

**RESOLUTION OF THE
MONMOUTH COUNTY AGRICULTURE DEVELOPMENT BOARD
REGARDING SITE SPECIFIC AGRICULTURAL MANAGEMENT
PRACTICE APPLICATION**

James Stewart offered the following resolution and moved its adoption:

WHEREAS, Joyce Zemo ("Applicant"), an owner of Riataman Ranch, applied to the Monmouth County Agriculture Development Board ("the Board") requesting a determination if the Applicant's operations at 27 East Farms Road, Farmingdale, New Jersey, Block 219, Lot 5, (the "Property"), constitute site specific accepted agricultural management practices; and

WHEREAS, the specific activities under consideration by the Board consist of 1) smoothing and redistributing soil/dirt for a safe parking area, 2) installing corral fence/rodeo fence, 3) installing spectator seats (temporary structure – moveable) for rodeo and related activities, and 4) creating a soil berm around perimeter to keep animals on site; and

WHEREAS, a hearing was conducted before the Board on March 7, 2007, to consider the application; and

WHEREAS, the Applicant and co-owner Juan Jose Marrufo (the "Owners") were not represented by counsel; and

WHEREAS, at the hearing the Applicant requested that the Board consider the following municipal Complaints which were not part of the application:

#005088, #005085, #005089, #005087, #005084, #003719, #003718, #005083, #005090, and #005082, #005086 and #005161; and

WHEREAS, the Owners had previously certified that the Property is five acres or more, produces agricultural and/or horticultural products worth \$2,500.00 or more annually, and is eligible for differential property taxation pursuant to the Farmland Assessment Act of 1964; and

WHEREAS, the Owners presented testimony at the hearing describing the operations of the farm and the specific activities under consideration by the Board; and

WHEREAS, the Board entered into evidence the following exhibits:

a. MCADB information package entitled “Riataman Ranch 2 SSAMP Hearing” containing the applicant’s Application, correspondence, copies of municipal Complaints, Staff’s Report and power-point presentation and Report by William Sciarappa, Ph.D. Agriculture and Resource Management Agent (Ex. B-1); and

WHEREAS, after considering the evidence and testimony presented by and on behalf of the Owners, and comments from the public, the Board makes the following findings of fact and conclusions of law:

1. The property is a commercial farm as defined by N.J.S.A. 4:1C-3 and the Board has jurisdiction to consider the Complaints;
2. The Township of Howell has filed numerous complaints against the Owners;
3. The Owners have requested the Board to consider the municipal complaints as part of their application;
4. The Board cannot consider the municipal Complaints because they were not listed on the Applicant’s application and sufficient notice has not been provided to the municipality.

NOW, THEREFORE, BE IT RESOLVED by the Monmouth County Agriculture Development Board that, based on the aforesaid findings of fact and conclusions of law:

1. The hearing will be postponed and the Owners may return for another hearing at which time the Board will determine whether the activities that were listed on the Application constitute site specific accepted agricultural management practices and also consider the above listed municipal Complaints; and

2. The Board strongly urges the Owners to attempt to amicably resolve the municipal Complaints with the appropriate agencies and contact the USDA-Natural Resources Conservation Service before the next hearing.

3. Notice of the next hearing shall be re-sent to the Howell Township Code Enforcement Officer, both Township Attorneys (Ernest Bongiovanni, Esq. (recused) and Thomas Gannon, Esq.), and the Owners.

Seconded by Thomas Geran, and adopted on a roll call by the following vote:

	YES	NO	ABSTAIN	ABSENT
Mr. Bullock	X			
Mr. Buscaglia		X		
Mr Geran	X			
Mr. Giambrone	X			
Mr. Halka	X			
Mr. McCarthy		X		
Mr. Potter	X			
Mr. Puglisi				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 March 7, 2007, and memorialized on July 11, 2007.

