

ATLANTIC COUNTY AGRICULTURE DEVELOPMENT BOARD
6260 Old Harding Highway
Mays Landing, New Jersey, 08330
(609) 625 - 3144

**RESOLUTION OF THE ATLANTIC COUNTY AGRICULTURE DEVELOPMENT BOARD
REGARDING A REQUEST FOR A SITE-SPECIFIC AGRICULTURAL MANAGEMENT
PRACTICE DETERMINATION FOR DIMEO FARMS, LLC**

WHEREAS, per N.J.A.C. 2:76-2.1, commercial farm owners may make a request to the local County Agricultural Development Board to determine whether or not their operation constitutes a generally accepted agricultural management practice, and;

WHEREAS, the operation must meet the definition of a commercial farm as detailed in the Right to Farm Act, N.J.S.A. 4:1C-9, which includes, among other requirements, that the operation must meet the eligibility criteria for differential property taxation pursuant to the Farmland Assessment Act of 1964, and;

WHEREAS, In late June 2012, the Atlantic County Agriculture Development Board (ACADB) received a request for a Site-Specific Agricultural Management Practice (SSAMP) pursuant to the Right to Farm Act, along with supporting documents, from Anthony DiMeo, owner of DiMeo Fruit Farms LLC, located at Block 1504, Lot 11 in Mullica Township and;

WHEREAS, the applicant provided with his request various documents including a Commercial Farm Certification Form, indicating that the operation meets the definition of a Commercial Farm and is eligible for Right to Farm protections, and;

WHEREAS, ACADB staff sent a letter to the applicant on July 19, 2012 requesting additional information, including documentation of eligibility for differential property taxation pursuant to the Farmland Assessment Act of 1964, as well as more detail regarding the activities for which the SSAMP determination was requested, and;

WHEREAS, on July 23, 2012, a letter was sent to the State Agriculture Development Committee as well as Mullica Township, notifying these two agencies of the request, and;

WHEREAS, the applicant did not provide additional documentation to the ACADB in response to the July 19th written request, and;

WHEREAS, the applicant's eligibility under the Right to Farm Act was to be heard at a meeting of the ACADB held on August 21, 2012; however, on August 20th, the applicant requested that the matter be postponed until the next meeting of the ACADB due to a scheduling conflict, and;

WHEREAS, at its October 9th meeting, the ACADB considered the matter and afforded the applicant an opportunity to provide additional documentation regarding eligibility for differential property taxation pursuant to the Farmland Assessment Act of 1964, and;

WHEREAS, Anthony DiMeo appeared before the Board and stated that the farm was purchased and cleared for farming in 2011 and could not meet the two-year minimum requirement;

NOW, THEREFORE, BE IT RESOLVED BY THE ATLANTIC COUNTY AGRICULTURE DEVELOPMENT BOARD AS FOLLOWS:

- A. Block 1504, Lot 11, operated by DiMeo Farms LLC, has been devoted to agricultural activity for less than two (2) years and therefore does not meet the definition of a 'commercial farm' as defined in N.J.S.A. 4:1C-3 and N.J.A.C. 2:76-2.1, because the operation is not eligible for differential property taxation pursuant to the Farmland Assessment Act of 1964.
- B. The ACADB, as a matter of law, hereby dismisses, without prejudice, the request for a Site-Specific Agricultural Management Practice based on the determination set forth herein.
- C. The ACADB does not have jurisdiction over the operation and all activities associated with the operation remain under the jurisdiction of Mullica Township and other applicable local, state, or federal authorities.
- D. Any person aggrieved by any decision of a board regarding site specific agricultural management practices may appeal the decision to the State Agriculture Development Committee in accordance with the provisions of the Administrative Procedure Act, N.J.S.A. 52:14B-1 et seq., and the Uniform Administrative Procedure Rules, N.J.A.C. 1:1, within 45 days from receipt of the ACADB's final determination, pursuant to N.J.A.C. 2:76-2.3. If this resolution is not appealed within 45 days, this resolution is binding.

Adopted October 9, 2012 by the Atlantic County Agriculture Development Board:


Jerry DeFlicio, Chairman