

June 17, 1999

Nancy Tindall, Chairperson
Mercer CADB
Mercer County Planning Division
640 South Broad Street
Room 420
Trenton, NJ 08650

Re: Conflict Resolution Matter
J.E.M Stables

Block 14, Lot 23
Washington Township, Mercer County
Block 34, Lot 4
West Windsor Township, Mercer County

Dear Ms. Tindall:

On May 27, 1999, the State Agriculture Development Committee, ("SADC"), considered the testimony provided at a public hearing held on April 22, 1999 and supporting correspondence for the conflict resolution matter concerning the agricultural management practices of J.E.M. Stables located in West Windsor and Washington Townships Mercer County. Enclosed is a copy of the SADC's final report summarizing its findings and recommendations.

According to the statute, the Mercer CADB must hold a public hearing and issue its findings and recommendations regarding the complaint within 60 days of the receipt of the SADC's decision.

The SADC's final report addressed the issues of the current practice of manure management, the location of fencing, the lack of soil and water conservation practices and the density of horses on the premises.

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The issue of whether the riding academy portion of J.E.M. Stables' operations is entitled to Right to Farm protection was also raised at the SADC meeting. Since this is a legal determination and not a determination of a generally accepted operation or practice, the issue should be addressed by the Mercer CADB as part of the conflict resolution process.

In the event that any person is aggrieved by the decision of the Mercer CADB, he or she shall appeal the decision to the SADC within 10 days. The SADC shall schedule a hearing and make a determination within 90 days of receipt of the petition for review. The decision of the SADC shall be binding, subject to the right of appeal to the Appellate Division of the Superior Court. Any decision of a CADB that is not appealed shall be binding.

As you are aware, the Right to Farm Act does not address the procedures to be followed by CADBs in the conduct of their responsibilities pursuant to N.J.S.A. 4:1C-10.1(c). In discussing procedures with the Mercer CADB's legal counsel regarding this issue, you may want to consider holding a hearing similar to the SADC's hearing on April 22, 1999 regarding J.E.M. Stables.

If you have any questions or need any assistance, please do not hesitate to contact me.

Sincerely,

Gregory Romano

Enclosure

c: Daniel Knox, Administrator, Mercer CADB

**State Agriculture Development Committee
Right to Farm Conflict Resolution**

Final Report

Re: J.E.M. Stables

Washington Township, Mercer County

Block 14, Lot 23

West Windsor Township, Mercer County

Block 34, Lot 4

**Acreage: 24 acres, 14 acres in Washington Township
10 acres in West Windsor Township**

Legal Authority:

Filing of Complaint: Pursuant to the Right to Farm Act, N.J.S.A. 4:1C-10.1, any person aggrieved by the operation of a commercial farm shall file a complaint with the applicable County Agriculture Development Board (“CADB”) or the State Agriculture Development Committee (“SADC”) in counties where no CADB exists prior to filing an action in court. In the event the dispute concerns activities that are not addressed by an agricultural management practice recommended by the SADC and adopted pursuant to the provisions of the Administrative Procedure Act (APA), the CADB shall forward the complaint to the SADC for a determination of whether the disputed agricultural operation constitutes a generally accepted agricultural operation or practice. Upon receipt of the complaint, the SADC shall hold a public hearing and issue its findings and recommendations to the appropriate CADB within 60 days of its decision.

Related activities: Pursuant to N.J.S.A. 4:1C-9(h), a commercial farm operator may conduct agriculture-related educational and farm-based recreational activities provided that the activities are relating to marketing the agricultural or horticultural output of the commercial farm.

Commercial farm: Pursuant to N.J.S.A. 4:1C-3, a commercial farm means (1) a farm

management unit of no less than five acres producing agricultural or horticultural products worth \$2,500 or more annually and satisfying the eligibility criteria for differential property taxation pursuant to the "Farmland Assessment Act of 1964", or (2) a farm management unit less than five acres, producing agricultural or horticultural products worth \$50,000 or more annually and otherwise satisfying the eligibility criteria for differential property taxation pursuant to the "Farmland Assessment Act of 1964".

