



State of New Jersey
OFFICE OF ADMINISTRATIVE LAW

INITIAL DECISION

OAL DKT. NO. ADC 09288-22

AGENCY DKT. NO. SADC ID

#1974

RAY MALAK,

Petitioner,

v.

**MONMOUTH COUNTY AGRICULTURAL
DEVELOPMENT BOARD, JUSTUS COOLEY IV
AND ROSEMARIE COOLEY,**

Respondents.

Ray Malak, appearing pro se

Christopher L. Beekman, Esq., appearing for respondent Monmouth County
Agricultural Development Board (The Beekman Law Firm, LLC, attorneys)

Nancy L. Holm, Esq., appearing for respondents Justus Cooley IV and Rosemarie
Cooley (Surenian, Edwards, Buzak and Nolan, LLC, attorneys)

Record Closed: January 29, 2024

Decided: March 13, 2024

BEFORE **SUSAN M. SCAROLA**, ALJ (Ret., on recall):

STATEMENT OF THE CASE

The petitioner, Ray Malak, residing at 76 Heulitt Road, Colts Neck, New Jersey, appeals the issuance of a Site-Specific Agricultural Management Practice (SSAMP) under the Right-to-Farm Act (the Act), N.J.S.A. 4:1C-1 through N.J.S.A. 4:1C-10.4., by respondent, the Monmouth County Agricultural Development Board (Board, MCADB), for property located at [REDACTED] Block 12, Lot 25), known as Turtle Pond Ranch, and owned by respondents, Justus Cooley IV and Rosemarie Cooley, which permitted two animal sheds to be located within 100 feet of the property line between the two properties.¹ The petitioner does not contest that the Turtle Pond Ranch is a commercial farm or that it is entitled to protection under the Act. Nor does he dispute the farming activities on the farm property; he objects to the placement of the sheds, which he contends were not there before he purchased his property.²

PROCEDURAL HISTORY

On August 2, 2022, the Board adopted Resolution No. 2022-8-1, memorialized by the MCADB on September 6, 2022, which approved side yard setbacks for animal shelters for pigs and turkeys at the Turtle Pond Ranch at less than that provided in the municipal ordinance. The petitioner filed a timely appeal to the State Agriculture Development Committee (SADC), which transmitted the appeal to the Office of Administrative Law, where it was filed on October 14, 2022. N.J.S.A. 52:14B-1 to -15; N.J.S.A. 52:14F-1 to -13.

The hearing was conducted in person and by Zoom video technology on November 20 and 21, 2023. The record remained open for the receipt of summations and closed on January 29, 2024.

¹ Resolution No. 2022-8-1.

² He also argues that he was not permitted to completely present his case before the Board and that the Board did not consider his exhibits. However, no evidence was presented that the Board did not fully consider the petitioner's objections. Indeed, it appears that at least two Board members made a site visit to the property.

FACTUAL DISCUSSION

For petitioner

Bessy Attia testified that she is a realtor and handled the purchase of 76 Heulitt Road on behalf of the petitioner. She did not notice any fence, shed, or animals on the property line. She remembered that she toured the property between the spring and summer prior to the closing date in August 2020, but she did not remember the exact date. She did not recall seeing any survey.

Ramzy Malak, petitioner's son, testified that he is in college and does not often come home to see his father. The Malak property was purchased more than two years ago. He saw no fence at the end of the property nor any shed in the area. They did not open the pool last summer.

Robert Berish, a contractor, testified that he started working on the house in August 2020. He did not recall seeing any fence in the back, nor did he recall seeing a shed.

Ray Malak testified that he has no problem with the township. He used to live in South Brunswick but declared 76 Heulitt Road as his primary residence in 2020 after he purchased it in July 2020. He was represented by counsel at the closing. The petitioner resided in South Brunswick until his son finished high school because his son was able to study at home and needed the quiet atmosphere in South Brunswick. The petitioner was at the property three to four days a week as construction was taking place in 2020–21. The petitioner moved into the property full-time around March 2021 or maybe before that. The petitioner's son is in medical school, and he does not see him often.

