**STATE AGRICULTURE DEVELOPMENT COMMITTEE**

**RESOLUTION**

**On Motion for Interlocutory Review**

**Edward and Linda Feinberg v. Hunterdon County Agriculture Development Board; and Ann del Campo and Laura del Campo, t/a Stonybrook Meadows, LLC**
**OAL Dkt. No. ADC 57-14**

**-and –**

**In re Stonybrook Meadows, LLC, OAL Dkt. No. ADC 14324-12**

**October 13, 2016**

WHEREAS, on October 3, 2016, Edward and Linda Feinberg ("Petitioners") filed a motion with the State Agriculture Development Committee (SADC) for interlocutory review of a September 27, 2016 letter order issued in the above-captioned consolidated cases by John S. Kennedy, ALJ; and

WHEREAS, the September 27, 2016 letter order set forth the issues to be resolved at trial in connection with the application by Ann and Laura del Campo, t/a Stonybrook Meadows, LLC ("Respondents"), for a site specific agricultural management practice (SSAMP) determination; and

WHEREAS, the SADC reviewed the materials Petitioners submitted in support of the motion, the papers filed in opposition, and the SADC's November 14, 2013 Final Decision and Order; and

WHEREAS, the SADC convened a special meeting on October 13, 2016 to determine whether, pursuant to N.J.A.C. 1:1-14.10(c), the ALJ's September 27, 2016 letter order should be reviewed,

NOW, THEREFORE, BE IT RESOLVED, that the SADC will conduct a review of the September 27, 2016 letter order; and

BE IT FURTHER RESOLVED, that this action is not effective until the Governor's review period expires pursuant to N.J.S.A. 4:1C-4f.

October 14, 2016
Date

Susan E. Payne, Executive Director
State Agriculture Development Committee

**VOTE WAS RECORDED AS FOLLOWS:**

| | |
|---|---|
| Douglas H. Fisher, Chairperson | ABSENT |
| Executive Dean Robert Goodman | YES |
| Thomas Stanuikynas (rep. DCA Commissioner Richman) | ABSENT |
| Renee Jones (rep. NJDEP Commissioner Martin) | YES |
| Ralph Siegel (rep. State Treasurer Scudder) | YES |
| Jane Brodhecker | YES |
| Alan Danser, Vice-Chairman | ABSENT |
| Scott Ellis | YES |
| Denis C. Germano, Esq. | YES |
| Peter Johnson | YES |
| James Waltman | YES |

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**STATE AGRICULTURE DEVELOPMENT COMMITTEE**

**RESOLUTION FY2017R11(1)**

**On Motion for Interlocutory Review**

**Edward and Linda Feinberg v. Hunterdon County Agriculture Development Board; and Ann del Campo and Laura del Campo, t/a Stonybrook Meadows, LLC**
**OAL Dkt. No. ADC 57-14**

**-and –**

**In re Stonybrook Meadows, LLC, OAL Dkt. No. ADC 14324-12**

**November 3, 2016**

WHEREAS, on October 3, 2016, Edward and Linda Feinberg ("Petitioners") filed a motion with the State Agriculture Development Committee (SADC) for interlocutory review of a September 27, 2016 letter order issued in the above-captioned consolidated cases by John S. Kennedy, ALJ; and

WHEREAS, the September 27, 2016 letter order set forth the issues to be resolved at the administrative hearing in connection with the application by Ann and Laura del Campo, t/a Stonybrook Meadows, LLC ("Stonybrook"), for a site specific agricultural management practice ("SSAMP") determination; and

WHEREAS, the SADC reviewed the papers and materials Petitioners submitted in support of the motion, the opposing papers and materials filed by Stonybrook dated October 12 and 18, 2016, the reply filed by Petitioners on October 21, 2016, and the SADC's November 14, 2013 Final Decision and Remand Order; and

WHEREAS, the SADC convened a special meeting on October 13, 2016 to determine whether, pursuant to N.J.A.C. 1:1-14.10(c), the ALJ's September 27, 2016 letter order should be reviewed; and

WHEREAS, by resolution dated October 13, 2016, the SADC decided to review the September 27, 2016 letter order; and

WHEREAS, the SADC reviewed and discussed the September 27, 2016 letter order and the above-noted papers and materials at its November 3, 2016 meeting,

NOW, THEREFORE, BE IT RESOLVED, that the SADC supplements its Final Decision and Remand Order dated November 14, 2013, and directs the Office of Administrative Law in the above-captioned consolidated cases to consider and

address the following issues:

1. When did the Stonybrook property obtain "commercial farm" status as defined in the Right to Farm Act?

2. As of the date the Stonybrook farm property became a commercial farm:

   a. what were the conditions in East Amwell Township's conditional use ordinance applicable to agricultural uses in the zone where the farm property was located prior to enactment of the 2005 conditional use ordinance amendments?

   b. did Stonybrook maintain its commercial farm status and was it in compliance with the township's conditional use conditions described in paragraph #2a. as of the date of enactment of the 2005 conditional use ordinance amendments?

3. Must Stonybrook comply with the 2005 amendments to the township's conditional use ordinance, or is application of such amendments to Stonybrook subject to preemption under the Right to Farm Act?

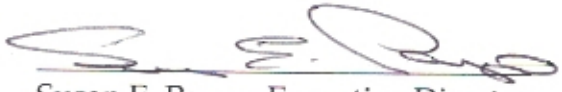
4. If Stonybrook must comply with the 2005 amendments to the township's conditional use ordinance, and since the SADC's November 14, 2013 Final Decision and Remand Order determined that the only 2005 conditional use provisions at issue are whether the proposed SSAMP activities implicated lot coverage and impervious surface restrictions, does Stonybrook comply with those two (2) provisions?

and

BE IT FURTHER RESOLVED that the November 14, 2013 Final Decision and Remand Order remain in full force and effect to the extent not inconsistent herewith; and

BE IT FURTHER RESOLVED, that this action is not effective until the Governor's review period expires pursuant to N.J.S.A. 4:1C-4f.

November 3, 2016
Date



Susan E. Payne, Executive Director
State Agriculture Development Committee

**VOTE WAS RECORDED AS FOLLOWS:**

| | |
|---|---|
| Douglas H. Fisher, Chairperson | YES |
| Brian Schilling (rep. Executive Dean Goodman) | RECUSE |
| Thomas Stanuikynas (rep. DCA Commissioner Richman) | YES |
| Cecile Murphy (rep. NJDEP Commissioner Martin) | YES |
| Ralph Siegel (rep. State Treasurer Scudder) | YES |
| Jane Brodhecker | YES |
| Alan Danser, Vice-Chairman | YES |
| Scott Ellis | ABSENT |
| Denis C. Germano, Esq. | YES |
| Peter Johnson | YES |
| James Waltman | ABSENT |

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