

**RESOLUTION OF THE
MONMOUTH COUNTY AGRICULTURE DEVELOPMENT BOARD
REGARDING A CONFLICT RESOLUTION FILING AGAINST
CHRISTOPHER VACCARO**

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

WHEREAS, on July 25, 2013, the Township of Millstone (the "Complainant") filed a Right to Farm Complaint Form against for Block 46, Lots 23.01 and 23.02 in Millstone Township; and

WHEREAS, the farm is owned by Christopher Vaccaro; and

WHEREAS, the farm was the subject of a Site-Specific Agriculture Management Practice Determination by the Monmouth County Agriculture Development Board ("MCADB" or "Board") on April 2, 2002 related to the propagating, rearing and marketing of koi; and

WHEREAS, the current complaint asks the MCADB to investigate animal management, animal waste management, and fencing on the farm; and

WHEREAS, the present day operation is not solely focused on koi production; 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, the MCADB sent the landowner certified letters on July 26, 2013

and September 12, 2013 requesting proof of income; and

WHEREAS, the landowner did not supply any income proofs; and

WHEREAS, the MCADB obtained written authorization from Millstone Township to hold a conflict resolution hearing more than 60 days after the receipt of the formal complaint.

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

1. Pursuant to N.J.A.C. 2:76-2.3, upon the receipt of a request for a conflict resolution hearing, the MCADB must determine whether the 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.

2. 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.

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

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. Millstone Township, the Department of Agriculture, 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, Millstone Township, and the Department of Agriculture.

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

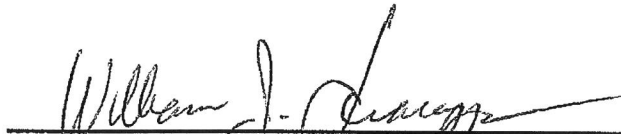
appealed within 10 days, this resolution is binding.

Seconded by Mr. DeFelice but denied 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. McCarthy	X			
Mr. Potter	X			
Mr. Stuart	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 2nd of October, 2013.



William J. Sciarappa, Secretary