#951

Resolution of the
Somerset County Agriculture Development Board

Recommendation of a Site Specific
Agriculture Management Practice

The Maiden Farmer, LLC
Willow Creek Farm
Block 48.01– Lot 1
Block 49 – Lot 3
Block 61 – Lot 1
150 Cowperthwaite Road
Township of Bedminster

WHEREAS, Rebecca and Thomas Casey are the current record owners of the Maiden Farmer, LLC Farm (hereinafter, "Maiden Farmer"), Block 48.01 - Lot 1, Block 49 – Lot 3, and Block 61 – Lot 1, located in the Township of Bedminster, County of Somerset, totaling 64.84 acres, (hereinafter the "Premises"); and

WHEREAS, Rebecca and Thomas Casey a re t he sole owners of Maiden Farmer, with Rebecca Casey serving as the primary contact for the agricultural operation; 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, on March 15, 2015, Rebecca Casey submitted an application for a Site-Specific Agriculture Management Practice (hereinafter "SSAMP") to the SCADB, in connection with "on-farm direct marketing facilities, activities and events" (hereinafter the "Maiden Farmer SSAMP Application" attached hereto at Exhibit A); and

WHEREAS, upon review of the documentation submitted, which included a Certification of Commercial Farm Status from Mrs. Casey and a copy of the 2015 Farmland Assessment, SCADB Staff determined that the Premises did meet the criteria established for "Commercial Farm", thereby allowing it Right-to-Farm protections; and

WHEREAS, on May 6, 2015, SCADB Staff performed a site inspection of the Premises; and

WHEREAS, by way of the narrative from the SSAMP Application, Mrs. Casey describes the nature of the proposed on-farm direct marketing facilities on the Premises as follows: "Over the next several years, the Maiden Farmer plans to develop infrastructure to enhance our produce and poultry operation, add small livestock, host community events on the farm such as education sessions, farm to table dinners, and holiday events, and implement a pasture rotation plan for the business..." (See Maiden Farmer SSAMP Application Narrative, Exhibit A, page 2); and

WHEREAS, Mrs. Casey specifically highlights the desire to build/renovate the following facilities and infrastructure, with approximate timeframes for construction/renovation in parentheses:

- 30x70 greenhouse to provide season extension for crops (1-2 years)
- Livestock fencing to facilitate pasture rotation and rehabilitation (1-2 years)

- Installation of a dedicated water line and automatic waterers for livestock (1-2 years)
- Installation of fencing for free-range poultry (1-2 years)
- Conversion of existing horse barn to a CSA barn, a distribution center, farm store, and education and event space with kitchen facilities (3-5 years)
- Construction of tractor/storage barn on existing foundation to house equipment and an office (3-5 years)
- Construction of horse barn and training center to replace the renovated horse barn (3-5 years); and

WHEREAS, by way of the SSAMP Application, Mrs. Casey describes the nature of the proposed on-farm direct marketing activities and events on the Premises as follows:

"Community Supported Agriculture (CSA) – our CSA is currently small and primarily delivers to local businesses and buying groups. We would like to offer our members more opportunities to come to the farm, including weekly pickup and seasonal/holiday sales. Improved facilities will enable us to manage a larger CSA.

Onsite Events – We would like to be able to hold a small number of events onsite for our CSA members and/or the local community, to attract customers to the farm, and offer an onsite experience. These events would include a harvest festival, scheduled farm to table dinners, fundraisers for local nonprofits, farm task experiences, and farm open house tours. We also may hold live music, pony rides, or other events to enhance the experience of customers on the farm.

Education – With improved facilities, we can have space to hold educational seminars and programs to market our agricultural output. We would like to offer cooking classes aimed at the homesteader (make your own cheese, canning & preserving food, seasonal cooking), as well as information sessions on relevant issues (nutrition, equine care).

Farm Market – We would like a small onsite space to sell farm-raised goods and related products.

