

Resolution 2011-11-02

**RESOLUTION OF THE
MONMOUTH COUNTY AGRICULTURE DEVELOPMENT BOARD
RECOMMENDING SITE SPECIFIC AGRICULTUREAL MANAGEMENT PRACTICE**

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

WHEREAS, Mr. Ronald Springer ("Applicant"), the owner & operator of Bear Creek Herbary, applied to the Monmouth County Agriculture Development Board ("the Board") requesting a determination that the Applicant's operations at Howell Township, New Jersey, Lot 54, Block 51, (the "Property" or the "Farm"), constitute generally accepted agricultural operations or practices; and

WHEREAS, the specific activities under consideration by the Board were whether: 1) the farm utilizes Agricultural Management Practices as defined under N.J.A.C. 2:76-2.1; 2) the farm is a Commercial Farm as defined by N.J.A.C. 2:76-2.1; and 3) the property meets the definition of a "Farm Market" as defined by N.J.A.C. 2:76-2.1; and

WHEREAS, the Applicant sought review by the Board after the Howell Township Code Enforcement Officer issued a formal request for mediation with the Agriculture Mediation Program; and

WHEREAS, a mediation session took place on September 14, 2011 and a Memorandum of Agreement between Howell Township and Mr. Springer stipulated that Mr. Springer will request a SSAMP recommendation from the MCADB as an alternative to obtaining a use variance; and

WHEREAS, the Applicant has certified that the Property is five acres or more, produces agricultural and/or horticultural products worth \$2,500.00 or more annually, and is eligible for differential property taxation pursuant to the Farmland Assessment Act of 1964; and

WHEREAS, a hearing was conducted before the Board on November 2, 2011; and

WHEREAS, the Applicant presented testimony describing the operations of the farm and the specific activities under consideration by the Board; and

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

- a. Packet of materials consisting of the following:
 1. Request for Voluntary Mediation form signed and submitted by Betty Lou Textor, Howell Township Land Use, dated June 28, 2011;
 2. Post mediation form – Memorandum Agreement dated September 14, 2011 and signed by all parties present;
 3. Request for Site Specific Agricultural Management Practice (AMP) Recommendation;
 4. Certification of Ronald Springer – Bear Creek Herbarry, which included Schedule F from Form 1040 of the 2010 tax filing, Applications for Farmland Assessment and a Bear Creek Herbarry prepared by Crest Engineering, Associates, dated February 28, 2003);

WHEREAS, the Board entered into evidence a letter by its board member, Dr. William Sciarappa, dated October 20, 2011;

WHEREAS, Mrs. Amanda Brockwell, the Board's Program Coordinator, presented a slide show of the Board's Site Visit to the Farm on October 19, 2011;

WHEREAS, after considering the evidence presented by and on behalf of the Applicant and after hearing the testimony of Mr. Springer, the Board makes the following findings of fact:

1. The Property is known as Bear Creek Herbarry, and it is located at _____, Howell, New Jersey, and it is shown on the municipal tax map as Block 51, Lot 54;
2. Bear Creek Herbarry is a commercial farm within the meaning of the New Jersey Right to Farm Act and is eligible for differential property taxation under the Farmland Assessment Act of 1964;

3. The Property is operated as a nursery and seasonal farm market;
5. The Property comprises approximately 14.9 acres;
7. The Farm qualifies for and receives farmland assessment taxation treatment;
8. The Farm is devoted to agricultural productions, and more particularly to the production and sale of horticultural products including, but not limited to, herbs, perennials, grasses, shrubs, red twig dogwoods, etc.;
9. The Farm contains numerous greenhouses and growing areas;
10. Over 51% of the annual gross sales of the Farm are generated from sales of the agricultural output of the Farm;
11. Bear Creek Herbarry meets the definition of a "Farm Market" within the meaning of the New Jersey Right to Farm Act.

NOW, THEREFORE, BE IT RESOLVED that, based on the aforesaid findings of fact, the Monmouth County Agriculture Development Board recommends the following:

1. Bear Creek Herbarry is an agricultural operation which utilizes "Agricultural Management Practices" as defined by New Jersey's Right to Farm Act;
2. Bear Creek Herbarry is a "Commercial Farm" within the meaning of the New Jersey Right to Farm Act; and
3. Bear Creek Herbarry is a "Farm Market" as defined by New Jersey's Right to Farm Act.

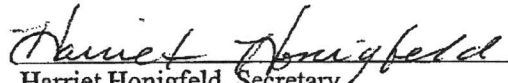
BE IT FURTHER RESOLVED that within 30 days of its adoption, copies of this Resolution shall be transmitted to the Applicant, the State Agriculture Development Committee, and Howell Township.

BE IT FURTHER RESOLVED that any person aggrieved by this resolution may appeal to the SADC 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 the receipt of this resolution. The decision of the SADC shall be considered a final administrative agency decision. If this resolution is not appealed within 45 days, this resolution is binding.

Seconded by Ms. Butch and adopted on a roll call by the following vote:

	YES	NO	ABSTAIN	ABSENT
Mr. Bullock				X
Mr. Buscaglia	X			
Ms. Butch	X			
Mr. Clayton	X			
Mr. Geran	X			
Mr. Giambrone				X
Mr. Halka				X
Mr. McCarthy	X			
Mr. Potter	X			
Mr. Stuart	X			

I certify that foregoing is a true copy of the Resolution of the Monmouth County Agriculture Development Board duly adopted and memorialized at a regular meeting of the Board on November 2, 2011.


Harriet Honigfeld, Secretary