The petitioner is aware that Colts Neck respects the Right-to-Farm and has a mix of properties, including farms, and that neighbors' concerns are considered by the township. The petitioner has no issue with the turkeys but believes the pigs were moved from the side of the farmhouse to the property line after he purchased his house. He claims the pigs are affecting him and that he has itching that starts when he collects

leaves closer to the property line between his property and Turtle Pond Farm. He contends that the pigs are allergenic and that he is affected by the leaves, bugs, smells, and mosquitoes.

The petitioner provided Exhibit G, which shows a six-foot stockade fence between the two properties, and Exhibit A, a survey. P-1. He also contends that Exhibit B shows that the two sheds did not exist when he purchased the property. P-1. The stockade fence was installed by Turtle Pond Farm in 2022.

For respondents

Justus Cooley IV testified that he has lived in Colts Neck his entire life and now resides at [REDACTED], at Turtle Pond Ranch. His parents had a farm where they raised chickens, pigs, and turkeys. He has a degree in biology and runs a landscaping company in Colts Neck. He always liked the property at [REDACTED] and purchased it after it went on the market in 2017. The property contains sixteen acres, most of which is a Category One water buffer because of the pond and the creek located on the property.

Cooley and his wife raise chickens, ducks, pigs, and beef cattle on the property, and he has raised turkeys in the past. He has chickens and ducks all year round. He had turkeys in 2020 and 2021, but did not have them in 2022 or 2023, although he may have them again this year. Turkeys are seasonal from the spring to October/November. His cattle operation started in 2019. He first had two cows, and one gave birth. In July 2020 they had three cows, and now they have four. The most cattle he ever had was seven, as one or two are culled annually in the fall.

He started raising pigs in August 2021. The pigs usually come in June and are seasonal from late spring or early summer to November. In 2021 he had two pigs; in 2022 and 2023 he had three pigs. An Agricultural Waste Management Plan (AWMP) is in effect, and waste is sent to Slope Brook Farm. Cattle and horse waste are collected every day; the pigs' waste is collected as needed, every day or two.

Cooley's application for an AWMP was approved on May 2, 2022, and he is in good standing with the State. He applied for the AWMP after a complaint was made that the pigs and turkeys were within 100 feet of the property line. No complaints were received from other neighbors, just the petitioner. Cooley has received mostly compliments on the property, as he has cleaned it up.

When Cooley started the fence on the cattle side, the petitioner asked him for a copy of his survey, and Cooley showed it to him. The petitioner took pictures of the survey and said he was going to provide one of his own. Cooley waited a year, but the petitioner never provided a survey, so he finished the fence, changing the style from a wire fence to a stockade fence.

Then Cooley received a summons from the town about the setback and the location of the property line. He retained a survey company to come and put pins on the property to resolve the property-line dispute. The six-foot stockade fence was put in after the property-line issue was resolved. The fence not only provided privacy to the petitioner and to Cooley's family, but Cooley also hoped it would curtail picture taking by the petitioner, who would get up on a ladder by a tree on his property and take pictures of the Cooleys' farm.

The petitioner called the police again and officers responded, but they found no violation. The town sent out the code enforcer because the turkey and pig structures were in violation of the setback provision. Cooley wanted some relief and wanted to be able to take care of his animals, so he filed for the SSAMP permitting the placement of the sheds within the setback.

The Turtle Pond Ranch property has a driveway that goes from the street to the main house and to the barn, which is located on the left of the driveway before the house. There is only one animal barn. The property has a Category One water buffer with a 300-foot setback from the creek, which places restrictions on the use of most of the property because the water drains into drinking water. The two sheds are located within wire-fenced pens at a corner between the two properties and are not close to any other neighbor's property. The pig shelter is similar to a large doghouse; the turkey shelter is

an elevated coop. The pigs require a shelter to stay warm and to get out of the weather. The turkey shed protects the turkeys from predators and holds pullets until they are big enough to be released. The turkeys first go to the brooder and then to the shed. The pens were placed in that location not only to avoid the water buffer, but also because they are close to electricity and water, and for ease of loading the pigs onto a trailer. The pens serve a legitimate farm purpose, and no other complaints were received.

