

**RESOLUTION OF THE
MONMOUTH COUNTY AGRICULTURE DEVELOPMENT BOARD
RECOMMENDING SITE SPECIFIC AGRICULTURE MANAGEMENT
PRACTICE
UNDER THE NEW JERSEY RIGHT TO FARM ACT**

Mr. McCarthy offered the following resolution and moved its adoption:

WHEREAS, Raymond Baynes (" the Applicant") has applied to the Monmouth County Agriculture Development Board ("the Board") pursuant to N.J.A.C. 2:76-2.3 ("the Application"), requesting a recommendation from the Board as to whether the commercial farm operated by him at Block , Lots , in the Township of Howell, having an address at , Howell, New Jersey ("the Property"), and the uses and proposed uses of, and improvements to, the Property constitute an accepted site specific agricultural operation or practice; and

WHEREAS, the Applicant uses and proposes to use the Property for horse breeding, training and sales; and

WHEREAS, site visits to the Property were conducted on June 26, 2003 and February 27, 2004 ("the Site Visit(s)"), which were attended by the Applicant, Board representatives, representatives of Howell Township and, on February 27, 2004, by the Monmouth County Agricultural and Resource Management Agent, William J. Sciarappa; and

WHEREAS, a report of the June 26, 2003 Site Visit was submitted to the Applicant on August 5, 2003 by Matt Shipkey, Farmland Preservation Program Coordinator; and

WHEREAS, reports of the February 27, 2004 Site Visit were submitted to the

Board by William J. Sciarappa and Board Member Hal Rifkin; and

WHEREAS, the Board conducted a hearing on the Application on May 5, 2004 and June 2, 2004, at which the Applicant was represented by Peter R. LaFrance, Esq.; and

WHEREAS, Edmund J. Corrigan, Esq. appeared in opposition to the Application on behalf of the Township of Howell; and

WHEREAS, William Shippers, Esq. appeared in opposition to the Application on behalf of the Dicso family, neighbors of the Applicant; and

WHEREAS, the Applicant testified concerning the commercial farm and the horse breeding, training and sales operations and the use and proposed use of the Property as an equine farm operation; and

WHEREAS, the Applicant presented expert testimony in support of the Application by Arthur Merano, the owner and operator of a 70 acre horse farm and an expert in the horse farming and husbandry fields; and

WHEREAS, the Applicant presented testimony by Eric Hague, a feed mill operator and feed purveyor who testified that he sells to approximately 70 horse farms, he has known the Applicant for approximately 10 years, the Applicant is hard-working, his farm is well cared for, he keeps his horses well, he has improved his farm and, in his experience, farms with more than 15 horses have agricultural labor who are permanent employees; and

WHEREAS, Patricia L. Hoover, Chief Housing Officer of Howell Township, testified in opposition to the Application concerning the use of two trailers at the Property, the condition thereof and housing code and zoning violations associated

with the two trailers; and

WHEREAS, Arthur Giambrone, a neighbor of the Applicant, testified in opposition to the Application that, occasionally, people working at the Property live in the trailers located there and, occasionally, people living in the trailers leave the Property in the morning and do not return to the Property until evening; and

WHEREAS, Karrie Dicso, a neighbor of the Applicant, testified as to the numerous complaints she has concerning activities occurring at the Property, including persons staring into the back of her house and other offensive activity occurring at the back of the Property near her property line;

WHEREAS, the Board entertained comments from several members of the public relating to the Application; and

WHEREAS, the following documents were introduced into evidence:

Applicant Exhibits:

A-1 - Request to Monmouth County Agriculture Development Board for Site Specific Agriculture Management Practice Recommendation;

A-2 - 2001 and 2002 Forms 1099 - Misc. (11 pages);

A-3 - Application for Farmland Assessment, Qfarm for 2004;

A-4 - 2003 Final / 2004 Preliminary Tax Bill and 1st and 2nd Quarter 2004 Tax Collector's Stubs for Block , Lot ; QFarm;

A-5 - 2001 Final / 2002 Preliminary Tax Bill and 1st and 2nd Quarter 2002 Tax Collector's Stubs for Block , Lots Qfarm and for Block , Lot ;

A-6 - Application for Farmland Assessment, Bock , Lots ;

A-7 - Survey of the Property;

A-8 - Photograph of the Property;

A-9 - Letter from Joyce Wegryniak, REHS, Monmouth County health Inspector to Chris Jackson, Howell Township Code Enforcement, dated May 5, 2004;

A-10 - Memorandum from Rich Nieuwenhuis, President, New Jersey Farm Bureau to William McCormack, Chair, Monmouth County Agriculture Development Board, dated May 5, 2004;

A-11 - Monmouth County Health Department Incident Notification, February 27, 2003;

A-12 - J.R. Henderson Labs, Inc. report, Completion Date, March 17, 2004; and

Board Exhibits:

B-1 - Letter from Wegryniak REHS, Monmouth County Health Inspector to Patricia Hoover, Howell Township Building Department and Matthew Shipkey, Monmouth County Agriculture Development Board, dated March 11, 2004;

