

**RESOLUTION OF THE
MONMOUTH COUNTY AGRICULTURE DEVELOPMENT BOARD
FOR
SITE SPECIFIC AGRICULTURAL MANAGEMENT PRACTICE
RECOMMENDATION
UNDER THE NEW JERSEY RIGHT TO FARM ACT**

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

WHEREAS, Conrad Smith Nursery Corporation ("Applicant") has applied to the Monmouth County Agriculture Development Board ("the Board") pursuant to N.J.A.C. 2:76-2.3, requesting a determination from the Board as to whether the farming operation at Block , Lots , in the Borough of Tinton Falls, New Jersey ("the Property"), and the proposed improvement to the Property constitute a generally accepted agricultural operation or practice; and

WHEREAS, the Applicant uses and proposes to use the Property for a tree farm, nursery and greenhouse operation inclusive of associated structures and vehicles, mulch processing operation and landscaping operation; and

WHEREAS, the Applicant is requesting a determination from the Board as to whether the tree farm, nursery and greenhouse operation, excluding the mulch processing and landscaping operations, are a generally accepted agricultural operation or practice; and

WHEREAS, the Applicant is requesting a determination from the Board as to whether a proposed pole barn structure that will replace storage trailer units, and is intended to house fertilizer, peat moss, farm machinery and other items related to the tree farm, nursery and

greenhouse operation, but not related to the mulch processing operation or landscape operation constitute a generally accepted agricultural operation or practice; and

WHEREAS, a site visit to the Property was conducted on December 22, 2003 ("the Site Visit"), which was attended by Board staff member Harriet Honigfeld, Board member William Potter III, Rutgers Cooperative Extension Agent Richard Obal, National Resources Conservation Service District Conservationist Janice Reid, National Resources Conservation Service Student Trainee Malena Gordon and Borough of Tinton Falls Engineer John Chmielowiec; and

WHEREAS, a report of the Site Visit was submitted to the Board by William Potter, Richard Obal and Janice Reid; and

WHEREAS, the Board conducted a hearing on the Applicants' application on February 4, 2004, at which Brian Harvey represented Lee Schlumpf, president of Conrad Smith Nursery Corporation; and

WHEREAS, Lee Schlumpf testified concerning the farming operation at the Property; and

WHEREAS, the Board considered the evidence presented in support of the application, including the Applicant's testimony, certification and site plan; and

WHEREAS, the Board considered its own exhibits which were site visit reports and staff photographs.

NOW, THEREFORE, based on the evidence presented, the Board makes the following findings of fact and conclusions of law:

1. The Property comprises approximately 8.33 acres;
2. The Property produces sales of farm product of at least \$300,000 per year;

3. The farming operation at the Property was initiated in 1952;
4. The zoning of the Property as of December 31, 1997, was R-1, in which agriculture is a permitted use and the use is consistent with the Master Plan;
5. The Property is a commercial farm within the meaning of the Right to Farm Act;
6. The farming operations conducted at the Property are currently comprised of a tree farm, nursery, greenhouse, mulch processing and landscaping operation; and
7. Mulch processing activities wherein the finished product is used or sold off-site is not a protected activity under the Right to Farm Act, as per Section 2:76-2A.8 (a) 2, which states that Right to Farm protection is only given to On-Farm Compost Operations when, among other items, ‘The finished compost product is not distributed or sold to off-farm users’; and
8. Landscaping operations are not a protected activity as per Section V. 1.A. of the ‘Procedures governing requests to Monmouth County Agriculture Development Board for Site-Specific Agriculture Management Practices recommendations under the Right to Farm Act’; and
9. The applicant proposes to construct a pole barn structure approximately 40 feet by 100 feet in area and 14 feet in height on the northeast corner of the property that will replace storage trailer units, and which will be used to house fertilizer, peat moss, farm machinery and other items related to the tree farm, nursery and greenhouse operation, but no items related to the mulch processing operation or landscape operation; and
10. The current tree farm, nursery and greenhouse activities at the Property, and the proposed pole barn constitute generally accepted agricultural management practices.

NOW, THEREFORE, BE IT RESOLVED that the Board hereby recommends the farming operation conducted by Conrad Smith Nursery Corporation at the Property, and the proposed pole barn as an accepted agricultural management practice under the New Jersey Right to Farm Act, PROVIDED, HOWEVER, that the Board FURTHER RESOLVES that the proposed improvements and uses are not recommended with respect to any non-agricultural or non-horticultural use, including, but not limited to, a mulch processing operation whose products are used or sold off site, or a landscaping operation.

Seconded by Mr. Rifkin and adopted on a roll call by the following vote:

	YES	NO	ABSTAIN	ABSENT
Mr. Bullock	X			
Mr. Buscaglia				X
Mr. Holland	X			
Mr. Hom	X			
Mr. Illmensee				X
Mr. McCarthy	X			
Mr. McCormack	X			
Mr. Potter	X			
Mr. Puglisi				X
Mr. Rifkin	X			
Mr. Stuart				X

I certify that foregoing is a true copy of the Resolution of the Monmouth County Agriculture Development Board duly adopted at a regular meeting of the Board on February 4, 2004, and memorialized on March 3, 2004.

Richard Obal, Secretary