Recreational Activities – Continue with the current camp program and offer horseback riding lessons. Add after school recreation programs for children when facility space is available"; and

(See Maiden Farmer SSAMP Application Narrative, Exhibit A, page 2-3); and

WHEREAS, on the Premises, "current operations include diversified organic produce, hay, organic chickens, quail, turkeys and eggs, equine breeding and training, and a children's summer camp (See Maiden Farmer SSAMP Application Narrative, Exhibit A, page 1); and

WHEREAS, upon receipt of the Maiden Farmer SSAMP Application, the SCADB staff forwarded same to the Township of Bedminster for their review and comment, and to the SADC for their notification, and notified all interested parties that the initial presentation of this matter would be before the SCADB on April 13, 2015 at 8:00AM at the Somerset County Administration Building (20 Grove Street, Somerville, NJ 08876) (See March 20, 2015 Notification Email, Exhibit B, page 1); and

WHEREAS, on April 13, 2015, Mrs. Casey attended the regularly scheduled SCADB meeting to provide the Board with a brief overview of the Maiden Farmer SSAMP Application; and

WHEREAS, in a letter dated April 10, 2015 (received via email on April 13, 2015), David Banisch, Planning Consultant for the Township of Bedminster, submitted written comments in response to the Maiden Farmer SSAMP Application (hereinafter the "Bedminster Township April 10, 2015 Letter" attached hereto at Exhibit C);

WHEREAS, the Township of Bedminster's comments as outlined in the Bedminster Township April 10, 2015 Letter are summarized as follows:

- The Township asked that the SCADB not waive any requirements relating to traffic, parking and sanitary facilities, as defined in the On-Farm Direct Marketing Agriculture Management Practice (OFDM-AMP). The Township did not find adequate descriptions in the Maiden Farmer SSAMP Application relating to traffic, parking and sanitary facilities.
- The Township requested that the area currently used for the raising of poultry, including chickens, turkeys and quail for eggs and meat, be clearly depicted on the map attached to the Maiden Farmers SSAMP Application.
- The Township requested that the area proposed for holiday-related open houses, including fall festival and winter holiday, be clearly depicted on the map attached to the Maiden Farmers SSAMP Application.
- The Township requested that the areas proposed for activities to be added over the next five years, including farm to table dinners, benefits for non-profit organizations, construction of a storage facility for farm equipment and tractors, and construction of a new horse barn for expanded breeding, boarding and training, be clearly depicted on the map attached to the Maiden Farmers SSAMP Application.

(See Bedminster Township April 10, 2015 Letter, Exhibit C, page 1); and

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

WHEREAS, on April 9, 2015, Mrs. Casey published the required notice (N.J.A.C. 2:76-2A.13) of the May 11, 2015 Public Hearing being held at 8:00AM at the Somerset County Administration Building (20 Grove Street, Somerville, NJ 08876) in connection with the upcoming SCADB Hearing on the Maiden Farmer SSAMP Application; and

WHEREAS, SCADB notified all interested parties that the Public Hearing for this matter would be before the SCADB on May 11, 2015 at 8:00AM at the Somerset County Administration Building (20 Grove Street, Somerville, NJ 08876) (See May 5, 2015 Notification Email, Exhibit D, page 1); and

WHEREAS, on May 6, 2015, the SCADB Right-to-Farm Committee, with the assistance of SCADB Counsel, reviewed and discussed the Maiden Farmer 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 On-Farm Direct Marketing" (N.J.A.C. 2:76-2A.13); and

WHEREAS, at the May 11, 2015 regular meeting, the SCADB held an open discussion concerning all issues raised in connection with the Maiden Farmer SSAMP Application, in the presence of all persons present representing the landowner and the Township of Bedminster.

NOW THEREFORE, BE IT RESOLVED, that the SCADB finds that the development and use of the Premises as described in the Maiden Farmer SSAMP Application and the Maiden Farmer Site Plan of the Premises (hereinafter the "Maiden Farmer Site Plan", attached hereto at Exhibit E) 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 On-Farm Direct Marketing Facilities, Activities and Events on the Premises as described in the Maiden Farmer SSAMP Application and the Maiden Farmer 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 the Maiden Farmer for a "Site Specific Agricultural Management Practice" for the development and use of the Premises as described in the Maiden Farmer SSAMP Application and the Maiden Farmer Site Plan, subject to conditions more particularly described below; and

BE IT FURTHER RESOLVED, that in granting the Maiden Farmer SSAMP Application, the SCADB has sought to consider and balance the Maiden Farmer's farming- related interests with those legitimate interests of the local government (Township of Bedminster), and members of the public, as well as the impact of the Maiden Farmer'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 certain conditions upon its approval of the Maiden Farmer SSAMP Application, as follows:

1. **Maiden Farmer's Development and Use of the Premises:**

Maiden Farmer shall develop and use the Premises in conformity with the specifics delineated in the Maiden Farmer SSAMP Application and the Maiden Farmer Site Plan submitted by Mrs. Casey to the SCADB, and attached hereto as Exhibits A and E; and

2. **Ingress/Egress to and from the Premises:**

Maiden Farmer has existing access points from Burnt Mills Road (County Route 620) and from Cowperthwaite Road (local road). During the allowable activities and events, Maiden Farmer shall use one of the existing access points for Ingress only, with the other existing access point for Egress only. This traffic pattern using the existing roads on the Premises is required during Maiden Farmer's On-Farm Direct Marketing Activities and Events for safe movement in, around, and out of the Premises; and

3. **Hours of Operation:**

Maiden Farmer shall comply with the On-Farm Direct Marketing AMP (N.J.A.C. 2:76-2.13) providing for allowable hours of operation for On-Farm Direct Marketing facilities, events and activities as follows:

- On-farm direct marketing facilities and activities may be open or offered on weekdays, weekends, holidays, seasonally, for part of the year, or year-round
- On-farm direct marketing events may be offered on weekdays, weekends, holidays, seasonally, for part of the year

- Hours of operation may be between 6:00 A.M. and 10:00 P.M. These hours may be temporarily extended to 11:00 P.M. in conjunction with seasonal on-farm direct marketing sales, activities or events [N.J.A.C. 2:76-2.13(c)] .; and

4. **Sanitary Facilities**

Maiden Farmer has stated it will provide temporary sanitary facilities on the Premises, as needed during activities and events. In accordance with N.J.A.C. 2:76-2.13(e), the number of sanitary facilities provided by Maiden Farmer shall be sufficient to accommodate, without causing long queues, the volume of visitors. Hand-sanitizing facilities including running water with soap, antibacterial hand wipes, waterless hand sanitizers, and/or other hand-washing stations will be provided by Maiden Farmer. Sanitary facilities shall be located and managed with an appropriate cleaning schedule, so as to prevent adverse impacts on adjacent properties; and

5. **Lighting**

Maiden Farmer shall provide lighting sufficient to allow for safe pedestrian and vehicular access into, out of and around the Premises during On-Farm Direct Marketing activities and events. Parking areas shall be appropriately lighted to provide for adequate safety. All lighting shall be provided with lights focused either downward or with an orientation designed to minimize light spilling off the Premises and to minimize impacts on adjacent off-farm residential buildings and streets. Lighting will not focus directly onto Burnt Mills Road (County Route 620). All lighting will be turned off within ½ hour of the conclusion of each On-Farm Direct Marketing Activity and/or Event. Maiden Farmer shall forward all lighting specifications to the SCADB and Township of Bedminster for their review and comment [N.J.A.C. 2:76-2.13(d)]; and

6. **Parking:**

Maiden Farmer shall provide for the primary and overflow parking as depicted in the Maiden Farmer SSAMP Application and on the Maiden Farmer Site Plan. Parking is prohibited along Burnt Mills Road (County Route 620); and

7. **Signage:**

In the event Maiden Farmer uses signage, Maiden Farmer's signage shall comply with the criteria established in the On-Farm Direct Marketing AMP (N.J.A.C. 2:76-2.13(g). Maiden Farmer shall forward all signage specifications to the SCADB and the Township of Bedminster for review and comment; and

8. **Community Supported Agriculture (CSA):**

Maiden Farmer is permitted to operate the Community Supported Agriculture (CSA) operation onsite. Currently, the CSA is running on a small-scale basis, and primarily delivers shares to local businesses and buying groups. Maiden Farmer is allowed to expand the CSA, as determined by the landowner; and

9. **Temporary Greenhouse**

Maiden Farmer is permitted to erect a temporary greenhouse for the extension of the growing season for produce grown onsite. The proposed greenhouse, as shown on the Maiden Farmer Site Plan,

will be 30' x 70', and will be moveable and will not sit on a permanent foundation. The use of temporary greenhouses is an acceptable agricultural practice, as noted in the New Jersey Right-to-Farm Act (N.J.S.A. 4:1-C.9); and

