

DECISION ON AN APPLICATION FILED PURSUANT TO THE NEW JERSEY RIGHT TO FARM ACT FOR A DETERMINATION OF A SITE SPECIFIC AGRICULTURAL MANAGEMENT PRACTICE (AMP)

WHEREAS pursuant to the Right to Farm Act, N.J.S.A. 4:1C-1 et seq., and the State Agriculture Development Committee (hereinafter referred to as “SADC”) regulations, N.J.A.C. 2:76-2.3, a commercial farm owner or operator may file a request to the County Agriculture Development Board to determine if his or her operation constitutes a generally accepted agricultural management practice (“AMP”) or to determine if his or her operation complies with a specific AMP if the SADC has promulgated one related to the activity in question; and

WHEREAS pursuant to the Right to Farm Act, N.J.S.A. 4:1C-10.1, and the State Agriculture Development Committee regulations, N.J.A.C. 2:76-2.3, any person aggrieved by the operation of a commercial farm shall file a complaint with the applicable County Agriculture Development Board prior to filing an action in court; and

WHEREAS Mr. Andrew Bove (hereinafter referred to as “Bove”), as the owner and operator of Farmstead Estate located at _____, Ringwood, NJ, Block 200, Lot 6, referenced on the tax map of the Borough of Ringwood (hereinafter referred to as “borough”), is seeking to expand agricultural activities on his farm by incorporating an educational livestock program;

WHEREAS Mr. Bove is desirous of adding a sheep herding presentation to his agricultural program and further represented that he is licensed to breed and display sheep dogs; and such a use

is not expressly permitted according to a textual reading of the zone plan and zone ordinance of the Borough of Ringwood; and

WHEREAS on April 18, 2006 Bove formally applied to the Passaic County Agriculture Development Board (hereinafter referred to as "PCADB") pursuant to N.J.A.C. 2:76-2.3 requesting a determination as to whether the proposed use of the property to conduct an educational livestock program hereinafter constitutes a generally accepted agricultural management practice (hereinafter referred to as "Site-Specific AMP Request"); and

WHEREAS a site review was conducted by the PCADB members and staff in which the Board members and staff present during the site visit made observations concerning the nature and extent of the proposed agricultural activity to occur in connection with this application; and

WHEREAS the PCADB noticed a meeting for June 3, 2008 in compliance with the Open Public Meetings Act and a quorum of the Board being present at the aforesaid meeting, the PCADB considered the application; and

WHEREAS the Township of Ringwood received notice of the June 3, 2008 meeting; and an appearance was made by the Borough at the said meeting from Richard Clemack, Borough Attorney and Scott Heck, Deputy Borough Manager; and

WHEREAS Bove provided testimony on his Site Specific AMP Request application to the PCADB; provided the PCADB with a brief history and explanation of the agricultural activities conducted on the property; and he provided further testimony as to the necessity

and benefits of incorporating an educational livestock program within the purview of agricultural activities conducted on the farm; and

WHEREAS the PCADB acknowledged the written communications from Borough Attorney, Richard Clemack, dated June 3, 2008, and Borough Health Officer Christopher J. Chapman, May 28, 2008, noting the Borough's observations and concerns;

WHEREAS the Right to Farm Act states that a commercial farm operation can engage in certain agricultural activities notwithstanding any municipal ordinances to the contrary if the operation satisfies the eligibility criteria of the Act, N.J.S.A. 4:1C-9; and

WHEREAS through meaningful deliberations, PCADB considered whether the proposed use of adding a sheep herding presentation to the farm at issue meets the eligibility criteria of the Act, including the impact of the agricultural activity on public health and safety, in order to determine whether Mr. Bove may incorporate an educational livestock program notwithstanding the fact that the township's ordinances do not speak to the proposed use being permitted in the zone in question.

NOW THEREFORE BE IT RESOLVED that the PCADB hereby approves the Site Specific AMP application based on the following determinations:

A. Farmstead Estate is a "commercial farm" as defined by statute as a "farm management unit of no less than five acres producing agricultural products worth \$2,500.00 or more annually,

and satisfying the eligibility criteria for differential property taxation pursuant to the 'Farmland Assessment Act of 1964'';

B. Agriculture is a permitted use on the farm under the Township's municipal zoning ordinance;

C. The proposed operation is in compliance with relevant state and federal statutes;

D. The proposed operation does not pose a direct threat to public health and safety;

E. Bove may expand Farmstead Estate by incorporating an educational livestock program into same notwithstanding the fact that the township's ordinances do not speak to the proposed use being permitted in the zone because: (1) Bove has demonstrated to the PCADB that he meets the eligibility criteria of the Act (A through E above); (2) Bove has demonstrated a legitimate agriculturally based reason to add a sheep herding presentation to the program; (3) the Borough has expressed support for this initiative, and addressed issues related to health and safety and Bove will stipulate to conditions set forth by the Borough through its Health Officer as referenced below, and (4) PCADB has carefully weighed and analyzed Bove's agricultural reasons for expanding his farm to include an educational livestock program without causing substantial detriment to the zone plan and zone ordinance of the Borough of Ringwood and further without causing substantial detriment to the public good in accordance with the dictates of Township of Franklin v. den Hollander, 172 N.J. 147 (2002) and

found that Bove's proposed agricultural activities should be permitted on his farm.

BE IT FURTHER RESOLVED that approval of this application is subject to the following condition:

1. That the terms and conditions of the written communication, dated May 28, 2008, from the Borough Health Officer, Christopher Chapman, attached hereto and made a part of this resolution, be followed through in the entirety by Bove.

BE IT FURTHER RESOLVED that this Site Specific AMP neither endorses nor prohibits other than farm use dogs and that this Site Specific AMP is for property farm protection, sheepherding, herding, work sled dogs or other work farm dogs and not necessarily for pets except for the agreement previously maintained with the Borough by Bove; anything other than farm use dogs shall be under the jurisdiction of the borough health officer.

JDP:lc

APPROVED AS TO FORM AND
LEGALITY:

WILLIAM J. PASCRELL, III
PASSAIC COUNTY COUNSEL

CARL QUAZZA, CHAIR
PASSAIC COUNTY AGRICULTURAL
DEVELOPMENT BOARD



Ringwood Health Department
(973)962-7079

May 28, 2008

Richard Clemack, Esq.
Borough of Ringwood -
Municipal Building 60
Margaret King Avenue
Ringwood, NJ 07456

RE; Request by Passaic County Agricultural Development Board for a Site
Specific Agricultural Management Practice Recommendation/Farmstead
Estate -600 Westbrook Road, Ringwood

Dear Mr. Clemack;

The Health Department's position on this matter is, that if Mr. Bove wants to board and train sheep dogs, he must comply with NJAC 8:23 A Standards for the Sanitary Operation of Kennels, Shekel's, Pet Shops, and Pounds. These require Mr, Bove to provide the proper facilities, record keeping, and veterinary care.

Ringwood Borough ordinance requires that the facility be licensed by the Health Department, Licensing would be annual and would require inspection by this department to ensure conformance with state and local regulations. Conformance with state and local regulations are required before he would be allowed to operate.

Si rely,

A handwritten signature in black ink, appearing to read "Christopher J. Chapmar".

Qiristopher J. Chapmar
Health Officer
c. Scott Heck, Deputy Borough Manager
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