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Freshholder Director

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Deputy Director

Kenneth Armwood
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Leslie Koppel
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Freshholders

MIDDLESEX COUNTY • NJ

DEPARTMENT OF INFRASTRUCTURE MANAGEMENT

Office of Planning
Agriculture Development Board

RESOLUTION OF THE MIDDLESEX COUNTY AGRICULTURE DEVELOPMENT BOARD IN THE MATTER OF THE RIGHT-TO-FARM COMPLAINT FOR THE ACTIVITIES ON BLOCK 13, LOT 18, CRANBURY

Charles Kenny
Chairperson,
Infrastructure Management

John A. Pulomena
County Administrator

Khalid Anjum
Department Head

Alan A. Danser, *Chairman*

James Giamarese
Vice Chairman

Thomas Mancuso, *Secretary*

Mirah Becker, PP, AICP
Supervising Planner

Laurie Sobel, PP, AICP
Senior Environmental Planner

WHEREAS, pursuant to the Right to Farm Act, N.J.S.A. 4:1C-1, et seq., and State Agriculture Development Committee (SADC) regulations, N.J.A.C. 2:76-10(a), any person aggrieved by the operation of a commercial farm shall file a complaint with a County Agriculture Development Board (CADB) or with the SADC in counties where no CADB exists; and

WHEREAS, on February 22, 2018, a complaint ("Complaint") with supporting documentation was submitted in writing to the Middlesex County Agriculture Development Board (MCADB) by property owners Traci and John Zyczek of Monroe Township, N.J. neighboring property owners to property known and designated as Block 13, Lot 18; commonly known as in the Township of Cranbury (the "Property"), alleging that the Cranbury Sales Stables operated by Miguel Guzman was operating horse rodeo events on the Property not related to an agricultural activity and are further, a nuisance that should not qualify for protection under the Right to Farm Act; and

WHEREAS, in response to receiving the above complaint, a letter dated March 16, 2018 was sent by the MCADB to Miguel Guzman, alleged operator of the Property at Cranbury, operating as Cranbury Sales Stables, informing him of the complaint; advising that the MCADB was required to contact the commercial farm operator and request that it provide evidence that the property upon which disputed activities are being conducted is a "commercial farm" as defined in N.J.S.A. 4:1C-3; advising of the Right to Farm process that would commence; and provided a commercial farm determination questionnaire and site specific agricultural management practice application to complete with instructions to return the requested information within thirty (30) days of receipt of the notice; and

WHEREAS, on April 24, 2018, MCADB staff received a letter from Phillip Barrood, Esq., an attorney representing Miguel Guzman in connection with the matter, advising that he was in the process of compiling information and reviewing the applicable laws and regulations to prepare a response to the letter his client received from the MCADB and to complete the requested questionnaires; acknowledging the thirty (30) day response time originally requested; and requested an extension of until May 4, 2018 to respond with the information; and

WHEREAS, a letter dated July 12, 2018 was sent by MCADB Counsel to Phillip Barrood, Esq., acknowledging his initial letter advising that he is representing Miguel Guzman in the matter and serving as a notification that due to the failure of the property owner to respond, the MCADB may review whether the property is a commercial farm at its next meeting, and further advising that it is likely that a determination that the property is a commercial farm will not be made as no information has been provided to support that it is, and that a commercial farm determination is the first step in the review of whether a property qualifies for Right to Farm protection; and

WHEREAS, to date, as of August 30, 2018, the MCADB has not heard or received any information from either Miguel Guzman or Phillip Barrood, Esq., in connection with this complaint; and

WHEREAS, this matter was placed on the MCADB's September 12, 2018 meeting agenda, to make a Determination regarding the Complaint against the alleged activities taking place on the Property;

NOW THEREFORE BE IT RESOLVED, that the MCADB hereby determines that since the operator of the Property has made no attempt to complete the commercial farm determination form or the site specific agricultural management practice form or to contact MCADB staff, the MCADB can make no determination on the merits that the Property is a "commercial farm" eligible for Right to Farm protection; and

BE IT FURTHER RESOLVED that, based on the foregoing, the Property cannot be determined a "commercial farm" as defined by the Right to Farm Act and is not currently eligible for Right to Farm Protection; and

BE IT FURTHER RESOLVED that, because the MCADB does not have information before it to qualify the Property as a "commercial farm", the MCADB has no jurisdiction over the Complaint, and this matter is



hereby dismissed without prejudice and the disputed activities alleged in the Complaint remain under the jurisdiction of all other appropriate local, state and/or federal authorities; and

BE IT FURTHER RESOLVED, that the MCADB shall forward a copy of this resolution to the Miguel Guzman, Philip Barrood, Esq., the Cranbury Township Planning Board, the Cranbury Township municipal court, the Monroe Township Planning Board, the Monroe Township municipal court, the SADC and any other individuals deemed appropriate by the Board within 30 days of this recommendation; and


BE IT FURTHER RESOLVED that any person aggrieved by this Resolution may appeal to the SADC within 10 days of that person's receipt of this Resolution.

<u>Recorded Vote:</u>	<u>Aye</u> 6	<u>No</u>	<u>Abstain</u>	<u>Absent</u>
Alan A. Danser	X			
James Giamarese	X			
Thomas Mancuso	X			
Robert Von Thun	X			
Rodger Jany	X			
Samuel Landy	X			


Alan A. Danser, Chairman

I hereby certify the above is a true copy of a Resolution duly adopted by the Middlesex County Agriculture Development Board at a meeting held on September 12, 2018 at which a quorum was present and acting throughout.

Attest:


Thomas Mancuso, Secretary