Issue: This matter concerns the operation of a riding academy, fence installation and horse density of a commercial equine operation located in both Washington and West Windsor Townships in Mercer County. The SADC has been requested by the Mercer CADB to review the operation of J.E.M. Stables and provide a determination to the board as to whether the agricultural practices employed at J.E.M. Stables are generally accepted agricultural management practices, as the SADC has not adopted an agricultural management practice regarding riding academies, horse fencing or horse density.

Background:

On August 3, 1998, Robert Melvin, Washington Township Zoning Officer, filed a complaint against J.E.M. Stables alleging violations of the Revised General Ordinances in the Township as follows:

- 1) that the riding academy aspect of the agricultural operation was not a permitted activity,
- 2) that the provision which states that the keeping of horses, ponies, cows, sheep, foal or other farm livestock, with a minimum of five (5) acres for every two (2) animals, only in fenced areas in those areas not classified as farms was violated, and
- 3) the provision which states that no fences used in the containment of ponies, horses, cows, sheep, foal or other livestock shall be located within one hundred (100') feet of any property or street right-of-way line was violated.

It is also staff's understanding that the adjoining property owner in Washington Township, Richard Crusier, has lodged complaints with the municipality regarding the operation of J.E.M. Stables.

On January 8, 1999, the Township of Washington referred the matter to the Mercer CADB pursuant to the Right to Farm Act. At its February 1, 1999 meeting, the Mercer CADB referred the matter to the SADC.

Onsite Investigation:

On March 31, 1999, Sherry Dudas, Right to Farm Program Specialist and Dan Knox, Administrator of the Mercer CADB performed a site inspection at J.E.M. Stables. J.E.M. Stables is a horse riding academy and boarding facility owned and operated by Michael and Joan Esposito. Horse breeding activities and timothy hay production take place as well. Michael Esposito stated that as part of the riding academy, horses as well as riders are trained. Mr. Esposito represented that he is a NJ-licensed horse trainer. Joan Esposito stated that there were 49 horses on the premises at the time of the inspection. The riding academy operates everyday except Tuesday. The operation consists of an outdoor riding arena, an outdoor track, one indoor riding arena and two stall barns where horses are housed. The riding academy stall barn, an adjacent corral, the outdoor riding arena and the track are located on the Washington Township portion of the farm. A post and beam fence surrounds the corral and a wood slat fence encloses the outdoor riding arena. The corral fencing located adjacent to the Crusier property is approximately five to seven feet from the property line, and a row of fourteen evergreen trees were recently planted by the Espositos between the fence and Crusier property as a buffer. The fence enclosing the outdoor riding arena is approximately ten to twelve feet from the property line.

A horse manure pile was initially located adjacent to the eastern boundary of the property and adjacent to Mr. Crusier's property. The Espositos have since relocated it to an area adjacent to the indoor riding arena, which is on the West Windsor portion of the farm. The manure pile was approximately 10 feet high and uncovered.

Robert Melvin, Washington Township Zoning Officer, clarified in a phone conversation with Ms. Dudas on April 8, 1999 that Washington Township officials feel that the riding academy and the attendant horse shows are not considered agriculture uses under its Revised General Ordinances. He also contended on behalf of the municipality that even if the uses are considered agricultural, the Espositos are still in violation of the animal density and livestock fencing ordinances.

Public Hearing

Summary of Testimony: At the SADC's regular meeting of April 22, 1999 David J. Kenny, Municipal Attorney for Washington Township, Robert Melvin, Assistant Director of Planning and Zoning Officer, Washington Township, Richard C. Crusier, adjacent landowner to J.E.M. Stables, Sahbra Jacobs, Esq., attorney for J.E.M. Stables owners, Joan and Michael Esposito and Joan Esposito provided testimony.

The following is a general summary of the comments provided at the hearing.