The Board approved the placement of the two sheds as a site-specific practice and permitted their location within the zoned setback area, and approved the SSAMP by resolution. The two shed structures remain on the property.

Regarding the dispute about the survey, the survey company that did the pin markers was not the same company that Cooley used when he purchased the property, so there was some issue about the exact distance from the property line.

Cooley reviewed the photographs in Exhibit 24. The turkey shed was there in 2020 when the turkeys were there. The pigs were started in 2021, and the fence was there. He noted that the turkey shed can be seen, and the pig shed can be as well, although in some of the pictures it is out of the frame. The pig shed is about the size of a doghouse, and the turkey coop is a small, elevated shed. Compared to the children and the turkeys in the pictures, the structures are small.

Rosemarie Cooley testified that she has been married to her husband since 2007 and that they have two children. She has worked in the pharmaceutical industry for twenty-five years and has a degree in the sciences.

She first met the petitioner in the fall of 2020 when the children had just returned from school. The petitioner asked how long they had been living there and said that he was waiting to move in. He asked what their property cost. The petitioner was at the property at least two to three times a week. He said he had grown up on a duck farm.

The property that the petitioner bought had been vacant. In the beginning, they were fine, but the relationship deteriorated. It was a split-rail fence that initially sparked

the complaint of the petitioner. One Sunday morning, the petitioner knocked on their door and was not friendly. He asked for a copy of their survey and her husband got it and went outside. The petitioner was looking at the survey and told them not to work on the fence until they heard from him again. There was a fence along the driveway but not alongside the petitioner's house. They wanted a wire fence to keep the dogs in and placed it behind the petitioner's property.

They waited for a full year to begin work on the fence, and the petitioner did not present a survey to them. After receiving notice from the town about a property-line disparity, they had a new survey done with pin placement and changed the fence from a wire one to a six-foot stockade one, which afforded them more privacy. She was uncomfortable with the petitioner. He was taking pictures and spraying the fence near the animals and was making complaints about the animals.

The petitioner came to the farmhouse a day or two after the fence installation began, which was after the petitioner had bought the property. She saw and heard the petitioner with his voice raised, yelling at her husband. She saw him spraying something but did not know what it was. The petitioner wanted to stop the fence from being installed and called the police, but no summonses were issued to them. Code Enforcement came too, but no work was stopped. The petitioner was up on a ladder taking pictures over the fence, so they went to a security company for protection.

This situation has impacted her life. The family wants to enjoy the farm and the property that they own and that her husband has a vision for. It was something they thought they could run successfully in Colts Neck, and they had the water buffer and the safety of the animals in mind. No one else has complained. Her son has special needs, and she became concerned that he might yell and disturb the petitioner.

She reviewed Exhibit 24, the family photos that she took. The pig shed is not in frame. In the April 16, 2020, photograph, the pig shed is behind her daughter. The turkey house was in the same place. The code violation was not for the animals but for the location of the sheds; because they were within 100 feet of the property line, they applied for the SSAMP, which was approved.

Rebuttal for petitioner

Justus Cooley IV³ testified that he had raised the pigs from June to approximately October/November 2021. The complaint was made on October 28, 2021. When shown an aerial photograph of the property, Cooley said that neither the house nor the pig shed can be seen because of the trees. Exhibit 5. In other photographs, the pig shed is out of the frame. The pictures presented with the SSAMP application made on December 23, 2021, show the pig shed and the turkey coop. Originally it was a split-rail wire fence, but that was changed to the stockade fence for more privacy.

In an aerial photograph included in Exhibit 5, neither the turkey coop nor the pig shed is visible because of the trees. After the petitioner filed his complaint on October 28, 2021, Cooley filed the application for an SSAMP for Turtle Pond Ranch with the Board.

