the Board's action on December 16, 2021 in which a motion was made by Mr. Bodine and seconded by Mr. Mathez and Roll Call at said meeting was as follows: Mr. Schnetzer – yes; Mr. Bodine – yes; Mr. Burke – yes; Mr. Hood – yes; Mr. Mathez – yes; Mr. Menegus- yes; Mrs. Watters – yes.



Teresa Kaminski