Board of Chosen Freeholders
County of Burlington
New Jersey

Office of:
COUNTY SOLICITOR
49 Rancocas Road, Room 225
PO Box 6000
Mt. Holly, New Jersey 08060-6000

March, 24 2014

PETER H. NELSON
County Solicitor
Phone: (609) 265-5289
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Florence Township
710 Broad Street
Florence, NJ 08518

Attn: Mr. Tom Layou, Township Zoning Official

Re: Dimon Properties/Right to Farm Request
Florence Twp Block 165.04, Lot 64 – Florence Columbus Road
Florence Twp Block 169.01, Lot 2.01 – Old York Road

Dear Mr. Layou:

Our office represents the Burlington County Agriculture Development Board ("CADB"). I copied you on a letter to Mr. Mark Dimon dated March 7, 2014, wherein I asked for more information regarding his eligibility for Right To Farm ("RTF") protection for the above-referenced properties, and advised that the CADB was to decide his eligibility at its meeting on March 13, 2014.

Please be advised that the CADB did in fact meet on March 13, 2014, and did take up Mr. Dimon's RTF requests. The end result was that the CADB voted that Mr. Dimon was ineligible for Right To Farm protection at this time, based on his submissions. Mr. Dimon failed to show that his farm meets the threshold standards for a Commercial Farm as set forth in the New Jersey Right To Farm Act (N.J.S.A.4:1C-1 et.seq.), by not showing that the portion of his property housing the solar array and alpacas (the "RTF Property") produces value of at least $50,000.00 annually nor that his overall property is operated as a single entity as required therein. Further, Mr. Dimon failed to show that the RTF Property on its own would be eligible for Farmland Assessment. Mr. Dimon is ineligible for RTF protection on the Old York Road property because he does not operate that property.

Additionally, Mr. Dimon provided no evidence that he has standing to file these RTF requests. The RTF Property is owned by the John Dimon Trust, not by Mr. Dimon individually. We requested in our March 13 letter an explanation as to who has an interest in the RTF Property's ownership, and gave Mr. Dimon an opportunity to explain this at the CADB meeting last night. Mr. Dimon was unable to prove that he has the sole right and interest in the Trust which would allow him to file a RTF request.

The CADB did not make any evaluation of the substantive issues raised in Mr. Dimon's RTF requests, but merely found that his requests, as submitted, were not eligible for RTF protection, and therefore the CADB has no jurisdiction to hear this matter. Nothing precludes Mr. Dimon from resubmitting his requests in the future with additional information that might indicate that he is eligible for RTF protection.

Please feel free to contact me if you have any questions regarding the CADB's actions in this matter.

Very Truly Yours,

PETER H. NELSON
BURLINGTON COUNTY SOLICITOR

By: _____
Jeffrey N. Rabin
Senior Assistant Solicitor

JNR/klf
cc: Paul Drayton, County Administrator
Peter H Nelson, County Solicitor
Mary Pat Robbie, Director, Department of Resource Conservation
Brian Wilson, Farmland Preservation Program Coordinator
Phillip D. Prickett, CADB Chairman
Mark Dimon, Property Owner

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