Site Visit

On May 19, 2023, a site visit was made to the property, and all parties were present. The photographs included in Exhibits 6 and 24 are an accurate depiction of the location of the pig shed and the turkey coop. They are located on the farm behind wire fencing close to the stockade fence out of view of 76 Heulitt Road. They are not large structures. The pig shelter is similar to a large doghouse and is protected by trees that cover the area. The turkey coop is a small, elevated shed. Both are minimally intrusive to that area of the farm and are located behind the fence and out of view of the petitioner's property. The area was clean and without odor. Any intrusion of the shed and coop is minimal.

FINDINGS

For testimony to be believed, it must not only come from the mouth of a credible witness, but it also has to be credible in itself. It must elicit evidence that is from such common experience and observation that it can be approved as proper under the

³ The petitioner called the respondent to testify. No objection was made.

circumstances. See Spagnuolo v. Bonnet, 16 N.J. 546 (1954); Gallo v. Gallo, 66 N.J. Super. 1 (App. Div. 1961). A credibility determination requires an overall assessment of the witness's story in light of its rationality, internal consistency, and the manner in which it "hangs together" with the other evidence. Carbo v. United States, 314 F.2d 718, 749 (9th Cir. 1963). Also, "[t]he interest, motive, bias, or prejudice of a witness may affect his credibility and justify the [trier of fact], whose province it is to pass upon the credibility of an interested witness, in disbelieving his testimony." State v. Salimone, 19 N.J. Super. 600, 608 (App. Div.), certif. denied, 10 N.J. 316 (1952) (citation omitted).

I accept the testimony of Mr. and Mrs. Cooley as credible and find it as fact. They described their purchase of the farm and the plans they have for raising animals on the property. The care of the Category One water buffer was important to them, as was the care for the animals. They originally planned a wire-fence enclosure for the sheds but changed that to a six-foot stockade fence on the property line after the petitioner complained. This fence screens the two sheds from the view of the petitioner and provides privacy to both parties. The sheds were built sometime after the Cooleys purchased the property and are outside the protected water-buffer area.

The testimony of the petitioner, on the other hand, was not convincing, as his testimony and that of his witnesses concentrated on when the sheds were built and his allegation that they were not seen by anyone before he purchased the property. While the sheds may or may not have been there in late 2020 or 2021, that issue is not germane to the disposition of this case, as the issue is whether the SSAMP properly approved the placement of the sheds within the setback.

Although the petitioner contends that he is allergic to pigs and that the animals have caused problems with leaves, bugs, smells, and mosquitoes, he did not provide any support for this contention. He said his son is bothered by the pigs, but both the petitioner and the son testified that he is not often at the property. As for leaves, the entire area is dense with trees. In addition, no proof was presented that the animals caused bugs or mosquitoes. On the day of the site visit, the property appeared clean and well kept, and no smells were noted. The number of animals is very small. The surveys show that 76 Heulitt Road is a large property, and the petitioner's house and pool are not near the

property line at issue. This area in Colts Neck supports farming as a permitted agricultural use.

The photographs clearly show that the two sheds are small; are mostly screened by trees; and do not intrude into the water buffer. They are not visible from the petitioner's home, as they are close to the stockade fence, which provides privacy.

LEGAL ANALYSIS

The issue presented here is whether the Board properly issued an SSAMP under the Right-to-Farm Act for property located at [REDACTED], [REDACTED] (Block 12, Lot 25) (Turtle Pond Ranch), permitting two animal sheds to be located within 100 feet of the property line between the two properties.

The petitioner bears the burden of proof by a preponderance of the credible evidence. Atkinson v. Parsekian, 37 N.J. 143 (1962).

N.J.S.A. 4:1C-10 provides that in all actions filed subsequent to the relevant effective date of the 1998 amendments,

there shall exist an irrebuttable presumption that no commercial agricultural operation, activity or structure which conforms to agricultural management practices recommended by the committee and adopted pursuant to the provisions of the "Administrative Procedure Act," P.L.1968, c. 410 (C.52:14B-1 et seq.), or whose specific operation or practice has been determined by the appropriate county board . . . to constitute a generally accepted agricultural operation or practice, and all relevant federal or State statutes or rules and regulations adopted pursuant thereto and which does not pose a direct threat to public health and safety, shall constitute a public or private nuisance, nor shall any such operation, activity or structure be deemed to otherwise invade or interfere with the use and enjoyment of any other land or property.

