

**RESOLUTION OF THE
MONMOUTH COUNTY AGRICULTURE DEVELOPMENT BOARD
REGARDING A SITE SPECIFIC AGRICULTURAL MANAGEMENT
PRACTICE DETERMINATION
FOR BLOCK 164, LOTS 17 & 21 AND BLOCK 166 LOT 3
IN THE TOWNSHIP OF HOWELL**

Ms. Grbelja offered the following resolution and moved its adoption:

WHEREAS, on February 1, 2017, Beyond Organic Growers, LLC (the “Applicant”) applied for a Site Specific Agricultural Management Practice (“SSAMP”) recommendation for Block 164, Lots 17 and 21 and Block 166 Lot 3 (“the Farm”) in the Township of Howell; and

WHEREAS, N.J.S.A. 4:1C-1 et seq. is known as the Right to Farm Act; and

WHEREAS, N.J.A.C. 2:76-2.1 et seq. details the State Agriculture Development Committee’s rules; and

WHEREAS, pursuant to N.J.A.C. 2:76-2.3(b) the Board advised the Committee and Howell Township of the application and request; and

WHEREAS, pursuant to N.J.A.C. 2:76-2.3 (c), (d), upon receipt of a request for an SSAMP, the Board must determine whether the Applicant’s agricultural operation is a commercial farm as defined by N.J.A.C. 2:76-2.1 and N.J.S.A. 4:1C-3; and

WHEREAS, the subject property is owned by David S. Reid and Randall J. Reid, and the Applicant operates its business on Lot 21 of said property; and

WHEREAS, the subject property is approximately 68 acres; and

WHEREAS, the Farm is subject to a deed restriction as Monmouth County holds a deed of easement over a 63-acre portion of the farm that overlaps with the area designated for these events to be held; and

WHEREAS, the easement restricts permissible uses and improvements on the Farm, and limits the Farm to agricultural use and production in compliance with N.J.S.A. 4:1C-11 et seq. and all other rules promulgated by the State Agriculture Development Committee (“SADC”); and

WHEREAS, the MCADB conducted a site visit to view the subject property and the proposed operation prior to scheduling a public hearing on the matter. The site visit

was held on June 29, 2017 and attended by a minority of board members, MCADB staff, MCADB counsel, and the proprietors of Beyond Organic Growers, LLC; and

WHEREAS, the MCADB found that notice of the request and public hearing was provided pursuant to N.J.A.C. 2:76-2.3(b) and 2:76-2.8(c); and

WHEREAS, on April 3, 2018, after deliberation at the public hearing, the MCADB found that the Applicant's operation is a "commercial farm" as defined by the Right to Farm Act, set forth in N.J.A.C. 2:76-2.1 and N.J.S.A. 4:1C-3, which is memorialized in Resolution No. 2018-4-2; and

WHEREAS, the Applicant now requests approval for an SSAMP application from the Board for certain operations on the Farm; and

WHEREAS, the Applicant was self-represented by Theresa Reid who offered her own testimony as well as that of David Reid in support of the application; and

WHEREAS, the Applicant and witness stated that they are looking to obtain approval for the following types of activities:

1. Farm-to-table dinners that are held approximately 6 times a year in the greenhouse located on the Farm. The witnesses stated that a chef is onsite for each event and prepares a 5-6 course dinner, and each time the Farm hosts such an event it needs to obtain permits from the Township of Howell;
2. Salad Jar Parties that are held approximately 4-5 times per year and are again located in the greenhouse. 20-30 members of the public typically attend although guests could max out at 50. These events are usually held on Saturdays or Sundays;
3. Educational school trips for schools, Girl/Boy Scouts, and other educational organizations; and
4. One to two "festivals" per year during the Spring and Fall, respectively, that would permit other local farmers to attend. This request was amended during the Applicant's presentation from a "festival" to a "farm market" and was later removed altogether from the current application so the Board could focus on Items 1, 2 and 3; and

WHEREAS, the Applicant is seeking right-to-farm protection to perform these activities without the need to obtain permits from the Township of Howell each time an event is planned and to gain any other available relief; and

WHEREAS, the Applicant testified that the majority of the items used for the

above-mentioned events are grown on the Farm and not brought in from off-site; and

WHEREAS, the Township of Howell, represented by Matthew Howard, Director of Land Use and Planning, described the Township's concerns related to the size of events, timing of the events, guest safety, parking, restroom availability, lighting and signage, and scope of the events. Mr. Howard asked the Board to limit its SSAMP determination to those events described in 1-3 above; and

WHEREAS, the MCADB heard testimony, reviewed submissions and exhibits, and evaluated the SSAMP determination request during the Board's public meetings on April 3, 2018 and May 1, 2018; and

WHEREAS, the following exhibits were entered into evidence during the public hearing:

Exhibits from the Landowner:

- A-1: Request for SSAMP Forms and Supporting Materials
- A-2: SSAMP Event Management Plan (12.6.17 version)
- A-3: Invoices with Tally Cover Sheet
- A-4: Beyond Organic Growers LLC Certificate of Formation
- A-5: Certified Mail Receipts emailed to Staff on 2.12.18
- A-6: SSAMP Event Management Plan (3.26.18 version)

Exhibits from the Monmouth CADB:

- B-1: Aerial Map Block 164 Lots 17 & 21 and Block 166 Lot 3
- B-2: Zoning Map Township of Howell
- B-3: Agricultural Rural Estate Zones
- B-4: Facebook Page Download of May 18, 2017
- B-5: Facebook Page Download of June 6, 2017
- B-6: Site Visit Photos of June 29, 2017
- B-7: "A Visit to Beyond Organic Growers in Howell" (*APP*, May 2, 2017)
- B-8: "No Dirt, No Weeds, Just Organic Greens - Floor to Ceiling" (*Two River Times*, October 4, 2017)
- B-9: AMP for On-Farm Direct Marketing Facilities
- B-10: Rutgers Agritourism Checklists
- B-11: November 27, 2017 Email Exchange between Harriet Honigfeld and Alison Reynolds
- B-12: Valley Crest Farm & Preserve Hearing Officer's Report

Exhibits from Howell Township:

- M-1: January 30, 2018 Letter to Monmouth County Division of Planning

M-2: Land Use Certificate - Revised 10/31/18

M-3: Minor Site Plan: Blow Up of the Farmstand Area, Prepared by Midstate Engineering, Inc., Approved 10/3/17; and

WHEREAS, after having considered the testimony given and exhibits presented at the public hearing held on April 3, 2018 and May 1, 2018, the MCADB makes the following findings of fact:

1. The Farm is a commercial farm and is in compliance with relevant state and federal statutes and rules.
2. The Applicant is seeking approval for the following activities: farm-to-table dinners; salad jar parties; educational trips; and other small-scale (promotional) events in which the Farm's agricultural output is primarily used.
3. If an event hosted on the Farm exceeds 50 people, there is a limitation of 15 events per year based on local Howell Township ordinance and national standard per the Uniform Construction Code, and a Type-1 permit is required.
4. When cooking is involved, regardless of the size of an event on the subject farm, a fire inspection is required as per Howell Township Ordinance and a Type-1 permit must be issued.
5. The Board of Health dictates the number of restrooms required for events based on the number of people from the general public expected to attend.
6. The Township of Howell noise ordinance permits the activities subject to this Application to be conducted up to 10 PM.

WHEREAS, THEREFORE, BE IT RESOLVED, that the Board makes the following conclusions of law:

1. The following activities are considered generally accepted agricultural practices as they relate to the agricultural output from the Farm and are also permissible in the ARE-6 zone in Howell Township: farm-to-table dinners; salad jar parties; educational trips; and other small-scale (promotional) events in which the Farm's agricultural output is primarily used and also subject to the requirements listed in conclusions 2 through 10.
2. When cooking on site, a Fire Inspection and Type-1 Permit are required as per Howell Township ordinance.
3. The Applicant is limited to 15 events per year, in the greenhouse, when the number of guests from the general public exceeds 50 people, and a Type-1 permit is required from the Township of Howell.

4. The Applicant has no restriction on the number of events that can be hosted on the Farm when the amount of guests does not exceed 50.
5. Hours of Operation – Events that take place on the Farm shall end at 9:30 PM, with all guests vacating the property by 10 PM.
6. The Applicant is not required to obtain a permit from Howell Township if an event does not involve cooking, does not exceed 50 people, and is compliance with this SSAMP as promulgated by the MCDAB.
7. Restrooms – the Applicant shall comply with the Monmouth County Board of Health regarding the number of restrooms required based on the number of guests at a specific event.
8. Signage and additional advertising for the events covered by this SSAMP are to be governed by the AMP for On-Farm Direct Marketing Facilities, Activities, and Events [N.J.A.C. 2:76-2A.13g(1)-(2)] without interference from the Township of Howell.
9. Parking – the Farm has sufficient parking for the proposed events and must have an attendant to facilitate ingress and egress when the occupancy reaches 40-50 people.
10. Events must occur on the unencumbered portion of the Farm, otherwise if an event takes place on the encumbered portion then it is subject to the restrictions within the Deed of Easement.

BE IT FURTHER RESOLVED that the events, advertising and marketing with regards to production and sale/service of the agricultural output must conform to all relevant Federal and State statutes, rules and regulations, including, but not limited to the New Jersey Department of Agriculture, the New Jersey Department of Environmental Protection and the United States Department of Agriculture; and

BE IT FURTHER RESOLVED that if over time the subject Farm substantially changes its operations to deviate from the provisions agreed upon in these resolutions, the Applicant, municipality or any other aggrieved party would be entitled to return to the Board to request relief; and

BE IT FURTHER RESOLVED that a copy of this Resolution be transmitted to the State Agriculture Development Committee, the Township of Howell, and the applicant.

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

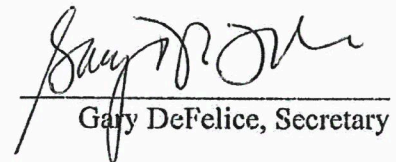
Act, N.J.S.A. 52:14B-1 et seq., and the Uniform Administrative Procedure Rules, N.J.A.C. 1:1, within 45 days from the receipt of this resolution. The decision of the SADC shall be considered a final administrative agency decision. If this resolution is not appealed within 45 days, this resolution is binding.

Seconded by Mr. Giambrone and adopted on roll call by the following vote:

	Yes	No	Absent	Abstain
Mr. Bullock	X			
Mr. Buscaglia	X			
Ms. Butch	X			
Mr. Clayton*	X			
Mr. DeFelice	X			
Mr. Foster			X	
Mr. Giambrone	X			
Ms. Grbelja	X			
Mr. Holmes				X
Mr. Matthews*	X			
Mr. Potter	X			

* Alternate members in 2018

I do hereby certify that the foregoing is a true copy of a resolution adopted on May 1, 2018 and memorialized by the Monmouth County Agriculture Development Board at a meeting on June 5, 2018


Gary DeFelice, Secretary