

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

Mr. Pyle offered the following motion and moved its adoption:

WHEREAS, Christopher L. Vaccaro (hereinafter “Vaccaro”) has proposed the development of property located at _____ in the Township of Millstone, County of Monmouth and State of New Jersey and designated as Block _____, Lot _____ on the Tax Map of the Township of Millstone (“the Property”); and

WHEREAS, Vaccaro has applied to the Monmouth County Agriculture Development Board (“the Board”) pursuant to N.J.A.C. 2:76-2.3 requesting a determination as to whether the proposed use of the property as a commercial farm for the propagation, rearing and marketing of Koi fish and related plant and pond products (aquacultural farming operation) and as headquarters for the farm management unit as well as the associated existing and proposed buildings and structures located, or proposed to be located, on the property as shown on plans prepared by Concept Engineering Consultants, P.A. dated 10/3/00 revised through March 19, 2002 constitutes a generally accepted agricultural management practice; and

WHEREAS, a site review was conducted on January 10, 2002 with the site review team comprised of Daniel Mott, Board Staff Member, Erik Cohen, Aquacultural Development Specialist New Jersey Department of Agriculture, Gef Flimlin, Rutgers Cooperative Extension of Ocean County and Mrs. Janet Emanuel, Millstone Township Planning Board; and

WHEREAS, Vaccaro appeared before the Board on February 6, 2002, March 6, 2002 and April 3, 2002, respectively, due notice of said meetings having been given in accordance with New Jersey Statutes and the Open Public Meetings Act and a quorum of the Board being present at the meetings, the application was heard; and

WHEREAS, Vaccaro's witnesses having been sworn and the witnesses appearing on behalf of Millstone Township having been sworn, and the Monmouth County Agriculture Development Board having examined the exhibits submitted on behalf of all interested parties and having considered all the evidence presented in favor of, or in opposition to, the application the Monmouth County Agriculture Development Board has made the following findings of fact:

1. The Monmouth County Agriculture Development Board has received and reviewed the following documents and exhibits and reports:

Applicant's Exhibits

- A-1 Request to Monmouth County Agriculture Development Board for Site Specific Agriculture Practice Recommendation
- A-2 Millstone Township Master Plan (excerpts)
- A-3 Master Plan Amendment – Open Space, Recreation, Conservation, and Farmland Preservation Plan prepared by T&M Associates, March 2001 (excerpts)
- A-4 Millstone Township Zoning Map
- A-5 Millstone Township Land Use and Development Regulations (excerpts)
- A-6 Millstone Township Tax Map
- A-7 U.S. Partnership Form 1065 for 2000 for Millstone Koi
- A-8 Application for Farmland Assessment

A-9 Site Plan

A-10 Revised Site Plan (3/6/02)

Millstone Township's Exhibits

M-1 Report of Philip R. Kavanaugh of T&M Associates,
Zoning Board Engineer dated 4/18/01, revised 3/1/02

MCADB Exhibits

B-1 Photographs of Millstone Koi Site Visit 1/10/02

B-2 Site Visit Staff Review by D. Mott, MCADB (1/28/02)

B-3 Site Visit Report by E. Cohen, NJ Dept. of
Agriculture (1/10/02)

B-4 Site Visit Report by Gef Flimlin, Rutgers Cooperative Extension of
Ocean County

B-5 Site Visit Report by J. Emanuel, Member, Millstone
Board of Adjustment and Planning Board (1/23/02)

2. The premises in question are located at _____ in the Township of Millstone, County of Monmouth and State of New Jersey which property is further known and designated as Block 46, Lot 23.01 on the Tax Map of the Township of Millstone.

3. The property is six (6) acres in size having an area of 261,359.00 sq. ft. with approximate dimensions of 617.52 ft. by 31.15 ft. by 501.76 ft. by 833.93 ft. by 261.845 ft. The property has street frontage along Monmouth County Route 524 of 501.76 ft. and street frontage along Millstone Township Route 20 (a/k/a Stillhouse Road) of 617.52 ft.

