

**RESOLUTION OF THE
MONMOUTH COUNTY AGRICULTURE DEVELOPMENT BOARD
REGARDING A REQUEST FOR A SITE-SPECIFIC AGRICULTURAL
MANAGEMENT PRACTICE FOR BECKER'S TREE SERVICE**

Mr. Buscaglia offered the following resolution and moved its adoption:

WHEREAS, on December 1, 2010, Becker's Tree Service/ Wayne Pomanowski (the "Applicant") applied for a Site Specific Agricultural Management Practice ("SSAMP") recommendation for Block 54, Lots 3 and 6 in Colts Neck Township; and

WHEREAS, the SSAMP request asked the Monmouth County Agriculture Development Board ("MCADB" or "Board") to evaluate its forest products, firewood and mulch operation; and

WHEREAS, pursuant to N.J.A.C. 2:76-2.3(b), upon receipt of a request for an SSAMP, the Board must determine whether the applicant's agricultural operation is a commercial farm as defined by N.J.A.C. 2:76-2.1 and N.J.S.A. 4:1C-3; and

WHEREAS, N.J.A.C. 2:76-2.1 and N.J.S.A. 4:1C-3 define a commercial farm as either:

- (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; and

WHEREAS, the threshold income cannot be earned from processing or selling the production of third party farms or individuals; and

WHEREAS, the MCADB heard testimony, reviewed exhibits, and considered the Applicant's request during its March 2, 2011 meeting with the Applicant present; and

WHEREAS, the Applicant was asked to substantiate that it produced on the

farm management unit more than \$2,500 of agricultural or horticultural products within the prior calendar year;

THEREFORE BE IT RESOLVED, after having considered the testimony given and exhibits presented on March 2, 2011, the MCADB makes the following determinations:

1. Pursuant to N.J.A.C. 2:76-2.3, upon the receipt of a request for a SSAMP, the MCADB must determine whether the agricultural operation is a commercial farm as defined by N.J.A.C. 2:76-2.1 and N.J.S.A. 4:1C-3.

2. N.J.A.C. 2:76-2.1 and N.J.S.A. 4:1C-3 define a commercial farm as either: 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.

3. The Applicant's farm is greater than five acres.

4. The Applicant has not demonstrated that it has produced agricultural or horticultural products worth \$2,500 during the 2010 calendar year based on the fact that the Applicant was not able to differentiate between sales of wood harvested on site and wood brought in from off site. In addition, the Applicant's forester, Michael Mana, couldn't testify that the site could sustain \$2,500 in wood harvesting.

BE IT FURTHER RESOLVED that based on the foregoing determinations, the Applicant's operation is not a "commercial farm" as defined by the Right to Farm Act.

BE IT FURTHER RESOLVED that because the Applicant's operation does not qualify as a "commercial farm" under the Right to Farm Act, the MCADB does not have jurisdiction over the operation. The MCADB cannot proceed with the SSAMP recommendation determination, and all activities associated with the operation remain under the jurisdiction of Colts Neck Township and other applicable local, state or federal authorities; and

BE IT FURTHER RESOLVED that a copy of this Resolution be transmitted to the Applicant, the State Agriculture Development Committee, and Colts Neck Township.

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

N.J.A.C. 1:1, within 45 days from the receipt of this resolution. The decision of the SADC shall be considered a final administrative agency decision. If this resolution is not appealed within 45 days, this resolution is binding.

Seconded by Mr. Bullock and adopted on roll call by the following vote:

	Yes	No	Abstain	Absent	
Mr. Bullock	X				
Mr. Buscaglia	X				
Ms. Butch	X				
Mr. Clayton	X				
Mr. DeFelice	X				
Mr. Geran	X				
Mr. Giambrone	X				
Mr. Halka					Recused
Mr. McCarthy	X				
Mr. Potter					Recused
Mr. Stuart					Recused

I do hereby certify that the foregoing is a true copy of a resolution adopted and memorialized by the Monmouth County Agriculture Development Board at a meeting on the 6th of April, 2011.



Richard Obal, Secretary