Richard Obal, Secretary

**RESOLUTION OF THE
MONMOUTH COUNTY AGRICULTURE DEVELOPMENT BOARD
RECOMMENDING SITE SPECIFIC AGRICULTURAL MANAGEMENT PRACTICE**

Charles Buscaglia offered the following resolution and moved its adoption:

WHEREAS, Joyce Zemo ("Applicant"), an owner of Riataman Ranch, applied to the Monmouth County Agriculture Development Board ("the Board") requesting a determination if the Applicant's specific operations at 27 East Farms Road, Farmingdale, New Jersey, Block 219, Lot 5, (the "Property"), constitute site specific accepted agricultural management practices; and

WHEREAS, the specific activities under consideration by the Board consist of 1) smoothing and redistributing soil/dirt for safe parking area, 2) installing corral fence/rodeo fence, 3) installing spectator seats (temporary structure – moveable) for rodeo and related activities, and 4) creating a soil berm around perimeter to keep animals on site; and

WHEREAS, a hearing was previously conducted before the Board on March 7, 2007, to consider the application; and

WHEREAS, the Board previously entered into evidence a MCADB information packet entitled "Riataman Ranch 2 SSAMP Hearing" containing the applicant's Application, correspondence, copies of municipal Complaints, Staff's Report and power-point presentation and Report by William Sciarappa, Ph.D. Agriculture and Resource Management Agent (Ex. B-1); and

WHEREAS, the previous hearing was postponed by the Board to allow the Applicant and co-owner (the "Owners") the opportunity to amicably resolve the Complaints listed in Resolution # 2007-3-2 with the appropriate agencies and contact the USDA-Natural Resources Conservation Service ("NRCS") before the next hearing; and

WHEREAS, a hearing was conducted before the Board on April 4, 2007, to consider the

application as well as the Complaints listed in Resolution #2007-3-2; and

WHEREAS, the Applicant had previously certified that the Property is five acres or more, produces agricultural and/or horticultural products worth \$2,500.00 or more annually, and is eligible for differential property taxation pursuant to the Farmland Assessment Act of 1964; and

WHEREAS, the Owners were not represented by counsel; and

WHEREAS, the Owners presented testimony at the March 7, 2007 hearing describing the operations of the farm and the specific activities under consideration by the Board, particularly as the application pertained to the smoothing and redistribution of soil for the parking area, the berm created to keep animals on site, the clearing of trees, water run-off, soil erosion, the use of fill dirt, how those activities pertained to the complaints issued by the Township of Howell, and the nature of activities performed at other local farms in the surrounding area and the Complaints issued by the Township of Howell in relation to those activities; and

WHEREAS, testimony was presented by the Owners that they did not seek to amicably resolve the Complaints listed in Resolution # 2007-3-2 with the appropriate township officials as was recommended by the Board at that time; and

WHEREAS, testimony was presented by the Owners that they contacted the NRCS prior to the hearing but it would take approximately six months before an engineer could examine the property; and

WHEREAS, testimony was presented by Chris Jackson, the Code Enforcement Officer of Howell Township, that he did not attempt to contact the landowners to resolve the municipal complaints but the Township is desirous to work with the Owners and the Natural Resources Conservation Service; and

WHEREAS, testimony was presented by Chris Jackson in which he discussed the parking area on the property, the clearing of trees, the amount of soil being brought onto the

property, drainage and water flow issues, solid waste found on the property, the general nature of the operations at the property and how those operations related to the issued municipal complaints; and

WHEREAS, Chris Jackson entered into evidence the following exhibit:

- a. Township of Howell Response to Citizen Intake Form bearing intake number 05000049 and dated 5/02/05, which is a neighbor's complaint that complains of water flowing from the Owner's property on to an adjacent neighbor's property;

WHEREAS, after considering the evidence and testimony presented by and on behalf of the Owners and Township, and comments from the public, the Board makes the following findings of fact and conclusions of law:

1. The property is a commercial farm as defined by N.J.S.A. 4:1C-3 and the Board has jurisdiction to consider the Complaints.
2. Sufficient notice has been provided to the municipality.
3. The Owners of the property breed, board and train horses, breed and sell cows, give horse and pony riding lessons and present rodeos between the months of April and October every three to four weeks in good weather. The rodeos are open to the public and include barrel racing, team penning, calf roping, bull riding, mechanical bull riding, equestrian exhibits and trick-roping.
4. The Owners cleared trees in order to provide for a parking area and a corral area for horses.
5. The Owners received municipal Complaints (#'s 5085 and 5090) as a result of clearing trees in order to provide for a parking area and a corral area for horses.
6. The Owners did not seek to amicably resolve the Complaints listed in Resolution #2007-3-7 with the appropriate township officials.
7. The Owners contacted the NRCS after the hearing held in March of 2007, but it

will take several months before an analysis of the property can be performed.

8. Municipal ordinances pertaining to the clearing and/or removal of trees are not generally intended to regulate the clearing and/or removal of trees on agricultural property.

NOW THEREFORE, BE IT RESOLVED that, based on the aforesaid findings of fact and conclusions of law, the Monmouth County Agriculture Development Board makes the following determinations:

The clearing of trees to provide for a parking area and a corral area for horses, upon which Complaint #'s 5085 and 5090 are based (failure to obtain necessary approval prior to clearing trees), are acceptable agricultural management practices and are deemed to be protected activities under the New Jersey Right to Farm Act.

Seconded by Thomas Geran and adopted on a roll call by the following vote:

	YES	NO	ABSTAIN	ABSENT
Mr. Bullock	X			
Mr. Buscaglia	X			
Mr. DeFelice	X			
Mr Geran	X			
Mr. Giambrone	X			
Mr. Halka	X			
Mr. McCarthy	X			
Mr. Potter	X			
Mr. Puglisi				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 April 4, 2007, and memorialized on July 11, 2007.

Richard Obal, Secretary

**RESOLUTION OF THE
MONMOUTH COUNTY AGRICULTURE DEVELOPMENT BOARD
RECOMMENDING SITE SPECIFIC AGRICULTUREAL MANAGEMENT PRACTICE**

James Stuart offered the following resolution and moved its adoption:

WHEREAS, Joyce Zemo ("Applicant"), an owner of Riataman Ranch, applied to the Monmouth County Agriculture Development Board ("the Board") requesting a determination if the Applicant's specific operations at 27 East Farms Road, Farmingdale, New Jersey, Block 219, Lot 5, (the "Property"), constitute site specific accepted agricultural management practices; and

WHEREAS, the specific activities under consideration by the Board consist of 1) smoothing and redistributing soil/dirt for safe parking area, 2) installing corral fence/rodeo fence, 3) installing spectator seats (temporary structure – moveable) for rodeo and related activities, and 4) creating a soil berm around perimeter to keep animals on site; and

WHEREAS, a hearing was previously conducted before the Board on March 7, 2007, to consider the application; and

WHEREAS, the Board previously entered into evidence a MCADB information packet entitled "Riataman Ranch 2 SSAMP Hearing" containing the applicant's Application, correspondence, copies of municipal Complaints, Staff's Report and power-point presentation and Report by William Sciarappa, Ph.D. Agruculture and Resource Management Agent (Ex. B-1); and

WHEREAS, the previous hearing was postponed by the Board to allow the Applicant and co-owner (the "Owners") the opportunity to amicably resolve the Complaints listed in Resolution # 2007-3-2 with the appropriate agencies and contact the USDA, Natural Resource Conservation Service ("NRCS") before the next hearing; and

WHEREAS, a hearing was conducted before the Board on April 4, 2007, to consider the application as well as the Complaints listed in Resolution #2007-3-2; and

WHEREAS, the Applicant had previously certified that the Property is five acres or more, produces agricultural and/or horticultural products worth \$2,500.00 or more annually, and is eligible for differential property taxation pursuant to the Farmland Assessment Act of 1964; and

