

**RESOLUTION OF THE  
MONMOUTH COUNTY AGRICULTURE DEVELOPMENT BOARD  
NOT RECOMMENDING SITE SPECIFIC AGRICULTURE MANAGEMENT  
PRACTICE UNDER THE NEW JERSEY RIGHT TO FARM ACT**

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

WHEREAS, J. H. Brothers, Inc. ("Applicant ") has applied to the Monmouth County Agriculture Development Board ("the Board") pursuant to N.J.A.C. 2:76-2.3, requesting a recommendation from the Board as to whether the commercial farm operated by it, located at Block , Lot , in the Township of Freehold, New Jersey ("the Property"), and the proposed uses of and improvements to the Property constitute a generally accepted agricultural operation or practices; and

WHEREAS, the Applicant uses and proposes to use the Property in what the Applicant describes as a "multicast farming" operation "consist[ing] of nursery production and stock, a farm market, landscaping operations to market and sell the nursery stock, a compost area, equipment storage locations, horse and animal raising and rehabilitation facilities, future use of seasonal housing, if needed, and riding lessons as per variance"; and

WHEREAS, on January 4, 2006, the Board conducted a hearing on the application, at which the Applicant was represented by Jennifer S. Krimko, Esq. and the Township of Freehold appeared in opposition, represented by Duane O. Davison, Esq.; and

WHEREAS, the Board considered the report made by the Board's staff of an on-site inspection on November 30, 2005, and testimony and evidence offered in

support of and in opposition to the application, as well as the arguments of counsel.

NOW, THEREFORE, the Board makes the following findings of fact and conclusions of law:

1. The Property is located on Robertsville Road in Freehold Township at Block , Lot ;
2. The Property is owned by Brad J. Moini and the farming operation is conducted by the Applicant;
3. The Property comprises approximately 8.28 acres, of which approximately 7.25 acres is claimed by the Applicant to be devoted to agricultural or horticultural uses;
4. The structures on the Property include one house with pool, one large metal pole barn for storage, one metal animal barn, three 14 feet x 96 feet Quonset overwintering poly houses containing shrubs and perennials in pots;
5. The location for one Quonset house has been sited, but not yet constructed;
6. Adjacent to the barns is an unvegetated, fenced turnout area for animals;
7. Nursery production on the site consists of an approximately one-half acre field production area irrigated with a trickle hose and overhead watering system;
8. A refrigerated truck for chilling bulbs for forcing is located adjacent to the greenhouses;
9. A stoned open area and trailer are located at the front of the Property and used as a seasonal farm market;
10. A large compost pile is located on the Property and functionally exceeds the scope normally associated with compost piles, in that it is used for the storage and composting of grass clippings which, previously, had been brought in from off-site, the composting of organic

material from on-site farming operations, including horse manure, the recycling of wood products and leaf mulching;

11. With the exception of horse manure composting, the Applicant requires permit approval for the compost pile, which it has not obtained;

12. Only a small portion of the entire Property is devoted to agricultural practices;

13. The Applicant intends to become a wholesaler to the landscaping industry and intends to expand its nursery production by constructing a heated propagation greenhouse, additional overwinter houses for growing shrubs and perennials and more field production by possibly using a pot-in-pot growing system;

14. The farm market sells product, not less than 51% of which is produced or grown on-site;

15. The farm is beset by severe erosion and drainage problems throughout the Property, resulting from overuse of the land and a lack of vegetation and pasture management;

16. The turn-out areas are insufficiently vegetated and of insufficient size for three horses;

17. Mr. Moini was previously denied a use variance by the Freehold Township Zoning Board of Adjustment to permit him to use the Property to store landscaping materials and equipment which are used by him in connection with his landscaping business and he has since removed most equipment and vehicles related to such uses from the Property, although he has a snow plow remaining on-site;

18. Mr. Moini has previously been cited for using the residential building on the Property as an office for his landscaping and snow removal businesses, as well as renting out a

portion of the premises to other commercial users;

19. Although Mr. Moini was required to convert the residence from office to residential use by court order, he remains in non-compliance with the court's order and continues to use the residence for impermissible purposes;

20. The Applicant produces more than \$2,500 annually in agricultural and/or horticultural products, the Property is eligible for differential property taxation pursuant to the Farmland Assessment Act of 1964 and the operation at the Property meets the definition of a commercial farm under the Right to Farm Act;

21. The activities and conditions on the Property relating to soil erosion and drainage, the condition and availability of land for horse turn-out and grazing, and the use of the residence for non-farm-related business purposes do not constitute accepted agricultural management practices;

22. The compost pile, as currently used, is not an accepted agricultural management practice in so far as it is used to compost non-farm-related matter and is operated without required permits;

23. The Property is, according to the Applicant, in a period of transition, during which the non-farm-related activities are being phased out and the farm-related practices, including those related to soil conservation and drainage control, are planned to be modified so as to bring them into conformance with accepted agricultural management practices;

24. Until such time as the violations at the Property are corrected and the existing practices and conditions at the Property are brought into conformity with accepted agricultural management practices, the proposed operation by the Applicant for which a site specific

agricultural management practice recommendation is sought, should be denied.

NOW, THEREFORE, BE IT FURTHER RESOLVED that, based on the aforesaid findings of fact and conclusions of law, the Monmouth County Agriculture Development Board declines to recommend the proposed improvements and uses as set forth in the application as accepted agricultural management practices within the meaning of the New Jersey Right to Farm Act and the regulations promulgated pursuant thereto.

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. Geran			X	
Ms. Giamanco				X
Mr. Giambrone	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 January 4, 2006, and memorialized on March 1, 2006.

Dated:

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Richard Obal, Secretary