

MORRIS COUNTY AGRICULTURE DEVELOPMENT BOARD

RESOLUTION 2002-19

**RIGHT TO FARM CONFLICT RESOLUTION
FINDINGS AND RECOMMENDATIONS**

**PLUT CHRISTMAS TREE FARM
BLOCK , LOTS
WASHINGTON TOWNSHIP**

WHEREAS, pursuant to the Right to Farm Act, N.J.S.A. 4:1C-10.1(a) and the State Agriculture Development Committee Right to Farm Rules, N.J.A.C. 2:76-2.10(a), any person aggrieved by the operation of a commercial farm shall first file a complaint in writing, with the applicable county agriculture development board or the State Agriculture Development Committee (SADC) in counties where no county board exists, prior to filing an action in court; and,

WHEREAS, on November 30, 2000, the Morris County Agriculture Development Board (board) received a complaint (copy attached hereto as Exhibit 1) filed by Ms. Susan Gruss against Ms. Karolina Plut, owner of the Plut Christmas Tree Farm (hereinafter ‘Plut’); and,

WHEREAS, the complaint concerned the lighting of Christmas tree fields, an activity that is not addressed by an agricultural management practice recommended by the SADC or a site specific agricultural management practice adopted by the board. As such, pursuant to N.J.S.A. 4:1C-10.1(c) and N.J.A.C. 2:76-2.10(c), on November 30, 2000, the board forwarded the complaint to the SADC requesting the SADC’s determination of whether the disputed agricultural operation constitutes a generally accepted operation or practice (copy attached hereto as Exhibit 2); and,

WHEREAS, pursuant to N.J.S.A. 4:1C-10.1(c) and N.J.A.C. 2:76-2.10(c)2, on January 31, 2002, the SADC held a public hearing regarding the Plut operation; and,

WHEREAS, on February 28, 2002, the SADC made a determination that lighting of Christmas tree fields 24 hours a day is not a generally accepted practice in New Jersey (copy attached hereto as Exhibit 3); and,

WHEREAS, on March 22, 2002, the board received the SADC’s February 28, 2002 determination; and,

WHEREAS, pursuant to N.J.S.A. 4:1C-10.1(c) and N.J.A.C. 2:76-2.10(b)1, on April 11, 2002, the board held a public hearing regarding the Plut operation. A summary of the testimony is contained in the “Public Hearing Report” (copy attached hereto as Exhibit 4). Two documents were submitted into evidence (copies attached hereto as Exhibits A-1 and P-1); and,

WHEREAS, on April 18, 2002, the board conducted a fact-finding site inspection of the Plut Christmas Tree Farm.

NOW THEREFORE, BE IT RESOLVED, that the board hereby determines that lighting of Christmas tree fields 24 hours a day is not a generally accepted practice in New Jersey; and,

BE IT FURTHER RESOLVED, that the board hereby makes the following site specific recommendation for the Plut Christmas Tree Farm:

The Pluts' lighting of Christmas tree fields is acceptable in light of site specific circumstances. Although 24 hour lighting is not a generally accepted practice for "choose and cut" Christmas tree farms, the Pluts' operation is a "tag and cut" Christmas tree farm with a history of tree theft.

Jerry Suk, Chairman
Morris CADB

Date

I hereby certify the above to be a true copy of a resolution adopted by the Morris County Agriculture Development Board at the regular meeting of May 9, 2002.

Frank T. Pinto, Jr., Director
Morris County Agriculture Development Board