WHEREAS, the Owners were not represented by counsel; and

WHEREAS, the Owners presented testimony at the March 7, 2007 hearing describing the operations of the farm and the specific activities under consideration by the Board, particularly as the application pertained to the smoothing and redistribution of soil for the parking area, the berm created to keep animals on site, the clearing of trees, water run-off, soil erosion, the use of fill dirt, how those activities pertained to the complaints issued by the Township of Howell, and the nature of activities performed at other local farms in the surrounding area and the Complaints issued by the Township of Howell in relation to those activities; and

WHEREAS, testimony was presented by the Owners that they did not seek to amicably resolve the Complaints listed in Resolution # 2007-3-2 with the appropriate township officials as was recommended by the Board at that time; and

WHEREAS, testimony was presented by the Owners that they contacted the NRCS prior to the hearing but it would take approximately six months before an engineer could examine the property; and

WHEREAS, testimony was presented by Chris Jackson in which he discussed the parking area on the property, the clearing of trees, the amount of soil being brought onto the property, drainage and water flow issues, solid waste found on the property, the general nature of the operations at the property and how those operations related to the issued municipal complaints; and

WHEREAS, testimony was presented by Chris Jackson, the Code Enforcement Officer of Howell Township, that he did not attempt to contact the landowners to resolve the municipal

complaints but the Township is desirous to work with the Owners and the Natural Resources Conservation Service; and

WHEREAS, Chris Jackson entered into evidence the following exhibit:

- a. Township of Howell Response to Citizen Intake Form bearing intake number 05-000049 and dated 5/02/05, which is a neighbor's complaint that complains of water flowing from the Owner's property on to the adjacent neighbor's property;

WHEREAS, after considering the evidence and testimony presented by and on behalf of the Owners and comments from the public, the Board makes the following findings of fact and conclusions of law:

1. The property is a commercial farm as defined by N.J.S.A. 4:1C-3 and the Board has jurisdiction to consider the Complaints.
2. Sufficient notice has been provided to the municipality.
3. The Owners of the property breed, board and train horses, breed and sell cows, give horse and pony riding lessons and present rodeos between the months of April and October every three to four weeks in good weather. The rodeos are open to the public and include barrel racing, team penning, calf roping, bull riding, mechanical bull riding, equestrian exhibits and trick-roping.
4. The Owners did not seek to amicably resolve the Complaints listed in Resolution #2007-3-7 with the appropriate township officials.
5. The Owners contacted the NRCS after the hearing held in March of 2007, but it could take several months before an analysis of the property could be performed.
6. Municipal ordinances pertaining to the clearing and/or removal of trees are not generally intended to regulate the clearing and/or removal of trees on agricultural property.
7. Considering the specific operations on the property, and more particularly the rodeo events that are open to the public, several of the Owners' activities concern issues relating

to the public's health and safety.

8. The Owners were issued municipal Complaint #'s 005086 and 005161 (failure to obtain a permit prior to filling in property) because they filled portions of the property with soil in an attempt to control drainage on the property. This is not an acceptable agricultural management practice considering the property's uses and was not performed in an acceptable fashion.

9. The Owners were issued municipal Complaint #'s 005089 and 005084 (grading, and clearing of trees completed prior to obtaining necessary township approvals) because they graded the land in order to control drainage which effectively exacerbated existing drainage problems. This is not an acceptable agricultural management practice considering the property's uses and was not performed in an acceptable fashion.

10. The Owners were issued municipal Complaint #'s 003718 and 003719 (failure to obtain a permit prior to disposal of solid waste) because they created a berm which included solid waste containing concrete and asphalt millings, and also had piles of off-site grass clippings. These were not acceptable agricultural management practices, and were not performed in an acceptable fashion.

11. The Owners were issued municipal Complaint #'s 005083 and 005088 (failure to file a soil erosion and sediment control plan to satisfy the requirements of the Freehold Soil Conservation District) because the owners disturbed an excess amount of soil on the property which was over 5,000 square feet. This is not an acceptable agricultural management practice.