N.J.S.A. 4:1C-3 provides the relevant definitions for the Act:

“Board” or “county board” means a county agriculture development board established pursuant to section 7 of P.L.1983, c.32 (C.4:1C-14).

“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,” P.L.1964, c.48 (C.54:4-23.1 et seq.),

“Committee” means the State Agriculture Development Committee established pursuant to section 4 of P.L.1983, c.31 (C.4:1C-4).

On May 2, 2022, the Board found that Turtle Pond Ranch was a commercial farm, as it met the requirements of the Act, and adopted Resolution No. 2022-5-1 (memorialized on September 6, 2022). N.J.S.A. 4:1C-3. The farm had no less than five acres of land (it was approximately sixteen acres); it produced agricultural/horticultural products worth at least \$2,500 per year; it was eligible for differential property taxation pursuant to the Farmland Assessment Act of 1964; and it was located in an area where agricultural use was permitted under the municipal zoning ordinance and was consistent with the master plan.

Turtle Pond Ranch satisfied the definition of a “commercial farm” and was therefore entitled to protection under the Act provided it conformed to agricultural management practices recommended by the Committee or whose specific operation practice had been determined by the county board to be a generally accepted agricultural operation or practice. After determining that Turtle Pond Ranch met the definition of a commercial farm, the Board then adopted a resolution on August 2, 2022 (memorialized on September 6, 2022) approving the SSAMP for the location of the sheds within the property setback and affording relief from the setbacks required by municipal ordinance. The farm has complied with the requirements of the SSAMP since.

The Complaint

N.J.S.A. 4:1C-10.1 provides as follows:

- a. Any person aggrieved by the operation of a commercial farm . . . shall file a complaint with the applicable county agriculture development board or the State Agriculture Development Committee in counties where no county board exists prior to filing an action in court.
- b. In the event the dispute concerns activities that are addressed by an agricultural management practice recommended by the committee and adopted pursuant to the provisions of the "Administrative Procedure Act," P.L.1968, c. 410 (C.52:14B-1 et seq.), the county board shall hold a public hearing and issue findings and recommendations within 60 days of the receipt of the complaint.
- c. In the event the committee has not recommended an agricultural management practice concerning activities addressed by a complaint, the county board shall forward the complaint to the committee for a determination of whether the disputed agricultural operation constitutes a generally accepted agricultural operation or practice. Upon receipt of the complaint, the committee shall hold a public hearing and issue its decision, in writing, to the county board. The county board shall hold a public hearing and issue its findings and recommendations within 60 days of the receipt of the committee's decision.
- d. Any person aggrieved by the decision of the county board shall appeal the decision to the committee within 10 days. The committee shall schedule a hearing and make a determination within 90 days of receipt of the petition for review.
- e. The decision of the State Agriculture Development Committee shall be binding, subject to the right of appeal to the Appellate Division of the Superior Court. Any decision of a county agriculture development board that is not appealed shall be binding.

Here, the petitioner filed a complaint with the Monmouth County Agricultural Development Board particularly concerned with the location of the sheds within 100 feet of the property line, as required by municipal zoning regulations. The Board held a

hearing on May 3, 2022, and after considering the testimony of the parties and the evidence presented, determined that the respondents had proven the need for an SSAMP and approved their application.

The Board resolved that:

1. The side yard setback for the animal shelters^[4] for the pigs at a distance of approximately 9' is found to be acceptable—said structures cannot further encroach on the side yard more than what currently exists at the passing of this resolution. The deviation from the ordinance was approved based on the area of the shelters being the only feasible location on the property outside of the Category 1 Stream and buffer area.
2. The side yard setback for the animal shelters for the turkeys at a distance of approximately 7.5' is found to be acceptable—said structures cannot further encroach on the side yard more than what currently exists at the passing of this resolution. The deviation from the ordinance was approved based on the area of the shelters being the only feasible location on the property outside of the Category 1 Stream and buffer area[.]

[Exhibit 2.]

