

**RESOLUTION OF THE
MONMOUTH COUNTY AGRICULTURE DEVELOPMENT BOARD
RECOMMENDING SITE SPECIFIC AGRICULTUREAL MANAGEMENT PRACTICE**

Mr. Thomas Geran offered the following resolution and moved its adoption:

WHEREAS, Stephen H. Barlow, III ("Applicant"), the General Manager of Barlow Flower Farm, Inc, applied to the Monmouth County Agriculture Development Board ("the Board") requesting a determination that the Applicant's operations at 1014 Sea Girt Avenue, Wall Township, New Jersey, Lot 64, Block 280, (the "Property" or the "Farm"), constitute generally accepted agricultural operations or practices; and

WHEREAS, the specific activities under consideration by the Board were whether: 1) the farm utilizes Agricultural Management Practices as defined under N.J.A.C. 2:76-2.1; 2) the farm is a Commercial Farm as defined by N.J.A.C. 2:76-2.1; and 3) the property meets the definition of a "Farm Market" as defined by N.J.A.C. 2:76-2.1; and

WHEREAS, the Applicant sought review by the Board after the Wall Township Tax Assessor denied the Applicant's 2008 application for valuation, assessment and taxation under the Farmland Assessment Act of 1964, which the Applicant disputes; and

WHEREAS, the Applicant has certified that the Property is five acres or more, produces agricultural and/or horticultural products worth \$2,500.00 or more annually, and is eligible for differential property taxation pursuant to the Farmland Assessment Act of 1964; and

WHEREAS, a hearing was conducted before the Board on February 7, 2008, during which the Applicant was represented by counsel, John Giunco, Esq.; and

WHEREAS, the Applicant, Stephen Barlow III, presented testimony describing the operations of the farm and the specific activities under consideration by the Board; and

WHEREAS, the Applicant entered into evidence the following exhibits in support of his application:

- a. Packet of materials consisting of the following:
 1. Letter from John Giunco, Esq. to Harriet Honigfeld dated November 27, 2007;
 2. Request for Site Specific Agricultural Management Practice (AMP) Recommendation;
 3. Certification of Stephen H. Barlow III, General Manager – Barlow Flower Farm, Inc., which included Exhibits A (Commodities Produced on the Commercial Farm), B (Plat Map), C (Applications for Farmland Assessment) and D (Site Plan of Barlow Flower Farm prepared by LGA Engineering, Inc., dated November 27, 2007); **(Ex. A-1)**

- b. Letter from John Guinco, Esq. to Harriet Honigfeld dated January 21, 2008, which included Exhibits A (Photographs of the Barlow Flower Farm horticultural operations), B (Letter from Michael A Tartza, CPA, P.A., dated January 16, 2007, and C (Letter from Scott Thompson, Executive Vice President of XS Smith, Inc., dated January 16, 2007); **(Ex. A-2)**

WHEREAS, the Board entered into evidence a letter by its board member, Richard Obal, dated January 28, 2008 **(Ex. B-1)**;

WHEREAS, Harriet Honigfeld, the Board's Program Coordinator, presented a slide show of the Board's Site Visit to the Farm on December 20, 2007;

WHEREAS, Ms. Denise M. Siegel, CTA, IFA, the Tax Assessor for the Township of Wall, appeared with counsel for Wall Township, Michael Elward, Esq., and entered into evidence a Notice of Disallowance of Claim for Valuation of Land Under The Farmland Assessment Act of 1964 **(Ex. O-1)**, but did not appear in opposition to the application; and

WHEREAS, after considering the evidence presented by and on behalf of the Applicant, and the evidence submitted by and on behalf of Ms. Siegel and Wall Township, and after hearing

the testimony of Mr. Barlow and the arguments of the Applicants' counsel, and comments from Ms. Seigel and Mr. Elward and the public, the Board makes the following findings of fact and conclusions of law:

1. The Property is known as Barlow Flower Farm, Inc., and it is located at 1014 Sea Girt Avenue, Wall, New Jersey, and it is shown on the municipal tax map as Block 280, Lot 64;
2. Barlow Flower Farm, Inc. is a commercial farm within the meaning of the New Jersey Right to Farm Act and is eligible for differential property taxation under the Farmland Assessment Act of 1964;
3. The Property is operated as a flower farm and seasonal farm market;
4. Barlow Flower Farm, Inc. employs approximately 40-75 employees depending on the time of year;
5. The Property comprises approximately 5.62 acres;
6. After excluding the home and curtilage located on the Property, the area of the commercial farm is approximately 5.27 acres;
7. The Farm was purchased by the Applicant in 1983 and has been farmland assessed since that time;
8. The Farm is devoted to agricultural productions, and more particularly to the production and sale of horticultural products including, but not limited to, mums, bear-root roses, poinsettias, cyclamens, hanging baskets, etc.;
9. The Farm contains numerous greenhouses and growing areas which incorporate state of the art irrigation and climate control systems;
10. Approximately 54% of the annual gross sales of the Farm are generated from sales of the agricultural output of the Farm;
11. Barlow Flower Farm, Inc. meets the definition of a "Farm Market" within the

meaning of the New Jersey Right to Farm Act.

NOW, THEREFORE, BE IT RESOLVED that, based on the aforesaid findings of fact and conclusions of law, the Monmouth County Agriculture Development Board recommends the following:

1. Barlow Flower Farm, Inc. is an agricultural operation which utilizes “Agricultural Management Practices” as defined by New Jersey’s Right to Farm Act;
2. Barlow Flower Farm, Inc. is a “Commercial Farm” within the meaning of the New Jersey Right to Farm Act and is eligible for differential property taxation under the Farmland Preservation Assessment Act of 1964; and
3. Barlow Flower Farm, Inc. is a “Farm Market” as defined by New Jersey’s Right to Farm Act.

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

	YES	NO	ABSTAIN	ABSENT
Mr. Bullock			X	
Mr. Buscaglia	X			
Mr. DeFelice				X
Mr. Geran	X			
Mr. Giambrone	X			
Mr. Halka				X
Mr. McCarthy	X			
Mr. Potter	X			
Mr. Puglisi	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 February 6, 2008, and memorialized on March 5, 2008.

Richard Obal, Secretary