

**RESOLUTION OF THE SOMERSET COUNTY
AGRICULTURE DEVELOPMENT BOARD
RECOMMENDING A SITE SPECIFIC AGRICULTURAL MANAGEMENT PRACTICE
ON NAWN FARM (“PARCEL A” OF ORIGINAL GALLUP FARM), BLOCK 32001,
LOT 5
MONTGOMERY TOWNSHIP, SOMERSET COUNTY**

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 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, James and Ann Nawn of Montgomery Township, Somerset County, NJ made a request in writing to exercise the allocated Residential Dwelling Site Opportunity (RDSO), and presented the information to the SCADB at the regularly scheduled November 13, 2007 meeting; and

WHEREAS, the SCADB found the proposed activities and exercising of the RDSO to be consistent with the existing Deed of Easement, dated June 10, 1994, on this property, and expressed this to James and Ann Nawn, the Township of Montgomery and the SADC in a letter dated December 18, 2007; and

WHEREAS, the State Agriculture Development Committee also found the proposed operation, proposed access and exercising of the RDSO to be consistent with the existing Deed of Easement and SADC standards and regulations, and granted the exercising of the RDSO and access point in their January 24, 2008 resolution, and

WHEREAS, the SADC specifically supported the proposed alternative access point (located off County Route 601), as shown on site plans prepared for the applicant by Van Cleef Engineering, dated October 27, 2007 and last revised February 27, 2008, because it allowed for the most land to remain productive in agriculture, while serving access for the entirety of the property; and

WHEREAS, James and Ann Nawn, made a request in writing to the Board for the development of a site-specific agriculture management practice (hereinafter, “AMP”) for the development of equine-related infrastructure, including paddocks, horse stable, indoor and outdoor riding arena, service buildings and manure management area; and

WHEREAS, pursuant to N.J.A.C. 2:76-2.3(c), the SCADB provided a copy of this application to the State Agriculture Development Committee and the municipality of Montgomery; and

WHEREAS, James and Ann Nawn provided to the SCADB their commercial farm certification, including supporting documentation, and

WHEREAS, the Township of Montgomery subsequently contested that the proposed operation was inconsistent with the existing Deed of Easement for this property, and asked that the SCADB table any anticipated action at the April 14, 2008 SCADB meeting dated so that the Township would have time to research this issue more thoroughly; and

WHEREAS, staff of the SCADB, the County Planning Division, the Office of Somerset-Union Soil Conservation District, and Office of Rutgers Cooperative Extension are familiar with the farm site and operation in question; and

WHEREAS, the SCADB sought the assistance of Rutgers Cooperative Extension, and the Somerset-Union Soil Conservation District in the determination of generally accepted agriculture management practices and standards relating to this activity; and

WHEREAS, the SCADB also sought guidance from the Montgomery Agriculture Advisory Committee, who expressed their support of the proposed operation in a memorandum to the Montgomery Township Committee, dated April 1, 2008; and

WHEREAS, the SCADB recognizes that the applicant’s proposal is consistent with other existing and/or approved agricultural uses in the immediate vicinity of the property; and

NOW THEREFORE, BE IT RESOLVED, that the SCADB hereby determines that the farm operation proposed by James and Ann Nawn, which includes equine-related infrastructure such as indoor and outdoor riding arenas, horse stables, paddocks, service building and manure management area, constitutes a generally accepted agriculture management practice, provided that the activity must conform to all relevant federal and State statutes, rules, and regulations, and is consistent with the original Deed of Easement placed on this property in June 10, 1994.

NOW THEREFORE, BE IT FURTHER RESOLVED, the SCADB cannot make a determination on the specific siting of the access point (located off County Route 601), but prefers the proposed alternative access point as shown on site plans prepared for the applicant by Van Cleef Engineering, dated October 27, 2007 and last revised February 27, 2008, because it allowed for the most land to remain productive in agriculture, while serving access for the entirety of the property, recognizing that the Township of Montgomery supports use of the existing access point; and

NOW THEREFORE, BE IT FURTHER RESOLVED, the applicants (James and Ann Nawn) will be responsible for conforming to County Planning Board requirements for sight distance, and public health and safety standards in terms of the proposed alternative access point to County Route 601, as well as any applicable Municipal stormwater regulations, and any applicable State and Federal regulations.

BE IT FURTHER RESOLVED, that the Board shall forward a copy of its written recommendation of the site-specific AMP to James and Ann Nawn, the SADC, the Township of Montgomery and any other individuals or organizations deemed appropriate by the Board within 30 days of the recommendation.

I, Mark W. Kirby, Chairman of the Somerset County Agriculture Development Board, certify that the above is a true copy of the resolution adopted by Somerset County Agriculture Development Board at their meeting of May 12, 2008.

Mark W. Kirby, Chairman