

**MORRIS COUNTY AGRICULTURE DEVELOPMENT BOARD**

**RESOLUTION 2005-35**

**RECOMMENDATION OF A SITE SPECIFIC  
AGRICULTURAL MANAGEMENT PRACTICE**

**KEVIN AND SUSAN O'NEILL  
BLOCK , LOT  
TOWNSHIP OF ROXBURY**

**WHEREAS**, pursuant to the Right to Farm Act, N.J.S.A. 4:1C-1, et seq. and the State Agriculture Development Committee's Right to Farm Rules, N.J.A.C. 2:76-2.3(a), a commercial farm owner or operator may make a request to the County Agriculture Development Board to determine if his or her operation constitutes a generally accepted agricultural operation or practice; and

**WHEREAS**, on January 27, 2005, the Morris County Agriculture Development Board (Morris CADB) received a written request from Manuel Fanarjian, Esq., attorney for Kevin and Susan O'Neill, owners and operators of Arabian Pines Farm located at Emmans Road, Flanders, New Jersey, for a site specific agricultural management practice (AMP) for their agricultural operation and their commercial farm certification (attached hereto as Exhibit P-1); and,

**WHEREAS**, on February 2, 2005, pursuant to N.J.A.C. 2:76-2.3(c), the Morris CADB advised in writing the State Agriculture Development Committee (SADC) and the Township of Roxbury of Kevin and Susan O'Neill's request (attached hereto as Exhibit B-1); and

**WHEREAS**, on February 17, 2005, at its regular meeting, the Morris CADB unanimously agreed to develop a site specific AMP for Kevin and Susan O'Neill's operation after making the following findings of fact:

1. Arabian Pines Farm is located in the Township of Roxbury, Morris County, at Block , Lot , commonly known as Emmans Road, Flanders, New Jersey; and,
2. Arabian Pines Farm is a commercial farm as defined at N.J.S.A. 4:1C-3 and N.J.A.C. 2:76-2.1, which produces agricultural/horticultural product worth \$2,500 or more annually and satisfies the eligibility criteria for differential property taxation pursuant to the Farmland Assessment Act of 1964; and

**WHEREAS**, on February 24, 2005, the Morris CADB submitted a written request to Roxbury Township asking for copies of all municipal ordinances that apply to the Arabian Pines Farm, as well as municipal resolutions adopted regarding the Arabian Pines Farm (attached hereto as Exhibit B-2); and

**WHEREAS**, on March 10, 2005, the Morris CADB requested that Kevin and Susan O'Neill submit additional information about their agricultural operation (attached hereto as Exhibit B-3); and

**WHEREAS**, on March 18, 2005, the Morris CADB received from Kevin and Susan O'Neill

additional information about their agricultural operation (attached hereto as Exhibit P-1); and

**WHEREAS**, on March 18, 2005, the Morris CADB received from Delores A. DeMasi of Roxbury Township copies of municipal ordinances that apply to the Arabian Pines Farm, as well as municipal resolutions adopted regarding the Arabian Pines Farm (summary of submission attached hereto as Exhibit B-4); and

**WHEREAS**, pursuant to the SADC's Right to Farm Rules, N.J.A.C. 2:76-2.3(d), in recommending a site specific AMP, the CADB may consult with various agencies, organizations, or persons that may provide expertise concerning the agricultural practices in question; and

**WHEREAS**, in recommending a site specific AMP for the Arabian Pines Farm, the Morris CADB consulted with the following experts:

1. Robert Mickel, Hunterdon County Agricultural Agent, Rutgers Cooperative Extension, Regional Livestock Agent
2. Joseph Dunn, Director, Morris County Soil Conservation District; and

**WHEREAS**, on April 12, 2005, Katherine Coyle, Assistant Director of the Morris CADB, Robert Mickel, Joseph Dunn and Peter Nitzsche, Morris County Agricultural Agent, Rutgers Cooperative Extension, conducted a site inspection of the Arabian Pines Farm; and

**WHEREAS**, on April 20, 2005, Katherine Coyle submitted a written request to Roxbury Township and to Kevin and Susan O'Neill asking them to attend the Morris CADB's May 12, 2005 meeting in order to gather information regarding the existing and the proposed activities on the Arabian Pines Farm (attached hereto as Exhibit B-5 and Exhibit B-6); and

**WHEREAS**, on May 12, 2005, at its regular meeting, the Morris CADB discussed Kevin and Susan O'Neill's request for a site specific AMP; and

**WHEREAS**, on May 12, 2005, the following individuals testified before the Morris CADB regarding the Arabian Pines Farm: Kevin O'Neill, Manuel Fanarjian, Esq., Christopher Rath, Roxbury Township Administrator, and Tom Potere, Roxbury Township Zoning Officer; and

**WHEREAS**, on May 12, 2005, the Morris CADB reviewed the following experts' recommendations regarding the Arabian Pines Farm: Robert Mickel and Joseph Dunn (attached hereto as Exhibit P-2 and Exhibit P-3); and

**WHEREAS**, on May 12, 2005, the Morris CADB reviewed and discussed the following exhibits:

### **EXHIBITS**

Two sets of correspondence from Manuel Fanarjian, Esq. addressed to Katherine Coyle dated January 26, 2005 and March 17, 2005 ..... P-1

