

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

**Determination of Generally Accepted Agricultural Operation Or Practice
SOUTHWARK FARMS EQUINE FACILITY - BLOCK 11, LOT 3
20 BOSS ROAD, 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, with reconstruction of the barn/stable/farm labor apartments, 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 May 8, 2007; and

WHEREAS, Amy Jorgensen has met with representatives of East Amwell Township and resolved all 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 are set forth in the June 14, 2007 letter from Chris Norman, Esq., East Amwell Planning Board Attorney; and

WHEREAS, Amy Jorgensen was represented by Guliet D. Hirsch, Esq. of Archer & Greiner, P.C., and testimony on behalf of the applicant was given at the hearing by Ms. Amy Jorgensen, the owner; and

WHEREAS, a public hearing on this matter was held on June 14, 2007, 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 May 29, 2007 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 the indoor arena approved by this Board on September 13, 2001, 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 were supplemented by a 5 sheet construction plan set dated April 3, 2007, prepared by Timbertech Engineers, showing the proposed barn/stable/farm labor apartment to be constructed in the same location as the prior structure, and are in sufficient detail to allow review of whether the existing equine facility, with the new structure, should be considered a generally accepted agricultural operation or practice.

3. The Jorgensen equine facility is located on 65 acres fronting on Boss Road and is improved with a sign, access road, bridge crossing, house, several farm/stable buildings, two wells, three septic systems, an indoor ring and various fenced riding areas. The major functions

of the Jorgensen equine facility, before and after the proposed barn reconstruction is 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 reconstruction of the barn/stable/farm labor apartments, 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 applicant's agreement to abide by certain conditions requested by East Amwell Township and included as conditions 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 reconstructed barn/stable/farm labor apartments 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 recommendations of the East Amwell Planning Board as attached hereto as well as the conditions imposed by this Board in the attached Resolution adopted September 13, 2001.

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

Wayne Hunt, Acting Chairperson

Date

DATE OF DECISION: June 14, 2007

DATE OF ADOPTION OF RESOLUTION: June 14, 2007