Marci Green, Deputy Attorney General: Ms. Green explained the procedure for the Right to Farm Conflict Resolution with respect to J.E.M. Stables in Washington Township, Mercer County. She stated that the Act pursuant to N.J.S.A. 4:1C-10.1 states that any person aggrieved by the operation of a commercial farm shall file a complaint with the applicable County Agriculture Development Board ("CADB") or the

State Agriculture Development Committee (“SADC”) in counties where no CADB exists prior to filing an action in court. In the event the dispute concerns activities that are not addressed by an agricultural management practice recommended by the SADC and adopted pursuant to the provisions of the Administrative Procedure Act, the CADB shall forward the complaint to the SADC for a determination of whether the disputed agricultural operation constitutes a generally accepted agricultural operation or practice. Upon receipt of a complaint, the SADC shall hold a public hearing and issue its findings and recommendations to the appropriate CADB.

David J. Kenny: Mr. Kenny stated that the question that must be addressed by the SADC is whether there is any agricultural or horticultural production related to the riding academy on the property. He noted that the property is under farmland assessment (15 acres of the 24 acres) and there are crops grown on the property. Washington Township contends, however, that the portion of the property in Washington Township which includes the riding academy and involves the sale of uniforms and helmets and the boarding of horses is not a farm use. He also stated that there are some very poor conditions on the property. He stated that the SADC staff slides represented the property on a dry day. He noted that he had visited the farm when it was wet and that there are significant flooding problems. In addition, the outdoor riding track and shed were constructed without permits. He stated that first and foremost it must be determined if the operation is a commercial farm operation as it relates to the riding academy and the boarding of horses. He did note that he understands that there is very little breeding of horses on the property. He also noted that the property was a vegetable farm until approximately 10 years ago.

Robert Melvin: Mr. Melvin stated that the riding academy has been operated on the property for approximately the last 10 years and horse shows started on the property about 5 years ago. He noted that the property is located in a Rural Residential District which allows for low density residential units while encouraging farms and related uses. He stated that when he reviewed the definition of a Rural Residential District, he did not feel that riding academy and horse show operations fell within that definition and, for that reason, Washington Township officials did not feel that the use is permitted and filed the complaints against J.E.M. Stables. He then circulated pictures of the property on a wet day showing the flooding of the property. He noted that during heavy rains Mr. Crusier experiences a great deal of water runoff from J.E.M. Stables. He attributed part of this situation to the fact that there is not a buffer between the properties and J.E.M. Stables allows the horses right up to the fence line which is 2 or 3 feet from the property line. He also stated that the horse show aspect of the operation needed a site plan review for off-street parking for public safety reasons. He noted that this is a much more intensive use of the site than just a normal farming operation. He further noted that Washington Township requires farms that have farm stands to go through the Township Technical Review Committee to insure that parking is safe and ingress and egress is safe and felt this standard should also apply to J.E.M. Stables.

Mr. Borisuk asked how often the horse shows took place on the property. Mr. Melvin

said that his understanding was that approximately one per month. Mr. Romano asked if that was year round or just during the season. Mr. Melvin replied that he understood it was one per month but suggested checking with the landowner. Mr. Romano asked if he knew how many people attended the shows and how many cars were parked on the site during the shows to which Mr. Melvin responded approximately 100 people at a time. Ms. Allen asked if there were lights on the property at night and whether there is a township ordinance against lights at night. Mr. Melvin responded that to his knowledge there weren't lights on the property, and the Township does have an ordinance that regulates lighting. (Mr. Richard Brown stated that the Township does recognize farmland assessment and he thought the municipality, upon reading its ordinance, needs to update its municipal ordinances to conform with the State definition of farming and what's permitted and not permitted.) Mr. Brown stated that breeding and racing of horses is considered an agricultural use by the State. He noted, however, that a horse show is something different. Also, the pasturing of horses is considered an agricultural use. Mr. Fox asked about the provision in the Township ordinance regarding 2 animals per 5 acres and asked if he knew the rationale behind this. Mr. Melvin stated that he did not write the ordinance which predated him by about 10 years but as the zoning officer in the Township, it was his responsibility to enforce the ordinances. Mr. Fox then asked what classes of animals were included in the definition to which Mr. Melvin responded that all animals were included except pigs.

