Resolution No. 2014-11-2

RESOLUTION OF THE MONMOUTH COUNTY AGRICULTURE DEVELOPMENT BOARD REGARDING A CONFLICT RESOLUTION FILING AGAINST ANGUS MCDOUGALD

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

WHEREAS, on October 14, 2014, Ms. Lisa Bowers (the "Complainant") filed a Right to Farm Complaint Form against Block 153, Lot 11 in Marlboro Township; and

WHEREAS, the property is owned by Mr. Angus McDougald; and

WHEREAS, pursuant to N.J.A.C. 2: 76-2.3(b), upon receipt of a right to farm complaint, 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, N.J.A.C. 2:76-2.1 and N.J.S.A. 4:1C-3 define a commercial farm as either:

1) a farm management unit of no less than five acres producing agricultural or horticultural products worth $2,500 or more annually, and satisfying the eligibility criteria for differential property taxation pursuant to the Farmland Assessment Act of 1964, or
2) a farm management unit less than five acres, producing agricultural or horticultural products worth $50,000 or more annually and otherwise satisfying the eligibility criteria for differential property taxation pursuant to the Farmland Assessment Act of 1964; and

WHEREAS, Block 153, Lot 11 is approximately 8 acres and therefore would need to produce agricultural or horticultural products worth $2,500 or more annually to meet the definition of a commercial farm; and

WHEREAS, the MCADB staff requested proof of income and farmland assessment taxation treatment from Mr. McDougald in order to determine commercial farm eligibility; and

WHEREAS, Mr. McDougald explained to staff that he does not currently receive farmland assessment taxation treatment and does not have sufficient agricultural income to meet the $2,500 threshold; and

WHERAS, Mr. McDougald did not have any proof of farmland assessment taxation treatment or agricultural income to submit; and

THEREFORE BE IT RESOLVED, the MCADB makes the following determinations:

1. The Applicant has not demonstrated that it has produced agricultural or horticultural products worth $2,500 during the previous calendar year; and

2. The Applicant does not satisfy the eligibility criteria for differential property

taxation pursuant to the Farmland Assessment Act of 1964.

BE IT FURTHER RESOLVED that based on the foregoing determinations, the Applicant's operation is not a "commercial farm" as defined by the Right to Farm Act.

BE IT FURTHER RESOLVED that because the Applicant's operation does not qualify as a "commercial farm" under the Right to Farm Act, the MCADB does not have jurisdiction over the operation. Marlboro Township and other agencies may pursue appropriate remedies.

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

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 10 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 10 days, this resolution is binding.

Seconded by Mr. DeFelice on roll call by the following vote:

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

* Alternate members

I do hereby certify that the foregoing is a true copy of a resolution adopted by the Monmouth County Agriculture Development Board at a meeting on the 5th of November, 2014 and memorialized on December 3rd, 2014.

William J. Sciarappa, Secretary