NOW THEREFORE, BE IT FURTHER RESOLVED that, based on the aforesaid findings of fact and conclusions of law, the Monmouth County Agriculture Development Board makes the following determinations:

The Board has no jurisdiction over the municipal Complaints #'s 005086 and 005161 (failure to obtain a permit prior to filling in property), 005089 and 005084 (failure to obtain a developers permit prior to alteration of any structure or building on land), 005087 and 005082

(grading and clearing of trees completed prior to obtaining necessary township approvals), 003718 and 003719 (failure to obtain a permit prior to disposal of solid waste), and 005083 and 005088 (failure to file a soil erosion and sediment control plan to satisfy the requirements of the Freehold Soil Conservation District), because the impact of those practices, considered in relation to the Applicant's operations of the farm and the specific activities under consideration by the Board and more particularly the operation of the rodeo which is open to the public, are likely to impact the public health and safety.

Seconded by Charles Buscaglia and adopted on a roll call by the following vote:

	YES	NO	ABSTAIN	ABSENT
Mr. Bullock	X			
Mr. Buscaglia	X			
Mr. DeFelice	X			
Mr Geran		X		
Mr. Giambrone	X			
Mr. Halka	X			
Mr. McCarthy	X			
Mr. Potter	X			
Mr. Puglisi				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 April 4, 2007, and memorialized on July 11, 2007.

Dated:

Richard Obal, Secretary

**RESOLUTION OF THE
MONMOUTH COUNTY AGRICULTURE DEVELOPMENT BOARD
RECOMMENDING SITE SPECIFIC AGRICULTUREAL MANAGEMENT PRACTICE**

Martin Bullock offered the following resolution and moved its adoption:

WHEREAS, Joyce Zemo ("Applicant"), an owner of Riataman Ranch, applied to the Monmouth County Agriculture Development Board ("the Board") requesting a determination if the Applicant's specific operations at 27 East Farms Road, Farmingdale, New Jersey, Block 219, Lot 5, (the "Property"), constitute site specific accepted agricultural management practices; and

WHEREAS, the specific activities under consideration by the Board consist of 1) smoothing and redistributing soil/dirt for safe parking area, 2) installing corral fence/rodeo fence, 3) installing spectator seats (temporary structure – moveable) for rodeo and related activities, and 4) creating a soil berm around perimeter to keep animals on site; and

WHEREAS, a hearing was previously conducted before the Board on March 7, 2007, to consider the application; and

WHEREAS, the previous hearing was postponed by the Board to allow the Applicant and co-owner (the "Owners") the opportunity to amicably resolve the Complaints listed in Resolution # 2007-3-2 with the appropriate agencies and contact the USDA-Natural Resources Conservation Service ("NRCS") before the next hearing; and

WHEREAS, a hearing was conducted before the Board on April 4, 2007, to consider the application as well as the Complaints listed in Resolution #2007-3-2; and

WHEREAS, the Board previously entered into evidence a MCADB information packet entitled "Riataman Ranch 2 SSAMP Hearing" containing the applicant's Application, correspondence, copies of municipal Complaints, Staff's Report and power-point presentation and Report by William Sciarappa, Ph.D. Agriculture and Resource Management Agent (Ex. B-1);

and

WHEREAS, the Applicant had previously certified that the Property is five acres or more, produces agricultural and/or horticultural products worth \$2,500.00 or more annually, and is eligible for differential property taxation pursuant to the Farmland Assessment Act of 1964; and

WHEREAS, the Owners were not represented by counsel; and

WHEREAS, the Owners presented testimony at the March 7, 2007 hearing describing the operations of the farm and the specific activities under consideration by the Board, particularly as the application pertained to the smoothing and redistribution of soil for the parking area, the berm created to keep animals on site, the clearing of trees, water run-off, soil erosion, the use of fill dirt, how those activities pertained to the complaints issued by the Township of Howell, and the nature of activities performed at other local farms in the surrounding area and the Complaints issued by the Township of Howell in relation to those activities; and