In determining whether the Board appropriately concluded that the SSAMP should be permitted, the leading case of Township of Franklin v. den Hollander, 172 N.J. 147 (2002), provides guidance. A balancing test must be performed, taking into consideration the practice or placement sought by the farm and the impact, if any, on neighboring homeowners.

As the Supreme Court noted:

[T]he boards do not have carte blanche to impose their views. Because the authority of the agricultural boards is not unfettered when settling disputes that directly affect public health and safety, the boards must consider the impact of

⁴ Although the resolution speaks of shelters in the plural, only two specific shelters were the subject of the resolution, one for the pigs and one for the turkeys.

agricultural management practices on public health and safety and “temper [their] determinations with these standards in mind.” [Township of Franklin v. den Hollander, 338 N.J. Super. 373, 392 (App. Div. 2001).]. See also Village of Ridgefield Park v. New York, Susquehanna, & W. Ry. Corp., 163 N.J. 446, 460–61, 750 A.2d 57 (2000) (declining to determine preemptive effect of Interstate Commerce Commission Termination Act of 1995 and adjudicate town’s nuisance claim against railroad, but holding that railroad must consider town’s ordinances in respect of public health and safety when undertaking certain activities).

As a general rule the threshold question will be whether an agricultural management practice is at issue, in which event “the CAB or SADC must then consider relevant municipal standards in rendering its ultimate decision.” den Hollander, supra, 338 N.J. Super. at 393, 769 A.2d 427. There will be those cases where the local zoning ordinance simply does not affect farming. There will be other disputes where, although the ordinance has a peripheral effect on farming, it implicates a policy that does not directly conflict with farming practices. In such cases greater deference should be afforded to local zoning regulations and ordinances. Even when the CAB or SADC determines that the activity in question is a generally accepted agricultural operation or practice according to N.J.S.A. 4:1C-10.1(c), the resolution of that issue in favor of farming interests does not vest the board with a wide-ranging commission to arrogate to itself prerogatives beyond those set forth in the Act.

[Id. at 151–52 (citations omitted).]

Essentially, the competing interests must be balanced. Here, the balancing weighs in favor of Turtle Pond Ranch and in support of the SSAMP. The property is located in an area of Colts Neck where farming is approved and is generally accepted as a part of the neighborhood. The two small sheds are a de minimis intrusion within the property setback. A six-foot stockade fence provides privacy between their location and the petitioner’s property. The sheds are on the outer edges of the petitioner’s property and are not near his home or pool. The sheds and the pen areas are clean. Their location helps to protect the Category One water buffer that covers most of the property. The farm is also in compliance with the AWMP and has not extended any of the shed areas as indicated in the SSAMP.

The petitioner has not provided any evidence in support of his position other than that the sheds were not there when he purchased his property in 2020. While he alleged that the animals caused an allergic reaction to him and his son, no convincing proof was submitted in support of that position. His argument that the Board did not consider his evidence and testimony was also not convincing.

CONCLUSION

The Board's determination to approve the SSAMP for the property known as Turtle Pond Ranch, [REDACTED], was consistent with the Right-to-Farm Act and addressed the concerns of the petitioner by limiting the sheds to the footprint now on the property. The petitioner has not demonstrated that the sheds pose a direct threat to his public health and safety, nor do they constitute a nuisance. These two farm structures do not otherwise invade or interfere with the use and enjoyment of the petitioner's property. After weighing the evidence and balancing the considerations, I **CONCLUDE** that the approval of the SSAMP for the Turtle Pond Ranch was appropriate. Accordingly, the SSAMP is hereby affirmed.

ORDER

I **ORDER** that the determination of the Monmouth County Agricultural Board to issue a Site-Specific Agricultural Management Practice under the Right-to-Farm Act (the Act), N.J.S.A. 4:1C-1 through N.J.S.A. 4:1C-10.4, for the property located at [REDACTED] [REDACTED] (Block 12, Lot 25), known as Turtle Pond Ranch, and owned by respondents Justus Cooley IV and Rosemarie Cooley, permitting two animal sheds to be located within 100 feet of the property line between the two properties, is **AFFIRMED**.

