

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

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

WHEREAS, Roger and Virginia Mumford ("Applicants") have 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 commercial farm known as Yellowbrook Farm, which is operated by them at Montrose Road, Block , Lot , in the Township of Colts Neck, 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 Applicants currently operate the Property as a holly tree farm and nursery and propose to convert portions of the Property to the following farming uses:

1. breeding, boarding and raising of horses and alpacas;
2. tree farm and nursery, which, in addition to the growing of holly trees, will include the growing of fir and spruce trees, balled and burlaped;
3. bees and apiary products;
4. seasonal crops, such as corn;
5. construction of a multipurpose building for horses and alpacas, which will serve as a washroom, tack room, feed room, stalls (including accommodations for foaling), an exercise, training and riding area for horses, a storage area for feed grain, hay and farm equipment, and an area for the shearing of alpaca during inclement weather;
6. construction of a stable for horses and alpacas, which will include a wash stall and tack room; and

WHEREAS, a hearing was conducted before the Board on July 2, 2003, during which the Applicants were represented by counsel, Laurence I. Rothstein, Esq.; and

WHEREAS, the Applicants entered into evidence the following exhibits in support of their application:

- a. a proposed site plan consisting of 2 pages (Ex. A-1);
- b. letter from Laurence Rothstein, Esq., as a supplement to the information package submitted by the Applicants (Ex. A-2);
- c. the Applicants' application and certification establishing the jurisdictional requirements for the Board to act (Ex. A-3);
- d. elevations of the proposed horse stable (Ex. A-4);
- e. elevations of the proposed multipurpose building (Ex. A-5);
- f. catalogue cut depicting exterior and interior of proposed stable (Ex. A-7);
- g. sales and stud information for Fleecy Dale Alpacas (Ex. A-9);
- h. reports from Jill Barton, Certified British Horse Society Instructor, on "Need for Clear Span Facilities", including for indoor exercise, foaling and training, especially during periods of inclement weather (Ex. A-10);
- i. list of New Jersey horse breeding and training operations with indoor facilities (Ex. A-11);
- j. report from Andrea Sgro-Lopret on the need for indoor horse breeding and training facilities (Ex. A-12);
- k. copy of Deed of Easement from the Applicants' predecessor in title to the Board ("Deed of Easement") (Ex. A-13);

1. article entitled "All About Alpacas" (Ex. A-14);

WHEREAS, after considering the evidence presented by and on behalf of the Applicants, including the Applicants' certification required by N.J.A.C. 2:76-2.3(b), the evidence submitted by and on behalf of the Township of Colts Neck, and after hearing the arguments of the Applicants' counsel, the Board makes the following findings of fact and conclusions of law:

1. The Property is known as Yellowbrook Farm, is located at Montrose Road, Colts Neck Township and is shown on the municipal tax map as Block , Lot ;
2. The Applicants, Roger and Virginia Mumford, are the owners of the Property;
3. The Property is operated as a holly tree farm and nursery and has been so operated since 2001;
4. The Property comprises approximately 105 acres and is subject to a development easement which is owned by the Board pursuant to the New Jersey Farmland Preservation Act;
5. The Property produces agricultural products worth approximately \$20,000 annually and the Property meets the eligibility criteria for differential property taxation pursuant to the Farmland Assessment Act of 1964, P.L. 1964, c. 48 (N.J.S.A. 54:23.1, *et seq.*);
6. The Property is located in the AG Agricultural District which is an area in which, as of December 31, 1997, or thereafter, agriculture has been a permitted use under the municipal zoning ordinance and is consistent with the municipal master plan;
7. The Applicants' operation at the Property qualifies as a commercial farm as defined in the New Jersey Right to Farm Act (N.J.S.A. 4:1C-3);
8. The Applicants propose to diversify the farming operations at the Property by:
 - a. expanding the tree farm and nursery operations to include approximately

2,500 balled and burlaped firs, spruces and holly trees;

- b. breeding, boarding and raising alpacas;
- c. breeding, boarding, raising and training horses;
- d. raising bees and producing apiary products, including honey and candles;
- e. raising seasonal crops, such as corn;
- f. erecting a multipurpose building for horses and alpacas, which will include a washroom, tack room, feed room, 8 stalls (including foaling stalls), an exercise / riding area, access and storage for farm equipment, and storage for hay and feed grain;
- g. erecting a stable for horses and alpacas, which will include a wash stall and tack room;

9. The Applicants will breed and raise alpacas, for which a market exists in the United States for the product of the animals' coats, which is made into yarn and used to make clothing;

10. Alpacas are sheared once per year;

11. Alpacas are no longer permitted to be imported into the United States from their native Bolivia;

12. The proposed improvements to the Property are appropriate to the current and proposed agricultural uses of the Property, and the proposed structures are "new buildings for agricultural purposes" as that term is used in the Deed of Easement; and

13. The proposed improvements to the Property and the attendant farming activities, both as conducted and proposed, are appropriate to the specific site at which they are conducted

and proposed.

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

1. The Applicants shall construct the proposed improvements in accordance with the site plan, renderings and elevations submitted to the Board;
2. The apiary shall be operated in accordance with the agricultural management practices pertaining to apiaries found at N.J.A.C. 2:76-2A.2; and
3. The Applicants shall obtain any other governmental approvals required by law,

Seconded by Mr. Bullock 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 July 2, 2003, and memorialized on August 6, 2003.

Richard Obal, Secretary