Resolution No. 2016-6-2

RESOLUTION OF THE
MONMOUTH COUNTY AGRICULTURE DEVELOPMENT BOARD
REGARDING COMMERCIAL FARM ELIGIBILITY FOR A SITE SPECIFIC AGRICULTURAL MANAGEMENT PRACTICE REQUEST,
BLOCK 4.01, LOT 11.01 AND BLOCK 12, LOT 12.03
IN THE TOWNSHIP OF MANALAPAN

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

WHEREAS, Old Mill Road, LLC, is the current owner of Block 4.01 Lot 11.01 and Block 12, Lot 12.03 in Manalapan Township; and

WHERAS, Carmine Cassola, Jr. (the "Applicant"), is the Managing Member of Old Mill Road, LLC; and

WHEREAS, Mr. Casola operates a Farm Management Unit under several names including Triple C Nursery and Maple Leaf Gardens; and

WHEREAS, aside from the Manalapan lots, Mr. Casola's Farm Management Unit includes parcels in Holmdel Township, Colts Neck Township and Marlboro Township; and

WHEREAS, on May 4, 2016, Carmine Casola Jr. (the "Applicant"), the principal owner and operator of Old Mill Road LLC, Triple C Nursery and Maple Leaf Gardens applied for a Site Specific Agricultural Management Practice ("SSAMP") recommendation for Block 4.01, Lot 11.01 and Block 12, Lot 12.03 in the Township of Manalapan, that included a wide range of requests for protection for actives on the site, such as agritourism and farm market-related activities; and

WHEREAS, the Applicant later amended the application by letter dated May 19, 2016 and by submission of a revised grading and utility plan dated May 26, 2016, reducing the overall application and specifically requesting that the Board focus on relief from Municipal ordinances related to parking and lighting for new facilities being established on the site; and

WHEREAS, the property is subject to an agricultural easement held by the Monmouth County Agriculture Development Board and dated February 8, 2002; 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 ("Committee") rules; and

WHEREAS, pursuant to N.J.A.C. 2:76-2.3(b) the Board advised the Committee and the Township of Manalapan 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 has been operated as a farm for over 200 years; and

WHEREAS, Block 4.01, Lot 11.01 is approximately 53 acres and Block 12, Lot 12.03 is approximately 81 acres for a total lot size of approximately 134 acres (+/-); and

WHEREAS, Triple C Nursery is engaged in agriculture production and produces field corn, pumpkins and nursery stock; and

WHEREAS, the MCADB requested proof of agricultural production income in order to make a determination regarding "commercial farm" eligibility related to the income threshold requirement for 2015; and

WHEREAS, the Board was asked to consider the following documents as proof that the Applicant meets the commercial farm eligibility criteria:

Applicant's Exhibits:

1. May 11, 2016 SSAMP Application including:..... A-1
   - FA-1 form for Block 4.01, Lot 11.01 for the 2016 Tax Year
   - FA-1 form for Block 12, Lot 12.03 for the 2016 Tax Year
   - "Site Plan for Maple Gardens" prepared by East Point Engineering Revised 5/9/16 The site plan includes the following
     - Existing Conditions Plan
     - Site and Landscape Plan
     - Grading and Utility Plan
     - Lighting Plan
     - Soil Erosion & Sediment Control Plan
     - Construction Details
   - Reduction of the "Site Plan for Maple Leaf Gardens" cover sheet showing location of hay rides and "displays" with a 4/5/16 revision date
   - Reduction of the "Site & Landscape Plan" with a

4/15/16 revision date
- Manalapan Township tax maps Sheets 2 and 3
- Receipts from Maple Leaf Gardens Holmdel location

2. May 19, 2016 Letter from Carmine Casola Jr. A-2
to Harriet Honigfeld

3. Maple Leaf Gardens Site Plan – Grading and Utility A-3
Plan Revised 5/26/16

Exhibits from the Monmouth CADB:

4. Table of Carmine Casola Jr.'s Farm Management Unit.....B-1

5. Maple Leaf Gardens Receipts Tally..... B-2

6. Maple Leaf Gardens Holmdel Location Photos Taken..... B-3
on May 24, 2016

7. Manalapan Zoning Map (Last Amended 9/12/12) B-4

8. Manalapan Code – Schedule of Permitted Uses.....B-5

9. Photos from May 25, 2016 Site Visit to Manalapan Parcel...B-6

10. Sample Garden Center Parking Space Counts.....B-7

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 May 25, 2016 and attended by a minority of Board members, MCADB staff and the Applicant; and

WHEREAS, 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, the MCADB heard testimony, reviewed submissions and exhibits, and considered the Applicant's request during the Board's public meeting on June 7, 2016; and

WHEREAS, the Applicant was represented by James H. Gorman, Esq., and the Applicant offered his own testimony in support of the application; and

WHEREAS, the SSAMP application states that the total production income for Tax Year 2015 is approximately $1,000,000; and

WHEREAS, the Board carefully considered the testimony of the Applicant in making their determination; and

WHEREAS, the Board analyzed the sales receipts submitted; and

WHEREAS, after considering the commercial farm eligibility information provided, the Board makes the following findings of fact:

1. Block 4.01, Lot 11.01 and Block 12, Lot 12.03 in the Township of Manalapan is greater than five acres.

2. The property is part of a larger Farm Management Unit with lots in Manalapan Township, Holmdel Township, Colts Neck Township and Marlboro Township.

3. The Manalapan property satisfies the eligibility criteria for, and receives, differential property taxation pursuant to the Farm Land Assessment Act, N.J.S.A. 54:4-23.1 et seq. from the Township of Manalapan.

4. The property is located within the RE (Residential Environmental) District that permits agriculture as verified by the Manalapan Township code entered as Exhibit B-5.

5. The Farm Management Unit produced agricultural or horticultural products worth more than $2,500.00 in 2015.

NOW, THEREFORE, BE IT RESOLVED, based on exhibits presented, testimony given and the aforesaid findings of fact, the Monmouth County Agriculture Development Board concludes that the Applicant's Manalapan property, exclusive to **Block 4.01, Lot 11.01 and Block 12, Lot 12.03,** is part of a larger Farm Management Unit, satisfies the eligibility criteria and meets the statutory requirements of N.J.A.C. 2:76-2.1 and N.J.S.A. 4:1C-3, and is a "Commercial Farm" as defined by the Right to Farm Act; and

BE IT FURTHER RESOLVED that because the Applicant's operation does qualify as a "commercial farm" under the Right to Farm Act, the MCADB has jurisdiction over the matter.

BE IT FURTHER RESOLVED that the MCADB can proceed with the SSAMP application.

BE IT FURTHER RESOLVED that a copy of this Resolution be transmitted to the Applicant through counsel, the State Agriculture Development Committee, the Township of Manalapan, 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**	**Abstain**	**Absent**
Mr. Bullock	X			
Mr. Buscaglia	X			
Ms. Butch	X			
Mr. Clayton*	X			
Mr. DeFelice				X
Mr. Dill*	X			
Mr. Foster				X
Mr. Giambrone	X			
Ms. Grbelja	X			
Mr. Holmes				X
Mr. Potter			Recused	

* Alternate members in 2016

I do hereby certify that the foregoing is a true copy of a resolution adopted on June 7, 2016, and memorialized by the Monmouth County Agriculture Development Board at a meeting on the 2nd of August, 2016.

