Resolution of the
Somerset County Agriculture Development Board

Recommendation of a Site Specific
Agriculture Management Practice

Great Road Farm
Block 32001 – Lot 5
1459 Great Road
Township of Montgomery

WHEREAS, James and Ann Nawn are the current record owners of the Great Road Farm (hereinafter, "GRF"), Block 32001, Lot 5 located in the Township of Montgomery, County of Somerset, as recorded in the Somerset County Clerk's Office in Deed Book 6165, Pages 501-513 by deed dated September 25, 2008, totaling 111.79 acres, (hereinafter the "Premises"); and

WHEREAS, James and Ann Nawn are the sole owners of GRF, with James Nawn 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, the Premises is a preserved farm under a Deed of Easement held by the SCADB, dated August 22, 2008, and recorded in Deed Book 2064, Page 776 in the Somerset County Clerk's Office (hereinafter the "DOE"); and

WHEREAS, on November 30, 2014, James Nawn 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 "GRF SSAMP Application" attached hereto at Exhibit A); and

WHEREAS, upon review of the documentation submitted, which included a Certification of Commercial Farm Status from Mr. Nawn, and a copy of the most recent Farmland Assessment dated June 22, 2014, SCADB Staff determined that the Premises did meet the criteria established for "Commercial Farm", thereby allowing it Right-to-Farm protections; and

WHEREAS, in September 2014, SCADB Staff performed a site inspection of the Premises, with a briefing from Mr. Nawn, as part of the regular 2014 Annual Monitoring; and

WHEREAS, by way of the SSAMP Application, Mr. Nawn describes the nature of the proposed on-farm direct marketing facilities on the Premises as follows: "GRF is proposing the construction of a building to be called the Food Barn, a permanent gravel parking area with parking for 20 cars, and an extension of an existing asphalt driveway with a gravel driveway providing direct access to permanent and temporary parking. The Food Barn will be a three-level building constructed from an 1853 bank barn which originally stood in Union Township, Hunterdon County, and designed in its new location to provide processing (wash, preserve, fabricate whole animals) and cooking space along with a gathering event space and the required sanitary facilities. The Food Barn will enable a higher level of yield from current practices, allow for the developing of a preservation program, support value-added activities to our current

produce sales, and enable us to commence a livestock program. The Food Barn will give us the capacity to significantly increase farm-to-consumer output to visitors, area restaurants, farmers' markets, and our expanded CSA." (See GRF SSAMP Application, Exhibit A, pages 6- 7); and

WHEREAS, by way of the SSAMP Application, Mr. Nawn describes the nature of the proposed on-farm direct marketing activities on the Premises as follows: "GRF proposes the following new activities:

Education having an agricultural focus marketing the output of the farm with programs on:

- Farming, Growing Food
- Preserving the Harvest (fermenting, storing, pickling, canning and freezing)
- Cooking (culinary instruction to make the most of what has been grown on the farm)
- Animal Care (raising animals which feed us) "

Community Supported Agriculture (CSA) is currently delivered to a small number of members offsite. We plan to make the pickup on site at GRF and expand the program.

Farm Market will be a modest space to promote retail and wholesale farmer-to-consumer sales of products grown on the farm and available to restaurants, other reseller and visitors.

Recreational activities as independent or part of an educational event or program including:

- Farm Tours
- Hayrides
- Horseback Riding and Lessons
- Hunting
- Bonfires"

(See GRF SSAMP Application, Exhibit A, page 7); and

WHEREAS, by way of the SSAMP Application, Mr. Nawn describes the nature of the proposed on-farm direct marketing events on the Premises as follows: "Proposed events will serve to increase the agricultural output of the Farm. The following events will attract customers to GRF thereby promoting and selling output directly from GRF. The events will be farm and product-based occurring throughout the year:

- Farm-to-Table meals scheduled regularly Thursday, Friday, Saturday evenings, and Sunday daytime throughout the year
- Farm open houses, tours
- Harvest festivals, or similar events to spotlight produce
- CSA membership meetings