Richard Cruser: Mr. Cruser stated that he had moved to his property in 1966 and J.E.M. Stables moved to their present location in 1983. He stated that when the Espositos first moved next to him it was a small operation, with only 2 or 3 horses which created no problems. Several years later they started boarding horses and created a riding academy. He stated that they built stables adjacent to his property within 10 to 20 feet of the property line. His complaints included the noise generated from the horses kicking in their stables at night caused him sleep difficulty and the manure of 49 horses being improperly managed. When the owners of J.E.M. Stables know that someone is coming out to inspect the property, there is a flurry of activity to spread the manure out back on the track. He stated that the manure is not turned into the ground. In the summer he cannot enjoy his yard because of the flies and he cannot open the windows in his house because of the dust and dirt from the horse riding academy. He stated that he does not have anything against a riding academy as long as it is maintained properly. He also noted that sometimes the animals are in water and mud up to their knees. He stated that the original fencing adjacent to his property has been there for 15 years and is deteriorated. Occasionally the Espositos repair part of the fence by adding a post or reinforcing posts, rather than replacing the whole fence. They continue to build more and more fences to bring in more and more horses which will bring in more manure and more problems. He stated that when the riding academy has a horse show, it starts at 7:30 a.m. and runs to 9 p.m. at night. He stated that there are lights on continuously.

Mr. Romano asked if the horses have ever trespassed onto Mr. Cruser's property. Mr. Cruser responded that they have. He noted that recently several horses got out and caused \$1860 worth of damage to his property. Mr. Romano asked if during the shows

if trespassing occurred on his property to which Mr. Crusier stated that he has been harassed while using his lawnmower or weed wacker.

Sahbra Jacobs, Esq.: Ms. Jacobs addressed the members and stated that J.E.M. Stables is a commercial farm since the property does have farmland assessment, they raise, breed and pasture horses. She stated that the Right to Farm Act was designed to prevent nuisance suits and what is happening in this situation is that the neighbor is going out of his way to harass the owners of J.E.M. Stables. In fact, what Mr. Crusier would like is to have the Espositos sell their farm for residential development. She stated that the intent of the Right to Farm Act was to protect farmers from someone who continually complains. She stated that Mrs. Esposito will explain some of the problems and what they have done to answer every one of the complaints. She stressed that the operation is a farm use and they also raise hay which is indicated on the farmland assessment application. The shed was erected with a permit which was obtained approximately 10 years ago which Mrs. Esposito obtained herself. Unfortunately neither she nor the township can find a record of the permit. She stated that what she thinks Washington Township is trying to do is change the definition of farming as understood by state law. Possibly their ordinance prejudices the operation of horse farms. She stated that it is much easier to understand the raising and breeding of horses as not being a farm. People seem to be under the assumption that if you are not raising vegetables or something that you can buy at a farm stand, it is not a farm. She stated that Mrs. Esposito would explain how the manure is managed on the farm. She stated that there was a meeting between the Espositos and the township officials and based upon that meeting, Mrs. Esposito has agreed to change the location of the manure pile, even though the board of health has told her that she is doing it properly. She stated that they water down the track between events and some problems of dust are inherent to a farm. She also noted that Mrs. Esposito has installed a sprinkler system as well as hosing to meet the requirements. As far as whether the riding academy is a permitted use, it goes back to the initial determination of whether this is a commercial farm. If it is a commercial farm, it is part of the inherent use of the farm. If the township, under its definition feels it is not a farm, then it becomes an accessory use of the operation but it is part and parcel of the same operation which encompasses 24 acres. The farm borders two townships but it is one farm. She noted that there have not been any problems with West Windsor Township whatsoever. All the problems are generated from the neighbor, Mr. Crusier. She emphasized that Mrs. Esposito has been on the property since 1983 and she was there first, before Mr. Crusier. During the entire ownership by the Espositos, they have been raising and breeding horses. She stated that the operation has increased over the years but not to the level that Mr. Crusier would want you to believe.