10. Fencing

Maiden Farmer is permitted to erect fencing on the Premises for the purposes of pasture rotation and rehabilitation, as described in the Maiden Farmer SSAMP Application. Fencing materials will be chosen by the landowner for the purposes of the described agricultural use. Height and location of fencing shall not negatively impact issues affecting public health and safety. In the event that the constructed fencing is deemed by municipal officials to have a negative impact to health and safety, the SCADB will review the onsite conditions, and may amend this resolution to include the use of buffering, as provided in the On-Farm Direct Marketing Agriculture Management Practice (N.J.A.C 2:76-2A.13 [4i]); and

11. Raising of Poultry

Maiden Farmer is permitted to raise poultry for meat and eggs onsite, as it is a specifically recognized acceptable agricultural practice under the New Jersey Right-to-Farm Act (N.J.S.A. 4:1-C.9). The landowner is directed to employ the existing Poultry Manure Agriculture Management Practice (N.J.A.C. 2:76-2A.3), as promulgated by the SADC. The landowner must also adhere to any rules and regulations identified and applicable under the New Jersey Department of Agriculture for health and safety related to poultry; and

12. Educational Activities

Maiden Farmer is permitted to operate the existing onsite Children's Summer Camp. This camp is typically run for 5 weeks, for children ranging from ages 3-12. Activities and events occurring at the camp include planting and harvesting vegetables, cooking, animal care and feeding, trail rides, and horseback riding lessons. Maiden Farmer will comply with all requirements for safety, parking, signage, buffers, and lighting in regards to this camp, as identified in the On-Farm Direct Marketing Agriculture Management Practice (N.J.A.C. 2:76-2A.13); and

13. On-Farm Direct Marketing Events

As described in the Maiden Farmer SSAMP Application, Maiden Farmer proposes to host onsite farm-to-table dinner, farm open houses, and holiday-related events to market the output of the Premises, fundraisers, and farm-task experiences. The SCADB finds that these events are specifically covered under the On-farm Direct Marketing Agriculture Management Practice (N.J.A.C. 2:76-2.13). Maiden Farmer will operate these events in connection with the requirements set forth in this Site-Specific Agriculture Management Practice and the On-farm Direct Marketing Agriculture Management Practice (N.J.A.C. 2:76-2.13); and

14. Farm Stand

Maiden Farmer is permitted to operate an onsite farm stand, which is mobile and does not sit on a permanent foundation. The Farm Stand will sell 51% of its produce and other retail items from the agricultural output of the Premises. The location and customer queue created by the Farm Stand shall not negatively impact traffic

and safety on Burnt Mills Road (County Route 620). "Outdoor sales areas shall be arranged so as to not interfere with safe pedestrian and vehicular traffic circulation" (N.J.A.C 2:76-2A.13 [3j]); and

15. Facilities, Activities and Events Proposed for Long-Term

At the time of the execution of this Site Specific Agriculture Management Practice for Maiden Farmer, the SCADB is only approving facilities, activities and events proposed for the short-term (defined as 1-2 years in the Maiden Farmer SSAMP Application). Facilities, activities and events proposed for the long-term (identified as 3-5 years in the Maiden Farmer SSAMP Application) are not approved at this time. When the landowner is ready to seek approval for these proposed items, including the construction of a new horse barn, renovation of the existing horse barn and construction of an equipment storage barn, the landowner will have to submit a new SSAMP Application for these On-Farm Direct Marketing Facilities. All building permits and local approvals related to health and safety will have to be obtained from the Township of Bedminster at that time; and

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

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

17. Federal and State Statutes, Rules, and Regulations

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

BE IT FURTHER RESOLVED, that Maiden Farmer 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 Maiden Farmer's development and use of the Premises as outlined in the Maiden Farmer SSAMP Application and Maiden Farmer Site Plan. The SCADB encourages Maiden Farmer representatives and representatives from the Township of Bedminster to work cooperatively toward addressing all public health and safety issues associated with Maiden Farmer's development and use of the Premises. To the extent that Maiden Farmer's future development and use of the Premises results in public health and safety issues that are not being adequately addressed by Maiden Farmer, the SCADB's approval of the Maiden Farmer SSAMP Application as evidenced by this Resolution will remain subject to revision upon application by the Township of Bedminster.

BE IT FURTHER RESOLVED that the SCADB Staff shall forward a copy of this Resolution to Mrs. Rebecca Casey (Maiden Farmer LLC), the Township of Bedminster, 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 June 8, 2015

Mark W. Kirby, Chair