ATLANTIC COUNTY AGRICULTURE DEVELOPMENT BOARD
6260 Old Harding Highway
Mays Landing, New Jersey, 08330
(609) 625 - 3144

September 22, 2010

Dave Stewart
Stewart's Apiaries
34 Cape May Avenue
Dorothy, NJ 08317

Mr. Stewart,

Thank you for completing the Commercial Farm Certification Form and providing an overview of your apiary operations. The CADB requested the information to determine whether or not Stewart's Apiaries falls within the definition of a 'commercial farmer' and is eligible for the protections of the Right to Farm Act.

Please be advised that the Atlantic County Agriculture Development Board has concluded that Stewart's Apiaries does not meet the definition of a 'commercial farm' as defined by N.J.S.A. 4:1C-3. The Right to Farm Act defines a commercial farm as,

> "...(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," P.L.1964, c.48 (C.54:4-23.1 et seq.), 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," P.L.1964, c.48 (C.54:4-23.1 et seq.)."

The definition states that, in addition to the acreage and production value requirements, the farm must meet all other requirements for Farmland Assessment eligibility. One such requirement is that the land must be devoted to agricultural and/or horticultural uses for at least two years prior to the tax year. Based on the information provided on the Commercial Farm Certification Form, your operations do not appear to meet this requirement and are therefore not eligible for Right to Farm protections.

Based on this determination, the CADB does not have jurisdiction under the Right to Farm Act to hear the complaint filed by your neighbor. The issues outlined in the July 14, 2010 letter from Attorney John Scott Abbott can therefore be submitted for consideration at the municipal level. Should you disagree with the Board's determination and wish to appeal the matter to the State Agriculture Development Committee, please feel free to do so.

Your time and prompt attention to this matter have been greatly appreciated.

Sincerely,

Jerry DeFiccio, Chairman
Atlantic County Agriculture Development Board

cc: M. Joshi, Assistant County Counsel
R. Fehr, Supervising Administrative Analyst
D. Cassetta, Cape Atlantic Conservation District
John Scott Abbott, Esq.