Joan Esposito, owner of J.E.M. Stables: Mrs. Esposito stated that she and her husband have tried to comply with all of the complaints generated against her operation. She stated that Mr. Crusier did not like the chickens on the property, so she fenced them in, he did not like the flies on the property so she brought in 70,000 non-stinging wasps to control the flies, he did not like the view so she added 13 evergreens which they planted on the property line, he did not like the dust, so a sprinkler system was installed for the

outdoor riding arena, he did not like the rain water runoff, so a trench was constructed for the runoff. She stated that the horses did get out, so all the locks were replaced which cost approximately \$800. She stated with regard to the manure, her husband takes the manure spreader and spreads it out back, he also goes through each paddock with the tractor periodically to spread the manure in the paddocks. She stated that there is constant harassment by Mr. Crusier. She stated that there are 6 shows a year which do not last into the darkness. She did note that one of the shows did last after dark and two spot lights were put on at that time. Each show has about 40 or 50 people and there is ample parking on the West Windsor side of the property. She stated that with regard to the sheds, they are three-sided buildings and they are on top of the ground (they have no footings) and are strictly a place for the riding horses to get in out of the weather. She stated that during the last show that was conducted on the property, Mr. Crusier ran his lawnmower during the entire event and operated his weed wacker which spooked the horses, becoming a major safety concern with the children.

Mr. Binetsky asked Mrs. Esposito what is the extent of the breeding operation with respect to her business. She responded that it is a very small part of her business. They have two mares in foal at the present time and they had one foal two years ago. He asked of the 24 acres, how many acres were used for growing hay. Mrs. Esposito responded that she was not sure, she would have to check her records. He also asked if the growing of the hay was strictly for the boarding of the horses. She responded in the affirmative. He then asked if some of the hay was sold commercially. She responded that some was sold.

Mr. Borisuk asked if all of the manure was spread on the property. Mrs. Esposito responded affirmatively. Mr. Borisuk then asked if it was spread on the 6 acres that included the track or where was it spread specifically. Mrs. Esposito stated that it was spread in front of the 6 acres. He then asked what the land that the manure was spread on was used for. She stated that it was the horse track. Mr. Romano asked if the manure was incorporated into the soil. Mrs. Esposito responded that it was turned in on the training track and in the paddocks. Mr. Binetsky asked if there was any pasture for the horses to feed on. She stated that they plant the paddock and rotate the horses. Ms. Allen asked how many paddocks there were where the horses are actually confined and how many paddocks have grass. Mrs. Esposito responded that there are 10 paddocks and at the present time 2 have grass. Ms. Allen asked if the manure is spread on the paddocks. Mrs. Esposito stated that the manure is worked into the ground with a harrowing tractor. Ms. Allen then asked what do they do with the manure from the horses in the stalls. Mrs. Esposito stated that it is put in a manure spreader and put on the track in the back. Ms. Allen then asked what is the size of the track and whether it is fenced. Mrs. Esposito responded that it is a half-mile unfenced track. Mrs. Esposito explained that the manure is spread on the track. Ms. Allen questioned if this would make it mushy. Mrs. Esposito said not really and explained that it is not an official track, it is only a training track. Ms. Allen stated that she was having trouble picturing spreading manure from the stalls of 49 horses on a half-mile track. She noted that she has a track on her farm and would not consider spreading manure on the track. She spreads it on the hay fields certain times of the year. She then asked Mrs.

Esposito if she spreads some of the manure on her hay fields. Mrs. Esposito responded affirmatively. Ms. Allen then asked how much land she has in hay. Mrs. Esposito stated approximately 10 acres. Mr. Borisuk stated that he thought the testimony was that 6 acres were in hay. Ms. Shipp stated that the paperwork for farmland assessment purposes indicated that 6 acres were under production. Mr. Richard Brown stated that his interpretation of the farmland assessment act paperwork indicates that she only has farmland assessment on 6 acres of the 24 acres that she owns and asked if she ever applied for more than 6 acres. She responded that she had never applied for more than the 6 acres. Mr. Romano stated that farmland assessment is currently on the entire 24 acres but only 6 acres is in active crop production. Mr. Borisuk stated that he had to agree with Ms. Allen that it is most unusual to spread manure on the track itself. He also stated that with the number of horses that are on the property, there must be an excess of manure. He stated that the manure being spread on 6 acres from 49 horses was excessive and in order to be a good neighbor some of the manure needs to be disposed of off the property. Mrs. Esposito explained that 14 of the horses are in paddocks and 16 horses are in stalls and 8 horses are in another barn. The manure that is spread is only from the horses in the stalls and the manure from the paddocks is worked into the ground.