Correspondence from Robert Mickel addressed to Katherine Coyle dated May 1, 2005 ..... P-2

Correspondence from Joseph Dunn addressed to Frank Pinto dated April 22, 2005  
and correspondence from Joseph Dunn addressed to Kevin O’Neill  
dated April 29, 2005 ..... P-3

Boundary and Topographic Survey for Kevin O’Neill prepared by Suburban Consulting  
dated December 10, 2004 ..... P-4

Written statement drafted by Tom Potere dated May 12, 2005..... T-1

Correspondence from Dolores DeMasi addressed to Katherine Coyle  
Dated March 16, 2005 ..... T-2

**WHEREAS**, on May 12, 2005, during the review of Exhibit P-1 (correspondence from Manuel Fanarjian, Esq. addressed to Katherine Coyle dated March 17, 2005), paragraph 6 of Kevin O’Neill’s letter was amended to state that there will be twelve (12) total stalls on the farm once the proposed dressage barn has been constructed; and

**WHEREAS**, on June 20, 2005, the Morris CADB received written comments submitted by Tom Potere and Michael Kobylarz, Township Engineer/Director of Public Works, Roxbury Township regarding the Arabian Pines Farm proposal (attached hereto as Exhibit T-3); and

**WHEREAS**, on July 1, 2005, the Morris CADB received correspondence from Kevin O’Neill (attached hereto as Exhibit P-5); and

**WHEREAS**, on July 14, 2005, at its regular meeting, the Morris CADB discussed Kevin and Susan O’Neill’s request for a site specific AMP and reviewed all exhibits.

**NOW THEREFORE, BE IT RESOLVED**, that the Morris CADB hereby determines that the construction and operation of a dressage barn on the Arabian Pines Farm as described in Exhibits P-1, P-4 and P-5 constitutes a generally accepted agricultural management practice. The Morris CADB approves the construction and operation of a dressage barn on the Arabian Pines Farm as described in Exhibits P-1, P-4 and P-5 provided that the following conditions are satisfied:

1. The size and location of the dressage barn shall be in conformance with Exhibit P-4, with the height of the barn not to exceed 30’ to the ridgeline.
2. The Arabian Pines Farm shall be in conformance with the recommendations of Robert Mickel and Joseph Dunn as described in Exhibits P-2 and P-3.
3. The Arabian Pines Farm shall be in conformance with the “Conservation Plan” developed by the Natural Resources Conservation Service, Hackettstown Service Center, dated June 14, 2005 (attached hereto as Exhibit B-7).
4. The Arabian Pines Farm shall be in conformance with all relevant federal and state statutes, rules and regulations.
5. The proposed dressage barn may be used for the following equine-related activities:

- a. keeping of horses owned by the farm owner(s);
  - b. breeding of horses;
  - c. training of horses owned by the farm owner(s); and
  - d. other equine-related activities as permitted by the Township of Roxbury.
6. The number of horses on the Arabian Pines Farm shall not exceed one animal unit per acre, where one animal unit is defined as a 1,000-pound animal.
7. The Arabian Pines Farm shall receive a building permit for the construction of the dressage barn from the Township of Roxbury.

**BE IT FURTHER RESOLVED** that the Arabian Pines Farm may fall under the jurisdiction and control of various local, state or federal agencies. The Morris CADB approval does not preempt it from the jurisdiction review and control of any of the foregoing entities.

**BE IT FURTHER RESOLVED** that should Roxbury Township require the Arabian Pines Farm to submit to a site plan/zoning approval process, the following conditions shall be met:

- 1. Roxbury Township's site plan/zoning review shall be limited to the following (if applicable):
  - a. traffic circulation
  - b. driveways
  - c. ingress and egress
  - d. parking areas
  - e. stormwater management
  - f. drainage
- 2. The Morris CADB will retain oversight of the site plan/zoning approval process. Roxbury Township shall provide the Morris CADB with copies of all site plan/zoning related documents. The Morris CADB will review all site plan/zoning requirements and may waive those requirements, which are contrary to this resolution.

**BE IT FURTHER RESOLVED** that within 30 days of its adoption, certified copies of this resolution will be forwarded to the following individuals and agencies:

Kevin and Susan O'Neill  
 State Agriculture Development Committee  
 Township of Roxbury

**BE IT FURTHER RESOLVED** that any person aggrieved by this resolution may appeal the resolution to the SADC in accordance with the provisions of the Administrative Procedure Act, N.J.S.A. 52:14B-1 et seq., and the Uniform Administrative Procedure Rules, N.J.A.C. 1:1, within 45 days from receipt of this resolution.

- 1. The decision of the SADC shall be considered a final administrative agency decision.

2. If the Morris CADB's resolution is not appealed within 45 days, the resolution is binding.

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William Roehrich, Chairman  
Morris CADB

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Date

I hereby certify the above to be a true copy of a resolution adopted by the Morris County Agriculture Development Board at a regular meeting of August 25, 2005.

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Frank T. Pinto, Jr., Director  
Morris CADB

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- \* P – O’Neill submission
- T – Township of Roxbury submission
- B – Morris CADB submission