GRF is in a unique position in its relationship to Agricola eatery. Agricola will collaborate with GRF using its restaurant operations experience to ensure farm-to-table events bring out the best in the GRF products used. The focus of all farm-to-table events will be GRF outputs grown, prepared and served on farm thereby enhancing the experience of purchasing agricultural products and experiencing the agricultural environment on the farm. Meals will be in the gathering space of the Food Barn, and in farm spaces as the seasons allow, e.g., in the aisle of a garden, in the greenhouse, a field or along the Bedens Brook (See GRF SSAMP Application, Exhibit A, pages 7-8); and

WHEREAS, on the Premises, GRF currently owns and operates an equine breeding and training operation, as well as raises swine, grows a variety of vegetables, and sells fresh eggs; and

WHEREAS, upon receipt of the GRF SSAMP Application, the SCADB staff forwarded same to the Township of Montgomery for their review and comment, and to the SADC for their notification; and

WHEREAS, on December 8, 2014, Mr. Nawn attended the regularly scheduled SCADB meeting to provide the Board with a brief overview of the GRF SSAMP Application; and

WHEREAS, in a letter dated December 31, 2014, Lori Savron, Planning Director for the Township of Montgomery submitted written comments in response to the GRF SSAMP Applica tion (hereinafter the "Montgomery Township 12/31/14 Letter" attached hereto at Exhibit B); and

WHEREAS, the Township of Montgomery's comments as outlined in the Montgomery Township 12/31/14 Letter are summarized as follows:

- Food Barn – The location of the barn appears to meet the State's AMP required minimum setbacks. The Township requested further detail on the proposed livestock program, specifically animal processing
- Parking – the Township requested an estimate on the number of vehicles that can be parked onsite. It was also recommended that parking on Great Road (County Route 601) be prohibited
- Driveways/Access – The Township deferred this approval to the County, as the Premises has access to a county road
- Hours of Operation and Lighting – the Township requested information on the proposed hours of operation, and the location, intensity and hours of proposed lighting on the Premises
- Stormwater Management – the Township requested clarification as to whether the proposed activities, events and facilities will add more than ¼ acre of impervious coverage to the Premises, thereby triggering the applicability of NJAC 7:8
- Signage – details on proposed temporary and permanent signage were requested
- Solar Panels – the location of the existing ground-mounted solar array should be depicted on the site plan
- Municipal Approvals – the Township requested that the SCADB include a condition in its SSAMP Resolution that Mr. Nawn would be responsible for obtaining all applicable permits required by State and Local law for food service and building code
- Outdoor Assembly Permit – the Township requested that Mr. Nawn adhere to Township Ordinance #251, which requires the application of an Outdoor Assembly Permit for all gathering of more than 200 people.

(See Montgomery Township 12/31/14 Letter, Exhibit B, pages 1-3); and

WHEREAS, on December 29, 2014, Mr. Nawn published the required notice (N.J.A.C. 2:76-2A.13) of the January 12, 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 GRF SSAMP Application; and

WHEREAS, on January 12, 2015, the SCADB held the above-referenced Public Hearing, with a presentation being offered by Mr. Nawn and his farm manager on the specifics of the GRF SSAMP Application; and

WHEREAS, Lori Savron, Planning Director for Montgomery Township, and Lauren Wasilauski, Open Space Coordinator for Montgomery Township, were also in attendance to hear the presentation and offer additional comments; and

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

WHEREAS, on February 5, 2015, the SCADB Right-to-Farm Committee, with the assistance of SCADB Counsel, reviewed and discussed the GRF 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 February 13, 2015 regular meeting, the SCADB held an open discussion concerning all issues raised in connection with the GRF SSAMP Application, in the presence of all persons present representing GRF and the Township of Montgomery.