Mr. Maxson asked of the 49 horses, how many does Mrs. Esposito own. Mrs. Esposito estimated that she and her husband own about 25. Mr. Maxson asked if any of them were race horses. Mrs. Esposito responded that none at the present time and stated that her husband has taken his race horses to another farm. He also asked if the track was used by her husband. She responded no since it is not an official track.

Mr. Romano asked if any of the horses born on the farm were sold or has she ever sold any horses from the farm. Mrs. Esposito stated that two of the horses were not born yet and she did not sell the foal born years ago. Mr. Romano asked if she had ever sold horses. She stated that she had but she could not recall when. Mr. Romano asked if the riding academy was in any way related to the marketing of the horse. Mrs. Esposito stated that she did not understand the question.

Ms. Allen asked if she was right in her understanding that there were 35 horses that never go in stalls and 14 are kept in stalls. Ms. Esposito stated they go out during the day and brought in at night. Only 14 horses are in running sheds and paddocks. Ms. Allen asked for those 35 horses, how many acres are those horses standing on. Ms. Allen stated that from her understanding, Mrs. Esposito has 24 acres, 10 acres for the race track and 5 acres in buildings and arenas. Ms. Allen stated that she felt that with 15 acres being utilized for the race track, buildings and arena and the remaining area for the horses, there would have to be some kind of manure management on the property. She stated that with that many horses, there has to be too much manure, dirt and mud for the horses standing on that property. She stated that there could not be decent footing for them without disposing of some of the manure offsite. Mrs. Esposito stated that the mixture of dirt and manure dries and becomes a powder. Ms. Specca asked if Mrs. Esposito ever had the Conservation Service come out to her property and do a manure management plan. Mrs. Esposito replied negatively. Ms. Specca then

asked if she had ever sold horses to people who board horses at her farm. Mrs. Esposito stated that she had sold individuals horses and then continued to board the horses on her farm. Mr. Romano asked what the average value was for a foal or what would she sell a horse to a boarder for. Mrs. Esposito stated that it could vary but an average would be \$1,000.

Richard Brown stated that presumably half of the horses on the property are boarded and asked if she trained horses. Mrs. Esposito stated that half of the horses are boarded and her husband trains horses. Richard Brown then asked if her husband was involved in the riding academy. Mrs. Esposito stated her husband is involved with training of the school horses. Richard Brown stated that he is trying to determine how much of the operation is under agriculture and how much is something else. He noted that Mrs. Esposito acknowledged that her husband trains thoroughbreds but asked if they also trained people. Mrs. Esposito stated that they did train people to ride. Mr. Brown stated that he did not feel this was agriculture. He stated that training horses, raising horses, pasturing horses, breeding horses is agriculture. Ms. Shipp asked for clarification of the training of horses on the property. Mrs. Esposito stated that there is training for riding of the horses on the property for the riding academy.

Mr. Binetsky wondered that since the breeding of horses on the property is very limited, if horses are acquired from off the farm. Mrs. Esposito replied in the affirmative.

Mr. Borisuk asked Mr. Cruser how far his house was from the actual property line. Mr. Cruser replied that it is approximately 30 to 40 feet away. He also noted that there has been up to 15 horses pastured in the field next to his house where it is a very low drainage area. He also commented that the hay that is grown on the farm is cut by another farmer and then baled by another farmer. The farmer takes half of the hay for himself and gives the other half to Mrs. Esposito for the horses. He stated that this would not be nearly enough for 49 horses. Mr. Borisuk stated that he felt this was a common practice and did not see anything wrong with this. Mr. Cruser also stated that spot lights are on the property year round even in the winter time to accommodate the riding academy. Mr. Binetsky asked if Washington Township could corroborate that. Mr. Melvin responded that he has never seen it personally.

