

**RESOLUTION
OF THE MONMOUTH COUNTY AGRICULTURE DEVELOPMENT BOARD
RECOMMENDING A SITE SPECIFIC AGRICULTURE MANAGEMENT
PRACTICE UNDER THE NEW JERSEY RIGHT TO FARM ACT**

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

WHEREAS, James R. Matthews ("Applicant") has applied to the Monmouth County Agriculture Development Board ("the Board") requesting a recommendation that the Applicant's operation of a commercial mushroom farm and vineyard operation known as Cutters Farms, located on Colts Neck Road, Block , Lot , in the Township of Howell, New Jersey ("the Property") constitute accepted agricultural management practices; and

WHEREAS, a hearing was conducted before the Board on December 1, 2004, during which the Applicant was represented by counsel, John Mercadante, Esq.; and

WHEREAS, the Board's staff made a video presentation to the Board of a site visit made to the Property on January 14, 2004, in which the commercial farming operation was depicted and described; and

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

- a. a proposed site plan consisting of 1 page (Ex. A-1); and
- b. a publication by Pennsylvania State University, College of Agricultural Sciences, Agricultural Research and Cooperation Extension entitled Cultivation of Shitake on Natural and Synthetic Logs, authored by D. J. Royse, Ph.D. (Ex. A-2); and

WHEREAS, the applicant testified in support of his application and described the nature of his farming operation and the cultivation of mushrooms using natural wood logs, in particular; and

WHEREAS, the applicant presented expert testimony in support of his application by Dr. D. J. Royse of Pennsylvania State University; and

WHEREAS, John Costigan, Howell Township's liaison to the Board offered testimony as a member of the public; and

WHEREAS, the Board considered the written submission to the Board dated December 1, 2004 from Betty Lou Textor, Assistant Director Land Use/Code Enforcement for the Township of Howell; and

WHEREAS, after considering the evidence presented by and on behalf of the Applicant and his expert, the testimony of John Costigan, the written submission from Betty Lou Textor and after hearing the statements by members of the public who were in attendance, the Board makes the following findings of fact and conclusions of law:

1. The Property is known as Cutters Farms, it is located on Colts Neck Road, Howell Township and shown on the municipal tax map as Block , Lot ; , Lot ; and
2. The Applicant, James R. Matthews, is the owner of the Property; and
3. The Property is a farm management unit that has engaged in horse farming since August 1999, mushroom farming since September 2002 and wine grape cultivation since July 2003; and
4. The Property comprises approximately 11 acres; and
5. The Property is located in the HD-2 (Highway Development) Zoning

District and comprises approximately 11 acres; and

6. The farming of land is a permitted use "everywhere in the Township of Howell" pursuant to the terms of Howell Township's Right to Farm ordinance, §244.1 and the statement in Ms. Textor's written submission dated December 1, 2004, that "the farming use is an existing non-permitted use within the Highway Development Zoning District and any expansion of the use requires a use variance and site plan approval" is incorrect as a matter of law; and

7. The annual gross receipts from the farm management unit is approximately \$13,200; and

8. The Property is farmland assessed; and

9. The Applicant proposes to cultivate specialty mushrooms utilizing as the growth medium natural logs approximately nine feet in length which are either embedded approximately three feet, on-end in ground or laid horizontally on the ground and partially buried; and

10. The Applicant plans eventually to have approximately 5,000 logs in use for mushroom cultivation and intends to increase log usage at the rate of approximately 1,000 logs per year until the goal of 5,000 logs is reached; and

11. It is necessary for the Applicant to take delivery of roughly 1,500 logs per year in order to realize 1,000 usable logs, 8 to 9 feet in length, with sufficient circumference, because many logs are undersized, damaged, have insufficient bark or are contaminated and not usable for mushroom cultivation; and

12. Non-usable logs and the non-usable portions of otherwise usable logs are reduced to mulch and sawdust which the Applicant utilizes in his farming

operation or sold as firewood; and

13. Once placed into cultivation, a log's expected useful life is approximately 5 years, resulting, therefore, in the need to replenish logs at a rate of approximately 1,000 per year; and

14. The area which will ultimately be under mushroom production will approximate ½ acre; and

15. Logs which are used by the Applicant would otherwise likely be disposed of in landfills or recycled and Applicant's use of the logs for farming is an environmentally beneficial practice; and

16. Applicant's expert testified, and the Board finds that:

- a. mushroom cultivation by use of natural logs as conducted by the Applicant is an accepted agricultural practice that is more than 1,000 years old; and
- b. although mushroom production through the use of synthetic log media is a more common practice today than natural log use, the former is a more intense use that would require autoclaves, mixers, bags and additional buildings; and
- c. it is anticipated that natural logs will yield mushrooms approximating 20%-40% of each log's dry weight; and
- d. using logs that would otherwise be disposed of is a good, environmentally sound activity; and
- e. cutting up the logs which are unusable for mushroom farming and reducing them to mulch, firewood and sawdust is an

accepted agricultural management practice for mushroom farming operations; and

17. The annual gross proceeds from the Applicant's proposed mushroom farming operation is estimated to be as much as \$750,000 per year; and

18. The processing of the unusable logs and the sale of firewood is a minor, ancillary byproduct of the mushroom farming operation; and

19. Based on the evidence presented in response to the 8 stated concerns of Howell Township in Ms. Textor's written submission dated December 1, 2004, the Board makes the following findings of fact:

- a. sawdust used for horse bedding will be stored in a hopper in the barn;
- b. mulch will be stored outside and then regenerated into soil;
- c. the processed byproducts will not pose a hazard to ground water because mushrooms cannot be grown from wood treated with CCA or other chemical additives and such wood will not be used by the Applicant;
- d. the hours of operation of the farm are sunrise to sunset;
- e. delivery trucks will be parked in driveways when making deliveries;
- f. the annual delivery of new logs will generally entail the delivery of approximately 100 loads of logs over the course of a 5-month period in the winter at a rate of 1 or 2 loads per day;
- g. the pick-up and delivery of mushrooms from the site will

generally require 1 box truck, once per week;

- h. the proposed operation will continue to be a commercial farm operation which is expected to continue to qualify for farmland assessment;
- i. there will not be on-site sales made at the Property;
- j. the proposed sawmill operation involves the ancillary processing of byproducts resulting from the mushroom farming operation and will not be "a greater operation than that of the proposed growing of mushrooms"; and

20. The approximately 1 acre of land to be devoted to the production of Chardonnay grapes is an accepted agricultural management practice and represents the Applicant's long-term commitment to commercial farming operations.

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 current and proposed commercial mushroom farming operation and the proposed vineyard as accepted agricultural management practices.

Seconded by Mr. Puglisi 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. McCarthy	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 December 1, 2004, and memorialized on January 5, 2005.

Dated:

Richard Obal, Secretary