

Board of Chosen Freeholders
County of Burlington
New Jersey



Clerk of the Board
Office of Land Use Planning

Burlington County Agriculture Development Board

November 9, 2000

Minutes

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I. Opening Statement and Sunshine Law Compliance

The regular monthly meeting of the Burlington County Agriculture Development Board was held November 9, 2000, at 7:00pm in the Conference Room of the Burlington County Engineering Building, in Mt. Laurel, NJ.

Chairman Pettit called the meeting to order at 7:15 PM and indicated that the meeting was being held in compliance with the Open Public Meetings Act.

Members in Attendance: Bill Pettit, Sr., Senator Martha Bark, Karl Braun, Frederick Mahn, Glenn Beebe, Frederick Wainwright, Phil Prickett, Larry Holtz, Donald Bryan, Neil Robson

Members Absent: Freeholder Bill Haines, Jr., Michele Byers, William Haines, Sr., Raymond Samulis

Staff in Attendance: Susan Craft, Cecile Murphy, Carole Quattlander, Warren Gaskill, Danielle Souder, Mary Gottel

Public in Attendance: David Franks (arrived 7:45 PM; left 8:25 PM)

II. Minutes – September 14, 2000

On motion by Senator Bark, second by Larry Holtz and unanimous vote, the minutes were adopted.

III. Staff Update

a) Staff changes

Cecile Murphy introduced Danielle Souder, who is the newest staff member to the farmland preservation program. Danielle's undergraduate degree is in Planning and Environmental Design. She graduated from Rutgers University, Cook College and has worked for the past four years in the private sector doing environmental remediation work.

Agenda items b through f were mailed to the Board members prior to the meeting and were not specifically addressed by staff during the meeting. There were no questions or comments concerning those items. See attached meeting agenda.

g) Garden State Agricultural Re-Engineering Workshops

Cecile explained that she received a brochure in the mail from the NJ Department of Agriculture advertising a series of workshops put on by Rutgers Cooperative Extension, the New Jersey Farm Bureau and the New Jersey Department of Agriculture. The workshops are financial and risk management seminars for farm businesses. The workshops are offered to the agricultural community at no charge.

h) Laino/Kalwaitis Farm Auction

Carole Quattlander explained that the Board of Chosen Freeholders authorized the sale process of the Kalwaitis property. The first public hearing will be held in November and another public hearing in January and sale will follow early April.

IV. Right-to-Farm Resolution Regarding Request for Site Specific Agriculture Management Practice Determination-Mastrodonato

Carole Quattlander gave the report. She had mailed to the Board members a draft of the written decision denying the Mastrodonato's request that the CADB determine their construction of a barn to be in accord with normal agriculture management practices. She advised the Board that the statute did not address how to determine whether the person requesting Right-to-Farm protection satisfied the income criteria for "Commercial Farm" status. The statute requires that the farm be classified as a "Commercial Farm" and sets specific criteria. The tests are that a farm must be 5 acres in size and produce \$2,500 in gross sales of agricultural or horticultural products that were produced on the farm in question. Alternatively, if the farm is less than 5 acres in size, then a minimum of \$50,000 in gross sales of agricultural or horticultural products produced on the farm in question is required. Carole observed that CADB staff received income verifications from the Mastrodonato's showing their farming income for 1996, 1997, 1998 and 1999. When Carole asked them for 1995 information Mr. Mastrodonato hesitated to provide it.

Carole explained that she drafted the resolution with three alternative methods of calculating income eligibility. One of those methods must indicate that the farm meets the definition of a "Commercial farm".

1. The farm must produce agricultural and horticultural products with the required value during the 3 years prior to the year of the request.
2. The farm must produce agricultural or horticultural products of the required value for 3 of the 5 years preceding the request.
3. The average value of agricultural and horticultural products produced during the 7 years preceding the request must meet the required value.

In the last three years the Mastrodonatos did not meet the requirement for gross sales. Carole explained that she did not have enough information to discern whether they met the gross sales requirement in the last 5 years. The Mastrodonato's only qualified for Board consideration under the third option. She was uncertain how strictly the board would consider years of poor production due to circumstances beyond the control of the farmer, or how far back in time the Board felt it was appropriate to examine income records.

Warren Gaskill explained that, during the initial meeting, Mr. Mastrodonato had to refer back 10 years before would certify that he met the income requirement. Warren noted that a clearer method of measuring whether a farmer meets the income requirement would provide staff with a guide to administer the program.

Fritz Wainwright questioned the irrigation system that Mr. Mastrodonato mentioned. Warren observed that he did not see any evidence, such as standpipes, to indicate that an agricultural irrigation system existed on the property.

Susan explained that the question was focused on how to apply the statutory income requirement because there is no clarity in the statute about how to qualify the income requirement. She explained that the Board's discussion tonight was more focused on how to apply the requirement to future landowners as opposed to the Mastrodonatos. Carole Quattlander noted that the Board had a resolution before it indicating that the Mastrodonatos had not met the income requirements and that they were being turned down because of it. She explained that the alternative was to adopt a resolution communicating that the Mastrodonatos did not meet the income requirements therefore that the inquiry stopped at that point.

Don Bryan felt that the resolution ought to be more restrictive rather than less because it would be better able to protect those farms that are true commercial enterprises. He felt that being more restrictive would allow staff to focus on truly commercial farms rather than sorting out truly commercial farms from hobby farms. Don explained that the first proposal addresses the sale of products rather than the law. He preferred the first option because it shows that the farm is a real commercial enterprise. He observed that such a limitation would allow for more efficient use of staff time and resources. He further noted that the process was not intended to be another level of appeal for zoning issues.

Fritz Wainwright agreed. Chairman Pettit concurred and noted the costly nature of the process to the office and the County in terms of staff time.

Chairman Pettit called for a motion. On motion by Don Bryan, second by Fritz Wainwright and unanimous vote the Board approved a motion to issue a decision based on failure to meet the income requirement pursuant to the three year threshold.

V. 2001 EP Round – ATL – Preliminary Review – Petitions & CADB Input

Cecile Murphy gave the report. She explained that this year the process was abbreviated because last year the Board adopted new selection criteria and every farm on the ATL was put through that process. She noted that quite a few of the farms are carried over from last year so the staff was only evaluating new ones.