RESOLUTION

RE: Hunterdon County Agriculture Development Board

Determination for the Site Specific Agricultural Management Practice Application

Tallin Farm, LLC

Block 6.04, Lot 12, Township of Tewksbury, County of Hunterdon

WHEREAS:

1. On July 11, 2018, a Site Specific Agricultural Management Practice (SSAMP) application was submitted by Brian and Charlotte Bech-Hansen on behalf of Tallin Farm (hereinafter referred to as "Tallin Farm" or the "Applicant"), the operators/owners of a farm at Block 6.04, Lot 12, in Tewksbury Township, County of Hunterdon, to the Hunterdon County Agriculture Development Board (hereinafter referred to as the "CADB" or "Board"). In connection with the equine operations and activities at the farm, the Applicant sought relief from Tewksbury Township's Land Use Ordinance Section 709.C.11, which limits the maximum number of horses on the subject property. Specifically, the Applicant was seeking relief from this Ordinance to maintain up to twenty-five (25) horses at the property.

2. The Board determined that it has jurisdiction to review this application pursuant to the Right to Farm Act, N.J.S.A. 4:1C-9, and implementing rule N.J.A.C. 2:76-2.3.

3. On September 13, 2018, the Board certified the Tallin Farm as a commercial farm prior to scheduling a public hearing on the SSAMP application. The Applicant testified and furnished proofs that the equine operation met the required standards. The farm consists of approximately 10 acres, of which 9.55 acres are permanent pasture and infrastructure related to the pasturing, breeding and training of horses. The Applicant provided documentation regarding the farming income and proof of farmland tax assessment. The Board is satisfied that Tallin Farm meets the acreage requirement, is currently zoned where agriculture is a principal permitted use, and generates the income required to meet the standards for Commercial Farm Certification.

4. On October 11, 2018, the CADB conducted a public hearing to determine whether the equine activities and operations at the Tallin Farm is entitled to Site Specific Agricultural Management Practice approval and relief from the Tewksbury Township ordinance concerning the maximum number of horses maintained on a property of this size.

5. The Board is satisfied that notice of the hearing was published in the Hunterdon County Democrat and served via certified mail to all property owners within 200 feet of the Tallin Farm.

6. At the hearing, Michael Osterman, Esq. of the firm of Kennedys CMK presented the application on behalf of Tallin Farm. Brian Bech-Hanson, an owner and operator of the farm, and John Hansen, P.E., testified in support of the application. No representative for the Township of Tewksbury was present at the hearing, and no objection to the application was raised by any neighboring landowners or other members of the public, either before, during or after the hearing.

7. The Hunterdon County Farmland Preservation Program Request for Site Specific Agricultural Management Practice Application for Hearing is part of the record presented to the Board, and was marked as

Exhibit A-1 at the hearing. This Application consisted of the following documents (as supplemented between the Application and the Hearing:

A. Completed Commercial Farm Certification with financial proofs to demonstrate that the farm produces income worth $2,500.00 or more annually and is eligible for differential property taxation pursuant to the Farmland Assessment Act;

B. Completed SSAMP Application Form;

C. Tallin Farm's Animal Waste Management Plan approval dated July 6, 2018;

D. Excerpt from the Tewksbury Township Development Code which sets forth the zoning requirements applicable to properties located in the HL Highlands District in which Tallin Farm is located;

E. Progressive Nutrition Light Horse Growth Monitoring and Feeding Chart and Daily Feed Planner for Reproducing and Performance Horses; and

F. Tewksbury Township Land Use Board Resolution #08-20.

8. The following additional Exhibits were presented by the Applicant at the hearing:

- A-2 Variance Plan for Block 6.04, Lot 12 prepared by E&LP dated August 24, 2018
- A-3 Architectural Drawings for a new building on Block 6.04, Lot 12 prepared by Drafting Concepts, LLC dated October 2, 2018

9. The Applicant's position, presented to the Board at the hearing, is as follows:

- The subject property is a 10.049 acre parcel.
- The Applicant's equine operations and activities at the property consist of the following:
  - The use of breeding stallions for the breeding of foals and the offer of breeding services to others;
  - The breeding of brood mares to produce foals which are raised, trained and eventually sold, or used for breeding services;
  - The importation of young horses from Europe which are then trained to compete and are eventually resold; and
  - The importation of frozen horse semen from some of the world's top jumping horses, which is utilized for the farm's own breeding program as well as resold to other breeders
- The Applicant's agricultural commodities produced at the farm consist of the following:
  - Horse semen from breeding stallions;
  - Foals; and

- Imported horses that are trained at the farm to compete in equestrian sport.