NOW THEREFORE, BE IT RESOLVED, that the SCADB finds that the development and use of the Premises as described in the GRF SSAMP Application and the GRF Site Plan of the Premises (hereinafter the "GRF Site Plan", attached hereto at Exhibit C) 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 GRF SSAMP Application and the GRF 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 GRF for a "Site Specific Agricultural Management Practice" for the development and use of the Premises as described in the GRF SSAMP Application and the GRF Site Plan, subject to conditions more particularly described below; and

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

1. **GRF'S Development and Use of the Premises:**

   GRF shall develop and use the Premises in conformity with the specifics delineated in the GRF SSAMP Application and the GRF Site Plan submitted by Mr. Nawn to the SCADB, and attached hereto as Exhibits A and C; and

2. Height of the Food Barn on Premises:

Montgomery Township's ordinance limits the height of accessory structures to twenty-five feet (25'); however "silos and barns associated with farming shall have no height restriction" (Montgomery Township Code Section 16-6.2b). The Food Barn is associated with farming, and therefore is exempt from this local restriction (see "Montgomery Township 1/15/15 Email" attached hereto at Exhibit D); and

3. Ingress and Egress to the Premises:

For safety purposes, GRF shall use one of the existing access points to Great Road (County Route 601) for Ingress only, with the other existing access for Egress only. This circular traffic pattern using the existing road on the Premises is required during GRF's On-Farm Direct Marketing Activities and Events for safe movement in, around and out of the Premises; and

4. Hours of Operation:

GRF 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

5. Sanitary Facilities

GRF has stated it will provide permanent sanitary facilities in the Food Barn, with necessary approvals being sought through the Township of Montgomery. Additional sanitary facilities may be in the form of permanent or temporary facilities, dependent on the intensity of the activities and/or events, and under the guidance of GRF. In accordance with N.J.A.C. 2:76-2.13(e), the number of sanitary facilities provided by GRF 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 GRF. Sanitary facilities shall be located and managed with an appropriate cleaning schedule, so as to prevent adverse impacts on adjacent properties; and

6. Lighting:

GRF 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 Great Road (County Route 601). All lighting will be turned off within ½ hour of the conclusion of each On-Farm Direct Marketing Activity and/or

Event. GRF shall forward all lighting specifications to the SCADB and Township of Montgomery for their review and comment [N.J.A.C. 2:76-2.13(d)]; and

7. Parking:

GRF shall provide for the primary and overflow parking as depicted in the GRF SSAMP Application and on the GRF Site Plan. Parking is prohibited along Great Road (County Route 601); and

8. Signage:

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

9. Solar Panels

In October 2014, GRF received approval for a ground-mounted solar array on the Premises. The location of this ground-mounted solar array is depicted on the GRF Site Plan; and

10. Storm Water Management:

GRF shall implement stormwater management measures in accordance with requirements established by the State of New Jersey and Township of Montgomery; and

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

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

12. Local Permit (Open Public Assembly):

GRF's On-Farm Direct Marketing facilities, activities, and events 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" (hereinafter the "Montgomery Township Outdoor Assembly Ordinance" attached hereto at Exhibit E). However, rather than file a separate application for and obtain a separate permit under the Montgomery Outdoor Assembly Ordinance for each and every GRF On-Farm Direct Marketing Event and/or Activity, GRF may file one (1) application for obtainment of one (1) permit covering all On-Farm Direct Marketing Activities and Events scheduled and conducted during each calendar year. Procedurally, GRF shall file its permit application by December 1st covering all On-Farm Direct Marketing Activities and Events scheduled for the following calendar year. In accordance with the time parameters established under the Montgomery Township Outdoor Assembly Ordinance, it is anticipated that the Township of Montgomery will have sufficient time to consider and act upon each GRF permit application prior to GRF's initial On-Farm Direct Marketing activity or event of each calendar year.

13. Conformance with Deed of Easement

All GRF On-Farm Direct Marketing Facilities, Activities and/or Events must conform to the existing Deed of Easement on the Premises, and cannot negatively impact the current or future agricultural operation on the Premises; and

14. Federal and State Statutes, Rules, and Regulations

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

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

BE IT FURTHER RESOLVED that the SCADB Staff shall forward a copy of this Resolution to Mr. James Nawn (GRF), the Township of Montgomery, 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 February 13, 2015

Mark W Kirby

Mark W. Kirby, Chair