I hereby **FILE** my initial decision with the **STATE AGRICULTURE DEVELOPMENT COMMITTEE** for consideration.

This recommended decision may be adopted, modified, or rejected by the **STATE AGRICULTURE DEVELOPMENT COMMITTEE**, which by law is authorized to make a final decision in this matter. If the State Agriculture Development Committee does not

adopt, modify, or reject this decision within forty-five days and unless such time limit is otherwise extended, this recommended decision shall become a final decision in accordance with N.J.S.A. 52:14B-10.

Within thirteen days from the date on which this recommended decision was mailed to the parties, any party may file written exceptions with the **EXECUTIVE DIRECTOR OF THE STATE AGRICULTURE DEVELOPMENT COMMITTEE, Health/Agriculture Building, PO Box 330, Trenton, New Jersey 08625-0330**, marked "Attention: Exceptions." A copy of any exceptions must be sent to the judge and to the other parties.

March 13, 2024

DATE

A handwritten signature in blue ink that reads "Susan Scarola". The signature is written in a cursive, flowing style.

SUSAN M. SCAROLA, ALJ (Ret., on recall)

Date Received at Agency:

Date Mailed to Parties:

SMS/kl

APPENDIX

WITNESSES

For petitioner

Bessy Attia
Ramzy Malak
Ray Malak
Robert Berish
Justus Cooley IV

For respondent

Justus Cooley IV
Rosemarie Cooley

EXHIBITS

Joint

- J-1 MCADB Resolution No. 2022-5-1 Commercial Farm Designation
- J-2 MCADB Resolution No. 2022-8-1 SSAMP
- J-3 MCADB Turtle Pond Ranch SSAMP Request Index of Exhibits
- J-4 MCADB Exhibit A-1: Turtle Pond Ranch LLC Request for Right to Farm
SSAMP Recommendation Initial Submission, dated December 23, 2021
- J-5 MCADB Exhibit A-2: Additional Documentation submitted to MCADB
January 12, 2022
- J-6 MCADB Exhibit A-3: Email to Harriet Honigfeld, MCADB, dated
January 24, 2022, and attached photographs
- J-7 MCADB Exhibit A-4: Turkey Egg Receipts
- J-8 MCADB Exhibit A-5: Duck Egg Receipts
- J-9 MCADB Exhibit A-6: Pig Pre-Slaughter Receipts
- J-10 MCADB Exhibit A-7: Beef Pre-Slaughter Receipts
- J-11 MCADB Exhibit A-8: Animal Waste Management Plan Declaration Page

dated April 4, 2022

- J-12 MCADB Exhibit A-9: Woodland Management Plan for March 16, 2022, through March 2032
- J-13 MCADB Exhibit A-10: Cooley Property Stream and Wetland Buffer Map
- J-14 MCADB Exhibit A-11: Cooley Stand Map
- J-15 MCADB Exhibit B-1: 1/5/22 Request for Additional Exhibits
- J-16 MCADB Exhibit B-2: 1/14/22 Email from Honigfeld Requesting Additional Exhibits
- J-17 MCADB Exhibit B-3: Tally of 2021 Production Receipts
- J-18 MCADB Exhibit B-4: Aerial Map for Block 12, Lot 25
- J-19 MCADB Exhibit B-5: Context Map for Block 12, Lot 25
- J-20 MCADB Exhibit B-6: (incorrectly identified as B-8) Category One Stream Buffers Map
- J-21 MCADB Exhibit B-7: MCADB Staff's 3/31/22 Site Visit Notes and Photos
- J-22 MCADB Exhibit O-1: Survey of Block 12, Lot 9 (Submitted by R. Malak, petitioner)
- J-23 5/2/2022 Letter approving Animal Waste Management Plan for Block 12, Lot 25, [REDACTED], [REDACTED]
- J-24 Time-Stamped Photographs
- J-25 Deed for Block 12, Lot 9, 76 Heulitt Road, Colts Neck (from Monmouth County Land Records Website)

For petitioner

P-1 Appeal package presented to the Board

For respondent

None