B-2 - Letter from Joyce Wegryniak, REHS, Monmouth County Board of Health to Patricia Hoover, Howell Township Building Department, dated April 12, 2004;

B-3 - Letter from Vito Marinaccio, Director Land Use to Karen Fedosh, Monmouth County Agriculture Development Board, dated April 16, 2003, with excerpt from Howell Township Land Use Ordinance;

B-4 - Letter from Matt Shipkey, Monmouth County Agriculture Development Board to Raymond Baynes, dated August 5, 2003;

B-5 - Letter from "Neighbors of _____ to Judge Kaplan, dated March 12, 2004, and letter from Arthur and Mona Giambrone to P. Hoover, Chief Housing Officer, Howell Township, dated March 11, 2004;

B-6 - Excerpts from Howell Township Land Use Ordinance;

B-7 - Letter from Willam J. Sciarappa, Agricultural and Resource Management Agent, Monmouth County, Rutgers Cooperative Extension, to Matt Shipkey, MCADB Staff, dated April 21, 2004, with 16 photographs of the Property attached;

B-8 - Memorandum from Hal Rifkin to Monmouth County Agriculture Development Board, dated April 28, 2004; and

Howell Township Exhibits:

H-1 - Aerial photograph of the Property dated 1997;

H-2 - 4 photographs taken at the Property, "Block , Lot "

WHEREAS, the Board heard and considered the evidence presented, the comments by members of the public, and the arguments of counsel in support of, and in opposition to, the Application.

NOW, THEREFORE, the Board makes the following findings of fact and conclusions of law:

1. The Property is used as a farm for the breeding, training and sale of horses and it meets, and at all relevant times has met, the definition of a Commercial Farm as that term is used in the New Jersey Right to Farm Act;
2. The Property has two (2) mobile homes which are used as agricultural labor housing in which workers employed in the farming operations at the Property reside;
3. The use of mobile homes to house farm workers in equine operations such as those conducted at the Property is typical of equine farming operations in Monmouth County and are appropriate and necessary for the efficient, year-round

operation of horse farms, including the horse farm operation conducted at the Property;

4. Although the mobile homes are in apparent need of repair and may not meet all applicable housing and building code requirements, they do not violate County Board of Health requirements in terms of septic disposal and potable water and do not pose a health hazard to the occupants or the public generally;

5. The woodpile at the back of the Property, which was the source of complaints by neighbors, has been sufficiently reduced by the Applicant as to be deemed "satisfactory" by the Monmouth County Board of Health;

6. The Board takes note of, but makes no findings with respect to, whether the mobile homes at the Property comply with all housing and building codes so that farm workers may be legally housed there and finds that this is an enforcement issue which is properly under the jurisdiction of Howell Township authorities;

7. The Board takes note of, but makes no findings with respect to, non-farming-related conduct of persons on the Property which have been the source of complaints by adjoining property owners and finds that this is an enforcement issue which is properly under the jurisdiction of the Howell Township authorities;

8. The Board has given due consideration to the fact that mobile homes of the type in use at the Property are non-permitted uses, except in licensed mobile home parks according to Howell Township's Land Use Ordinance, and specifically finds that the use of such mobile homes to house farm workers employed on-site at equine farms is an accepted agricultural management practice in Monmouth County and that such

use of the subject trailers at the Property is consistent with such agricultural management practice and will not have a negative effect on the public health, safety or general welfare.

NOW, THEREFORE, be it Resolved by the Monmouth County Agriculture Development Board that the commercial farming operation of the Applicant at the Property, including the use of the two existing mobile homes as agricultural labor housing, is hereby recommended as an accepted Site Specific Agricultural Management Practice within the meaning of the New Jersey Right to Farm Act and the regulations promulgated pursuant thereto, subject, however, to the following conditions:

1. The mobile homes shall comply with all applicable municipal housing and building code requirements, including, if applicable, those pertaining to the issuance of Certificates of Occupancy; and

2. The mobile homes shall be occupied only by agricultural labor workers who are employed in the farm operations on-site at the Property, and their immediate family members; and

3. To the extent not yet completed, the Applicant shall complete, within 30 days, the dispersal of the remaining soil and mulch from the woodpile at the back of the Property to the surrounding area as stated in the letter from Joyce Wegryniak, REHS, Monmouth County Health Inspector to Chris Jackson, Howell Township Code Enforcement, dated May 5, 2004 (Exhibit A-9).

Seconded by Mr. Holland and adopted on a roll call by the following vote:

	YES	NO	ABSTAIN	ABSENT
Mr. Bullock	X			
Mr. Buscaglia				X
Mr. Holland	X			
Mr. Hom				X
Mr. Illmensee	X			
Mr. McCarthy	X			
Mr. McCormack	X			
Mr. Potter	X			
Mr. Puglisi				X
Mr. Rifkin				X
Mr. Stuart		X		

I certify that foregoing is a true copy of the Resolution of the Monmouth County Agriculture Development Board duly adopted at a regular meeting of the Board on June 2, 2004 and memorialized on July 7, 2004.

Dated:

Richard Obal, Secretary