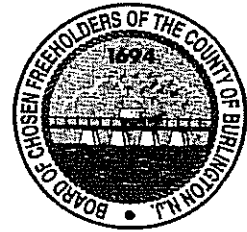


**Board of Chosen Freeholders
County of Burlington
New Jersey**



Department of Resource Conservation

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BURLINGTON CADB RESOLUTION # 2006-39

**Recommendation of Site-Specific
Agricultural Management Practices
Under The New Jersey Right to Farm Act**

Block 31, Lot 6.03, 6.04 & 6.05 Mansfield Township
October 12, 2006

WHEREAS, Mr. Dan Albanesi ["Albanesi"] has demonstrated the use of various agricultural practices on his farm located at 3105 Route 206, in Township of Mansfield, County of Burlington, State of New Jersey and designated as Block 31, Lots 6.03, 6.04 & 6.05 on the tax map of Mansfield Township ["the Property"]; and

WHEREAS, Albanesi has applied to the Burlington County Agricultural Development Board ["the Board"] pursuant to N.J.A.C. 2:76-2.3 requesting a determination as to whether the proposed list of agricultural practices constitutes generally accepted agricultural management practices; and

WHEREAS, the Board conducted its regularly scheduled monthly meeting on October 12th, 2006, due notice of said meeting was given in accordance with New Jersey Statutes and the Open Public Meetings Act and a quorum of the Board being present at the meeting; the application was heard; and

WHEREAS, Albanesi provided exhibits in support of his application; and

WHEREAS, the Board received into evidence the following Exhibits:

Exhibit A – Application for recommendation of a Site Specific Agricultural Management Practice;

Exhibit B - 2006 tax bill for Mansfield Township Block 31 Lot 6.03;

Exhibit C – Bill of Sale to Goodenough Farms for \$3,200.00;

Exhibit D – Township of Mansfield zoning map and zoning descriptions detailing the R-1 zoning district and Albanesi property;

Exhibit E – Letter dated May 18, 2006 from Board staff notifying the Township of Mansfield of the pending Right to Farm Site Specific Agricultural Management Practice Request

Exhibit F – Letter dated October, 2006 from Raymond Samulis, Rutgers Cooperative Extension Agent, pertaining to the agricultural practices observed on the Albanesi Farm

WHEREAS a Site Review was conducted on June 27, 2006 with Dan Albanesi (owner), Ray Samulis (Burlington County Agricultural Extension Agent), Brian Wilson (Burlington County Board staff), Jeff Rabin (Sr. Asst. County Solicitor); and

WHEREAS the Board has considered the application, the applicant's certification and the exhibits presented by Mr. Albanesi;

NOW, THEREFORE BE IT RESOLVED that the Board makes the following findings:

Regarding The Board's Consideration of the Eligibility of the Albanesi Application under the Right to Farm Act

1. There are credible exhibits to establish that the commercial farm is no less than five (5) acres.
2. The commercial farm produces agricultural / horticultural products worth at least \$2,500 per year.
3. The list of such products is listed in the application.
4. The farm is eligible for differential property taxation pursuant to the Farmland Assessment Act of 1964.
5. The farm is located in an area in which, as of December 31, 1997 or thereafter, agriculture has been a permitted use under the municipal zoning ordinance and is consistent with the municipal master plan and Pinelands Comprehensive Management Plan.
6. The R-1 (Residence District) Zone in Mansfield Township allows for agriculture as a permitted use.
7. The R-1 Zone in question was in place as of December 31, 1997 or thereafter.
8. A complete written application for recommending a Site-Specific Agricultural Management Practice was made to the Board.
9. With all of the criteria above having been satisfied, the Board finds that the Albanesi Farm meets the eligibility criteria under the Right to Farm Act.

Regarding The Board's consideration of the exhibits and staff observations with respect to whether the existing agricultural operation meets the criteria of a Site- Specific Agricultural Management Practice and Other Right to Farm Eligibility Criteria

10. The Board finds that based upon the letter from Ray Samulis, the existing agricultural operation constitutes acceptable agricultural management practices.
11. The Board recognizes that it has no authority to supersede any federal or state regulations.
12. The Board finds that the use is not a direct threat to public health and safety.
13. As the Township of Mansfield did not provide any testimony the Board did not consider any specific municipal ordinances in this instance and the Board reserves the opportunity to consider municipal ordinances in the future in order to determine whether or not the Albanesi Farm may preempt those ordinances.

NOW, THEREFORE, BE IT FURTHER RESOLVED that based on the aforesaid findings of fact, the Burlington County Agricultural Development Board finds that the following agricultural practices of the existing farm operation constitute generally accepted agricultural management practices.


1. The production and storage of crops including, grain, hay and straw. Production methods and practices include the following
 - a. Tillage – typical tillage methods includes discing, cultivating, chisel plowing and moldboard plowing
 - b. Seeding – typical seeding methods includes grain drill sowing
 - c. Harvesting – typical harvesting includes combining and/or mowing with subsequent baling of the hay or straw
 - d. Trucking – typical shipping/delivery of the agricultural products produced within the farm management unit
 - e. Storage of hay, straw and grain in trucks parked on the premises
 - f. Storage of stacked hay and straw in the fields for indefinite periods of time
2. The creation of dust as a result of the production methods listed above.
3. The creation of equipment noise as a result of the production methods listed above.
4. The storage and general maintenance of equipment necessary for the production of the above listed products.
5. The 24-hour of operation of equipment when necessary for the production of the above listed products.
6. The application of pesticides and fertilizers in conformance with generally accepted application procedures including residual odors associated with the application of these pesticides and fertilizers.
7. The storage of any operational agricultural equipment anywhere on the farm.
8. The ongoing maintenance and improvements to on-farm drainage systems in accordance with USDA Natural Resources Conservation Services standards.

9. The on-site disposal of organic agricultural wastes generated as the result of the production described above

NOW, THEREFORE, BE IT FURTHER RESOLVED that the Board did not find all items as listed in the original SSAMP request to be conforming with normal agricultural operations. These items that the Board does not include in the proposed SSAMP are as follows:

1. Products including "processed stone" as it is not an agricultural product as classified by the NJ Department of Agriculture
2. "Raising or storage of nursery stock" as it is not a current on-farm product and no plans or details were submitted
3. "Future possibilities of wind or solar power" generating systems as they are not currently constructed on the farm and no plans or details were submitted
4. "Maintenance, repair, reconstruction, demolition and various aesthetics of existing and proposed buildings" as these requests fall under the jurisdiction of municipal oversight of construction codes and could therefore be public health and safety issues in which Right to Farm Protection cannot supersede.
5. "Future complaints against a changing viewshed" as they do not fall under the jurisdiction of Right to Farm Protection.

10/18/06
Date



Phil Prickett
Chairman, Burlington CADB

Yeas: 8
Nays: 0
Abstentions: 0

(names) _____