

**RESOLUTION OF THE
MONMOUTH COUNTY AGRICULTURE DEVELOPMENT BOARD
DISMISSING APPLICATION FOR
SITE SPECIFIC AGRICULTURAL MANAGEMENT PRACTICE
RECOMMENDATION
UNDER THE NEW JERSEY RIGHT TO FARM ACT**

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

WHEREAS, Joseph Arno ("Applicant") has applied to the Monmouth County Agriculture Development Board ("the Board") pursuant to N.J.A.C. 2:76-2.3, requesting a determination from the Board as to whether the farming operation by him at Block, Lot, in the Township of Marlboro, having an address at , Marlboro, New Jersey ("the Property"), and the proposed uses of and improvements to the Property constitute a generally accepted agricultural operation or practice; and

WHEREAS, the Applicant uses and proposes to use the Property for sheep breeding, wool production and wood harvesting; and

WHEREAS, a site visit to the Property was conducted on March 19, 2003 ("the Site Visit"), which was attended by Board staff member Karen Colvin, William Sciarappa of Rutgers University, and William H. Potter, III, Board member; and

WHEREAS, a report of the Site Visit was submitted to the Board; and

WHEREAS, the Board conducted a hearing on the Applicant's application on April 2, 2003, at which the Applicant represented himself; and

WHEREAS, Joseph Arno testified concerning the farming operation at the Property;

WHEREAS, the Applicant testified that the Property comprises approximately 7.8 acres,

with 3.77 acres of forest and 1.28 acres in pasture; and

WHEREAS, the Applicant has an approved forest management plan; and

WHEREAS, the Applicant testified that he has not produced farm product at the Property of at least \$2,500 per year; and

WHEREAS, the Board considered the evidence presented in support of the application, including the Applicant's testimony, certification, forest management plan, photographs of the Property, letter from woolen mills and a brochure; and

WHEREAS, the Board considered its own exhibits which were a staff report, staff photographs, a letter from William H. Potter, III and a letter from Robert Sciarappa.

NOW, THEREFORE, based on the evidence presented the Board makes the following findings of fact and conclusions of law:

1. The Property has not produced sales of farm product of at least \$2,500 in a year;
2. In the absence of sales of farm product of at least \$2,500 per year, a property does not qualify as a commercial farm under the Right to Farm Act;
3. The Property does not qualify as a commercial farm under the Right to Farm Act;
4. The Board does not have jurisdiction to consider and make a recommendation in respect of farming operations which do not qualify as commercial farms under the Right to Farm Act;
5. The Board does not have jurisdiction of the Applicant's application.

NOW, THEREFORE, BE IT RESOLVED by the Board that the application of Joseph Arno for a site specific agricultural management practice recommendation in respect of the Property is hereby dismissed for lack of subject matter jurisdiction.

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

	YES	NO	ABSTAIN	ABSENT
Mr. Bullock	X			
Mr. Buscaglia	X			
Mr. Holland	X			
Mr. Hom	X			
Mr. Illmensee	X			
Mr. McCarthy	X			
Mr. McCormack	X			
Mr. Potter	X			
Mr. Puglisi				X
Mr. Rifkin	X			
Mr. Stuart	X			

I certify that foregoing is a true copy of the Resolution of the Monmouth County Agriculture Development Board duly adopted at a regular meeting of the Board on April 2, 2003, and memorialized on May 7, 2003.

Richard Obal, Secretary