Ms. Shipp stated that since there is no further questions or testimony, the hearing record will be open for one week for anyone who has additional information and would like to have included on the record and state that it could be forwarded to the SADC.

Findings of Fact: Based on the investigation of facts, the site inspection of March 31, 1999 testimony presented at the SADC meeting of April 22, 1999 and subsequent correspondence provided by J.E.M. Stables dated April 28, 1999 (See attached Exhibit "A"), the SADC finds:

- J.E.M. Stables qualifies as a commercial farm as defined in the Right to Farm Act based upon the Certifications provided by the owners/operators as well as testimony provided by Sahbra Jacobs, Esq. and Joan Esposito and farmland

assessment documentation from both Washington and West Windsor Townships in that the farm generated \$1600 of income from the sale of timothy hay in 1998, and the farm conducts limited breeding (with an average price for a foal being about \$1000, two mares are currently in foal and one foal born two years ago but not sold).

The activities on the farm include the following:

- a. Approximately 6 acres are in timothy hay production.
- b. Approximately 7 acres are in pasture and 1 acre is used for boarding in Washington Township.
- c. In West Windsor, 2.8 acres are in pasture and 4 acres are used for training and boarding.
- d. 49 horses were located on the property at the time of inspection. The Espositos own 25 horses and the remainder are boarded.
- e. There is a riding academy with occasional horse shows.
- f. The breeding and boarding of horses.
- g. The sale of uniforms and helmets related to the riding academy.

The location of the corral and outdoor riding arena fencing ranges from five to twelve feet from the property line.

There are conflicting statements concerning the frequency, duration and number of participants at the horse shows held on the farm. It ranged from Robert Melvin's statement that the shows take place once a month and have approximately 100 participants, to Mrs. Esposito's letter statement that they host shows during the hours of 9:00 am until 4 to 5:00 p.m., 6 times a year, to Mr. Cruser's statement that the shows start at 7:30 a.m. and continue to 9:00 p.m. at night.

There is no vegetation in 8 of 10 paddocks.

Horses have trespassed on adjacent property. Damage caused to the property was corrected.

Manure generated from the horses is spread on the training tracks and in the horse paddocks. A manure pile existed at the time of inspection. It was approximately 10 feet high and fifteen feet across and was uncovered.

There are flooding and water run-off problems at the site.

- Noise is generated from the horses kicking in their stables at night.
- There have been problems associated with flies, dust and dirt emanating from the farm. The Espositos have installed a sprinkler system and have purchased 70,000 non-stinging wasps to control the flies.

Recommendations: Pursuant to N.J.S.A. 4:1C-10.1, the SADC determines that the disputed agricultural operation or practice constitutes the following:

- The current practice of manure management is not a generally accepted agricultural management practice.
- The location of fencing located approximately 5 to 12 feet from the property boundary is a generally accepted agricultural management practice.
- The lack of soil and water conservation practices for controlling water runoff and ponding on the site are not generally accepted agricultural management practices.
- The density of 49 horses for 24 acres is a generally accepted agricultural management practice provided generally acceptable manure management practices are utilized.

Pursuant to N.J.S.A. 4:1C-10.1, the SADC shall issue its decision in writing to the Mercer CADB. The Mercer CADB shall hold a public hearing and issue its findings and recommendations within 60 days of the receipt of the committee's decision. Any person aggrieved by the decision of the Mercer CADB shall appeal the decision to the SADC within 10 days. The SADC shall schedule a hearing and make a determination within 90 days of receipt of the petition for review. The decision of the SADC shall be binding, subject to the right of appeal to the Appellate Division of the Superior Court. Any decision of a CADB that is not appealed shall be binding.

The State Agriculture Development Committee's review and determination of the agricultural operation or practice occurred at its meeting on

Gregory Romano, Executive Director
State Agriculture Development Committee