Gary DeFelice, Secretary

Resolution No. 2016-6-3

RESOLUTION OF THE MONMOUTH COUNTY AGRICULTURE DEVELOPMENT BOARD RECOMMENDING A SITE-SPECIFIC AGRICULTURAL MANAGEMENT PRACTICE REQUEST FOR BLOCK 4.01, LOT 11.01 AND BLOCK 12, LOT 12.03 IN THE TOWNSHIP OF MANALAPAN

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

WHEREAS, Old Mill Road, LLC, is the current owner of Block 4.01 Lot 11.01 and Block 12, Lot 12.03 in Manalapan Township; and

WHEREAS, Carmine Cassola, Jr. (the "Applicant"), is the Managing Member of Old Mill Road, LLC; and

WHEREAS, Mr. Casola operates a Farm Management Unit under several names including Triple C Nursery and Maple Leaf Gardens; and

WHEREAS, Mr. Casola's Farm Management Unit not only includes the Manalapan lots, but also parcels in Holmdel Township, Colts Neck Township and Marlboro Township; and

WHEREAS, on May 4, 2016, the Applicant, principal owner and operator of Old Mill Road LLC, Triple C Nursery and Maple Leaf Gardens applied for a Site Specific Agricultural Management Practice ("SSAMP") recommendation for Block 4.01, Lot 11.01 and Block 12, Lot 12.03 in the Township of Manalapan, that included a wide range of requests for protection for actives on the site, such as agritourism and farm market related activities; and

WHEREAS, the Applicant later amended the application by letter dated May 19, 2016 and by submission of a revised Grading and Utility Plan dated May 26, 2016, reducing the overall application and specifically requesting the Board focus on relief from Municipal ordinances related to parking and lighting for new facilities being established on the site; and

WHEREAS, the amended request focused on certain physical characteristics of the site plan and not the on-farm activities and agricultural management practices on the property; and

WHEREAS, the Applicant requested relief from parking and lighting requirements imposed by the Township of Manalapan; and

WHEREAS, the Applicant has submitted site plans to the Township of Ma-

nalapan and has been coordinating with the Township Engineer; and

WHEREAS, the Applicant is proposing 390 total parking spaces broken down into the following: 240 grass spaces (64 on each side of the Pine Brook driveway and 112 on the northerly section along Route 9), 76 gravel spaces that extend from the main building north along Route 9 and 74 paved spaces in the front of the main building and that extend south along Route 9 – all in accordance with the Grading and Utility Plan entered as part of the application; and

WHEREAS, the Township of Manalapan had requested the Applicant to provide 392 parking spaces based on the requirement of having one space for every 200 square feet of retail space; and

WHEREAS, the Applicant intends to install permanent lighting in the asphalt parking area in front of the retail market, 8 additional light poles along the Pine Brook Road driveway (as recommended by Township of Manalapan in advance) and during the Fall and peak times, install temporary lighting, powered by generators, in the gravel spillover parking lot; 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 ("Committee") rules; and

WHEREAS, pursuant to N.J.A.C. 2:76-2.3(b) the Board advised the Committee and the Township of Manalapan 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 first 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 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 May 25, 2016 and attended by a minority of board members, MCADB staff, MCADB counsel and the Applicant; and

WHEREAS, 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, the MCADB heard testimony, reviewed submissions and exhibits, and considered the Applicant's request during the Board's public meeting on June 7, 2016 concerning jurisdiction of the MCADB; and

WHEREAS, the MCADB found, pursuant to Resolution No. 2016-6-2, 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; and

WHEREAS, the Applicant now requests approval for an SSAMP application from the Board; and

WHEREAS, the Applicant was represented by James H. Gorman, Esq. and offered testimony of Carmine Casola, Jr., in support of the application; and

WHEREAS, the Applicant testified that he had met with the Township of Manalapan prior to the hearing and they were in agreement with the relief the Applicant was requesting from the Municipal Code related to parking and lighting as indicated and described in detail above; and

WHEREAS, Jack McNaboe, a representative of the Township of Manalapan, was present and spoke in support of the application, proposed site plans and relief from the Municipal Code where needed; and

WHEREAS, the Applicant submitted the following as exhibits in support of its SSAMP application:

Applicant's Exhibits:

1. May 11, 2016 SSAMP Application including:..... A-1
   - FA-1 form for Block 4.01, Lot 11.01 for the 2016 Tax Year,
   - FA-1 form for Block 12, Lot 12.03 for the 2016 Tax Year,
   - "Site Plan for Maple Gardens" prepared by East Point Engineering Revised 5/9/16, The site plan includes the following:
     - Existing Conditions Plan,
     - Site and Landscape Plan,
     - Grading and Utility Plan,
     - Lighting Plan,
     - Soil Erosion & Sediment Control Plan,
     - Construction Details,
   - Reduction of the "Site Plan for Maple Leaf Gardens" cover sheet showing location of hay rides, and "displays" with a 4/5/16 revision date,
   - Reduction of the "Site & Landscape Plan" with a 4/15/16 revision date,
   - Manalapan Township tax maps Sheets 2 and 3,

- Receipts from Maple Leaf Gardens Holmdel location

2. May 19, 2016 Letter from Carmine Casola Jr. A-2
to Harriet Honigfeld

3. Maple Leaf Gardens Site Plan – Grading and Utility A-3
Plan Revised 5/26/16

Board's Exhibits

4. Table of Carmine Casola Jr.'s Farm Management Unit.....B-1

5. Maple Leaf Gardens Receipts Tally.....B-2

6. Maple Leaf Gardens Holmdel Location Photos Taken..... B-3
on May 24, 2016

7. Manalapan Zoning Map (Last Amended 9/12/12) B-4

8. Manalapan Code – Schedule of Permitted Uses.....B-5

9. Photos from May 25, 2016 Site Visit to Manalapan Parcel...B-6

10. Sample Garden Center Parking Space Counts.....B-7

WHEREAS, after having considered the testimony given and exhibits presented on June 7, 2016 the MCADB makes the following findings of fact and conclusions of law:

1. The proposal of 390 total parking spaces broken down into the following: 240 grass spaces (64 on each side of the Pine Brook Road driveway and 112 on the northerly section along Route 9), 76 gravel spaces that extend from the main building north along Route 9 and 74 paved spaces in the front of the main building and that extend south along Route 9 - all in accordance with the Grading and Utility Plan entered as part of the application - is acceptable as it furthers the Board's purpose of preserving permeable land on a preserved farm as opposed to converting some of the property into impervious surface.

2. The installation of: permanent lighting in the asphalt parking area in front of the retail market, 8 additional light poles along the Pine Brook Road driveway (as recommended by the Township of Manalapan in advance) and, during the Fall and peak times, temporary lighting, powered by generators, in the gravel spillover parking lot are acceptable.

NOW, THEREFORE, BE IT RESOLVED that, based on the aforesaid findings of fact and conclusions of law, the Monmouth County Agriculture Development Board makes the following determinations:

1. The proposal of 390 total parking spaces broken down into the following: 240 grass spaces (64 on each side of the Pine Brook Road driveway and 112 on the northerly section along Route 9), 76 gravel spaces that extend from the main building north along Route 9 and 74 paved spaces in the front of the main building and that extend south along Route 9 - all in accordance with the Grading and Utility Plan entered as part of the application - is acceptable as it furthers the Board's purpose of preserving permeable land on a preserved farm as opposed to converting some of the property into impervious surface.

2. The installation of: permanent lighting in the asphalt parking area in front of the retail market, 8 additional light poles along the Pine Brook Road driveway (as recommended by the Township of Manalapan in advance) and, during the Fall and peak times, temporary lighting, powered by generators, in the gravel spillover parking lot are acceptable.

BE IT FURTHER RESOLVED that use of the structures, activities on the farm, and ingress and egress must conform to all relevant Federal and State statutes, rules and regulations, including, but not limited to the New Jersey Department of Transportation, the New Jersey Department of Environmental Protection, and the Monmouth County Planning Board; 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 Applicant through counsel, the State Agriculture Development Committee, the Township of Manalapan, and the Applicant; and

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. Buscaglia and approved 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. Dill*	X			
Mr. Foster				X
Mr. Giambrone	X			
Ms. Grbelja	X			
Mr. Holmes				X
Mr. Potter			Recused	

* alternate member

I do hereby certify that the foregoing is a true copy of a resolution adopted on June 7, 2016, and memorialized by the Monmouth County Agriculture Development Board at a meeting on the 2nd of August, 2016.

Gary DeFelice, Secretary