4. The property is presently developed with an existing single family residence occupied by Vaccaro along with a variety of farm structures including two

(2) plastic enclosed Quonset huts, two (2) exterior storage sheds, exterior filtering systems servicing the Quonset huts and exterior ponds on the property.

5. The applicant proposes to relocate one (1) existing storage shed so that it will comply with the front setback requirement of the Zoning Ordinance, to construct a proposed 30 ft. by 60 ft. warehouse for storage of food, stock and other items associated with the farming operations on the premises which will permit all material and stock to be maintained indoors, to construct a 30 ft. by 33.33 ft., 1,000 sq. ft. retail building with associated walkway and parking area, to construct and/or maintain additional exterior fish and plant propagation ponds all as shown on the Preliminary and Final Site Plan for Millstone Koi, Block , Lot prepared by Concept Engineering Consultants, P.A. dated February 21, 2002 revised through March 19, 2002.

6. The premises in question are located within Planning Area 4B as shown in the Master Plan of Millstone Township (hereinafter "Master Plan"). Such areas are identified by the State Development and Redevelopment Plan as agricultural and environmentally sensitive areas which have productive farmland and contain valuable ecosystems or wildlife habitats. The Master Plan also finds that generally these lands are somewhat undeveloped or rural in character and that the natural resources in this Planning Area are of critical importance to the residents of the specific planning area as well as to the residents of the state.

7. Pursuant to the Master Plan, sixty-four (64%) percent of the land in the municipality is classified as either farm qualified (58.5%) or farm regular (6%). The term farm regular is used for structures including "farm houses" associated with farm qualified land use which constitutes the remainder of farm properties utilized for farming purposes. Farm qualified land in Millstone Township comprises 58.5% of the undeveloped land of the municipality and 47.5% of Millstone's total land area

according to the Master Plan of the municipality. The subject property consists of lands which are either farm regular or farm qualified.

8. The objectives of the Millstone Township Master Plan include providing sufficient space in appropriate locations within the Township for agricultural uses. The Master Plan also encourages a development pattern which will protect and enhance the long term economic, social and welfare interests of Millstone as an agricultural and residential community.

9. The subject property is located in the R-130 Rural Residential Zone of the municipality. The Master Plan identifies these areas as containing some of the largest contiguous nursery, equestrian and agricultural land areas in the Township. The Land Use Plan Element encourages the productive use of these prime agricultural areas for agricultural purposes. Farmers are encouraged to participate in farmland preservation efforts through approved farmland preservation programs.

10. In March of 2001, Millstone Township adopted a Master Plan Amendment entitled, "Open Space, Recreation, Conservation and Farmland Preservation Plan" (hereinafter the "Plan"). The Plan identifies a portion of the municipality known as the "Back Bone Hill Farmland Preservation Area" wherein the subject property is located. The Plan also identifies the subject property in Exhibit 20 as being one of the parcels targeted for preservation by the Farmland Preservation Program.

11. Credible testimony and exhibits were presented to establish that the current farm management unit is five (5) acres or greater in size at the time of the application within the Township of Millstone.

12. The commercial farm produces agricultural/ aquacultural/horticultural output worth at least \$2,500.00 per year.

13. The products produced consist principally of Koi fish and associated plant life related to their sustenance.

14. The farm is eligible for differential property taxation pursuant to the Farmland Assessment Act of 1964.

15. The farm is located in the R-130 Zone District, 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.

16. The R-130 Zone in Millstone Township provides for agriculture as a permitted use.

17. The R-130 Zone in question was in place as of December 31, 1997 or thereafter and is presently in place.

18. A complete written application for the Site Specific Agricultural Management Practice was made to the Monmouth County Agricultural Development Board for the activities currently existing and proposed to be conducted on the property including a residence in the existing dwelling on the property by the property owner, retention of two (2) existing plastic enclosed Quonset huts with fish breeding ponds to be used to propagate and rear Koi fish, retention of one (1) existing storage shed which will be relocated to comply with the front setback requirements of the municipality, the construction of an additional warehouse/storage building 30 ft. by 60 ft., the construction of a 30 ft. by 33.33 ft. (1,000 sq. ft.) farm market building for sale of Koi fish, plant material and related products including fish food, pond filters, nets and materials, the creation of a patron parking area for the farm market, the use of exterior wood tanks for seasonal plant propagation and exterior ponds for seasonal fish and plant propagation.