- The Applicant has been conducting their equine operations and activities since they purchased the farm in 2014.

- As identified on the Variance Plan (Exhibit A-2), the Applicant is proposing to eliminate the existing stables at the Tallin Farm and replace them with a larger barn to be constructed as an addition to an existing metal riding ring pole barn. Upon completion of the new barn addition, Tallin Farm will be able to accommodate up to 25 horses as part of its equine farming operation.

- Section 709.C.11 of the Tewksbury Township Development Code permits two (2) horses for the first three acres and one horse for each additional acre of property. Based on the Code, the maximum permitted number of horses at Flying Change Farm is nine (9) horses.

- In 2008, the Tewksbury Township Land Use Board approved a variance application for the prior owners of the property to permit the installation of an outdoor riding ring on the property in Resolution #08-20. However, the approval was conditioned upon compliance with Section 709.C.11 of the Tewksbury Township Development Code, which limited the number of horses on the property to nine (9) horses.

- The Variance Plan (Exhibit A-2) and proposed Architectural Plans (Exhibit A-3) for the construction of a larger barn will accommodate the boarding of up to twenty-five (25) horses as proposed in the application. John Hansen, P.E., testified as to the scope of the Variance Plan as it is being presented to the Tewksbury Township Land Use Board. The Applicant is applying to the Tewksbury Township Land Use Board for all required approvals for the proposed new improvements on the property, with the exception of the number of horses permitted on the property based on the lot size.

- The following practices at the Tallin Farm meet the agriculture management standards for equine activities on commercial farms:

  - The farm periodically applies water to its outdoor riding ring during the summer season to control dust;

  - Manure is collected, stored and disposed of in accordance with the Animal Waste Management Plan approved by the Hunterdon County Soil Conservation Distric on July 6, 2018 submitted as part of Exhibit A-1;

  - The approved Animal Waste Management Plan is intended to prevent detrimental impact to water quality from animal waste;

  - Noise is not an issue at the Tallin Farm, the farm does not utilize pesticides in its operations, and pest management is not necessary under the existing operations;

  - The farm applies fertilizer to its pastures once per year, as needed, and is applied in accordance with applicable instructions;

  - One full-time equine trainer/rider is employed by Tallin Farm; and

- The farm regularly consults with a livestock nutritional consultant concerning the livestock feed and nutritional products utilized in the farming operations.

- The Applicant testified that they have boarded up to 25 horses at the property, depending on the season. Turnout is limited to smaller pastures because the horses are jumpers. The horses are typically turned out one at a time for a few hours per day in the morning and are then exercised in the afternoons. There is adequate pasture for grazing the proposed number of horses.

- The Tallin Farm is a commercial equine farming operation performing generally accepted agricultural management practices in conformance with N.J.A.C. 2:76-2A.10. The proposed number of horses, exceeding the maximum number permitted under the Tewksbury Township Development Code, is a sound farming practice, particularly given the proposed new barn addition which is before the Tewksbury Township Land Use Board for approval, and the Applicant should be afforded Right to Farm protection and permitted to board the proposed number of horses.

NOW, THEREFORE, BE IT RESOLVED THAT THE HUNTERDON COUNTY AGRICULTURE DEVELOPMENT BOARD, AFTER HEARING THE TESTIMONY OF THE APPLICANT, AND NO OBJECTION TO THE APPLICATION HAVING BEEN MADE BY THE TOWNSHIP OR ANY OTHER PARTIES, MAKES THE FOLLOWING FINDINGS:

1. The CADB approves Tallin Farm's Site Specific Agricultural Management Practice Application, determines that the equine operation is performing generally accepted agricultural management practices, grants the Applicant's specific request for relief from Section 709.C.11 of the Tewksbury Township Development Code, and approves the Applicant's request to board and maintain up to twenty-five (25) horses on the farm.

2. This determination shall be forwarded to the State Agriculture Development Committee within thirty (30) days, pursuant to N.J.A.C. 2:76-2.3(e).

3. 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

Dave Bond

Dated: November 8, 2018

DAVE BOND, CHAIRMAN