WHEREAS, testimony was presented by the Owners that they did not seek to amicably resolve the Complaints listed in Resolution # 2007-3-2 with the appropriate township officials as was recommended by the Board at that time; and

WHEREAS, testimony was presented by the Owners that they contacted the NRCS prior to the hearing but it would take approximately six months before a staff member could examine the property; and

WHEREAS, testimony was presented by Chris Jackson, the Code Enforcement Officer of Howell Township, that he did not attempt to contact the landowners to resolve the municipal complaints but the Township is desirous to work with the Owners and the Natural Resources Conservation Service; and

WHEREAS, testimony was presented by Chris Jackson in which he discussed the parking area on the property, the clearing of trees, the amount of soil being brought onto the

property, drainage and water flow issues, solid waste found on the property, the general nature of the operations at the property and how those operations related to the issued municipal complaints; and

WHEREAS, Chris Jackson entered into evidence the following exhibit:

- a. Township of Howell Response to Citizen Intake Form bearing intake number 05000049 and dated 5/02/05, which is a neighbor's complaint that complains of water flowing from the Owner's property on to the adjacent neighbor's property;

WHEREAS, after considering the evidence and testimony presented by and on behalf of the Owners and comments from the public, the Board makes the following findings of fact and conclusions of law:

1. The property is a commercial farm as defined by N.J.S.A. 4:1C-3 and the Board has jurisdiction to consider the Complaints.
2. Sufficient notice has been provided to the municipality.
3. The Owners of the property breed, board and train horses, breed and sell cows, give horse and pony riding lessons and present rodeos between the months of April and October every three to four weeks in good weather. The rodeos are open to the public and include barrel racing, team penning, calf roping, bull riding, mechanical bull riding, equestrian exhibits and trick-roping.
4. The Owners contacted the NRCS after the hearing held in March of 2007, but it could take several months before an analysis of the property could be performed.
5. Municipal ordinances pertaining to the clearing and/or removal of trees are not generally intended to regulate the clearing and/or removal of trees on agricultural property.
6. The Owners wish to install spectator seating for rodeo events.
7. The existing soil berm encircles almost the entire length of the property.
8. The installation of a corral/rodeo fence and the installation of spectator seats

(temporary structure – moveable) for rodeo and related activities are accepted agricultural management practices under the New Jersey Right to Farm Act but must be performed in accordance with municipal regulations as they relate to public health and safety.

9. “Smoothing and redistribution of soil/dirt for safe parking area” is not an accepted agricultural management practice because parking areas are land use activities that are not necessarily related to the agricultural use and therefore it is more appropriately subject to regulation by local authorities under the municipality’s land use regulations.

10. “Creating a soil berm around perimeter to keep animals on site” is not an accepted agricultural management practice because it is not an accepted agricultural management practice for containing large animals.

NOW, THEREFORE, BE IT RESOLVED that, based on the aforesaid findings of fact and conclusions of law, the Monmouth County Agriculture Development Board makes the following determinations:

1. The installation of a corral/rodeo fence and the installation of spectator seats (temporary structure – moveable) for rodeo and related activities as proposed by the applicants are accepted agricultural management practices under the New Jersey Right to Farm Act, provided, however, that the construction of the items shall comply with applicable construction regulations;

2. “Smoothing and redistribution of soil/dirt for safe parking” is not an accepted agricultural management practice, but is subject to applicable municipal land use regulations; and

3. “Creating a soil berm around perimeter to keep animals on site” is not an accepted agricultural management practice for the containment of large animals.

Seconded by James Stuart and adopted on a roll call by the following vote:

	YES	NO	ABSTAIN	ABSENT
Mr. Bullock	X			
Mr. Buscaglia	X			
Mr. DeFelice	X			
Mr Geran		X		
Mr. Giambrone	X			
Mr. Halka	X			
Mr. McCarthy	X			
Mr. Potter	X			
Mr. Puglisi				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 April 4, 2007, and memorialized on July 11, 2007.

Richard Obal, Secretary