19. The proposed activities on the commercial farm will include production of aquacultural crops, including Koi fish, plants and commodities as described in the Standard Industrial Classification Manual for agriculture, forestry, fishing and trapping, the operation of a farm market including the construction of a building and parking areas in conformance with municipal standards with waivers from such standards as set forth on the plans approved herein and on-site disposal of organic agricultural waste in accordance with applicable laws and regulations.

20. The report of Erik Cohen, Aquacultural Development Specialist reveals that aquaculture is a component of the State's agricultural program and includes ornamental culture (raising aquarium/pond fish and plants for the hobbyist market) such as those operations currently conducted and proposed by Vaccaro. Pursuant to that report, the filtration methods presently and proposed for the site are consistent with other re-circulating aquaculture systems and the proposed operations will not be detrimental to the environment.

21. Pursuant to the report of Gef Flimlin, Marine Extension Agent for the Rutgers Cooperative Extension of Ocean County, the existing and proposed operation is an agricultural endeavor which sector of agriculture is intimately tied with landscape design and installation trends. The existing and proposed filtering system is state of the art and the wooden raceways and ponds outside of the greenhouses for holding product and expanding grow-out capabilities are common practices in the field. The operation sells fish and plants and is proposing to serve as a farm market where fish, plants and other accoutrements such as feed, pumps, water testing kits and the like can be purchased. Such items are consistent with the intent and purpose of the Right to Farm Act and proper management practices for this type of a farm operation.

22. With all of the above criteria having been satisfied,

the Board finds that the Vaccaro farm meets the eligibility criteria under the Right to Farm Act.

23. The Board finds that the Site Specific Agricultural Management Practices described by Vaccaro and proposed for the site as set forth herein are eligible activities.

24. The Board finds that the Vaccaro farm does not engage in the ineligible activities listed below:

- (a) agricultural-related services such as landscape installation (i.e. pond installation); or
- (b) processing commodities produced off the farm managing unit.

25. The Board received comments from Millstone Township including a report from Thomas P. Branch, P.E., P.P. During the course of the hearings, the representatives of Vaccaro and the representatives of the Millstone Township Board of Adjustment and their respective engineers consulted in an effort to resolve any objections of the municipality to the application and resolve any perceived inconsistencies between the municipal ordinance regulations and the proposed use of the property by Vaccaro. These discussions resulted in an agreement whereby Vaccaro has revised plans to address the concerns of the municipality in a satisfactory manner which plans have been hereby incorporated previously by reference. As a result of that process, the Board finds that the proposed operations of Vaccaro will

be consistent with municipal standards applicable to the proposed development.

26. It is a condition of approval that the applicant comply with any other governmental requirements that may be applicable to the applicant's proposed improvements and operation including the deposit of applicable fees for inspections or performance guarantees.

NOW THEREFORE BE IT RESOLVED, that based upon the aforesaid findings of fact, the Monmouth County Agriculture Development Board finds that the operations, existing and proposed, by Vaccaro as a commercial farm with the proposed renovations to existing buildings, relocation of existing buildings and construction of proposed new buildings constitute a generally accepted agricultural management practice and may be conducted.

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

	Yes	No	Abstain	Absent
Mr. Buscaglia	X			
Mr. Hom	X			
Mr. Illmensee			X	
Mr. McCarthy	X			
Mr. McCormack	X			
Mr. Potter	X			
Mr. Puglisi	X			
Mr. Pyle	X			
Mr. Rifkin				X
Mr. Stuart	X			

I certify that the 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 April 3rd, 2002.

Richard Obal, Secretary