

is eligible for differential property taxation pursuant to the Farmland Assessment Act of 1964; and

WHEREAS, the applicant provided Federal tax form, Schedule F, Profit or Loss from Farming, for tax years 2009 – 2012 in order to satisfy the requirement that the operation exceeds the minimum income threshold; and

WHEREAS, the Farm Management Unit consists of approximately 9.5 acres located at

WHEREAS, the specific agricultural activities under consideration by the Board consist of:

1. Production of wine grapes;
2. Production of apples and pears; and

WHEREAS, a site visit was conducted on March 18, 2013, with the Site Review Team comprised of William Sciarappa, Rutgers Cooperative Extension Service; Martin Bullock, Board Member; Patricia Butch, Board Member; Gary DeFelice, Board Member; Amanda Brockwell, MCADB Staff; Jason Greenspan, Middletown Director of Planning and Community Development and Brian O'Callahan, Middletown Code Enforcement Office; and

WHEREAS, a hearing was conducted before the Board on April 3, 2013; and

WHEREAS, the Board was presented a slideshow of the farm and its operations by MCADB staff; and

WHEREAS, there were no objectors who presented testimony or exhibits in opposition of the application and the Township was not present at the hearing; and

WHEREAS, the Board reviewed site visit reports written by William Sciarappa (see "Rutger's Report" attached Exhibit B-1) and Staff Report written by Amanda Brockwell (see "Abate Staff Report" attached Exhibit B-2); and

WHEREAS, those Board members that were present at the site visit provided additional information to the Board and provided a detailed account of considerations; and

WHEREAS, considerations include:

1. Traffic safety at the corner of _____ where driver visibility could potentially be compromised due to installation of a fence. See "Sight Triangle Plan" attached as Exhibit B-3.

WHEREAS, the fence is currently constructed of chain link material that allows visibility through the fence. The board stressed the importance of visibility at the corner of the roads and that the fence is not to be replaced at a later date with any material that would cause an impairment to the view of a driver; and

WHEREAS, during the staff review of the subject site, it was brought to the attention of the staff and Board that the fence and landscape plantings have been installed within a Sight Triangle Easement granted to the County of Monmouth and found in Deed Book 4889, Page 173; and

WHEREAS, the easement issue was brought to the attention of the Monmouth County Engineering Department for further evaluation to determine if any action is necessary with regards to removing and/or repositioning the fence and landscape plantings.

WHEREAS, the Board has considered the complaint, the applicant's certification, the AMP, documents presented concerning the application, and the report from William Sciarappa, Rutgers Cooperative Extension Agent.

NOW, THEREFORE, the Board makes the following findings:

1. That the commercial farm produces agricultural/horticultural products worth at least \$2,500.00 per year.
3. That the Farm Management Unit consists of approximately 9.5 acres of land.
3. That the farm operation consists of the following: production of grapes, apples, and pears.
3. That the farm is eligible for differential property taxation pursuant to the Farmland Assessment Act of 1964.
4. That the farm is located in an area in which, as of December 31, 1997 or thereafter, agriculture has been a permitted use under the municipal zoning ordinance and is consistent with the municipal master plan.
5. A complete written Right to Farm Complaint was made to the Monmouth County Agriculture Development Board.
6. The Property is operated in accordance with accepted agricultural management

practices.

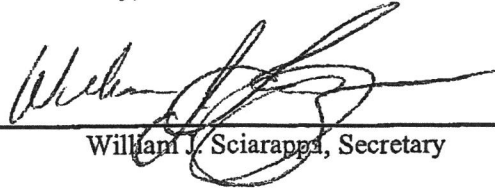
7. The fence has been installed in accordance with the adopted AMP.

NOW, THEREFORE, BE IT RESOLVED that based on the aforesaid findings of fact, the Monmouth County Agriculture Development Board finds that the operation of the Property by Locust Hill Vineyard as a commercial farm constitutes an Agricultural Management Practice.

Seconded by Ms. Butch and adopted on a 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. McCarthy	X				
Mr. Potter			X		
Mr. Stuart				X	

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 3rd of April, 2013 and memorialized at a meeting on the 1st of May, 2013.



William J. Sciarappa, Secretary

corner of [located where the centerline meet] and a second eight triangle easement located at the corner of the property line. The fence encroaches upon the eight triangle easement held by the County of Monmouth (Ord. 489, pg. 0173) that upon the [line of the easement] encroaches into the county right of way along [right of way] rd. [rd is a common rd]. The fence also encroaches into the municipal right of way along [rd].

Fence Placement Concerns: Mr. Jason Greenport, Middletown Director of Planning, questioned the need for the fence to span the entire perimeter of the property when currently the harvested area occupies nearly the middle portion of the parcel. Mr. Abate explained that he has plans to expand the orchard and that the fencing is open area of the property and he would like the entire perimeter necessary to expand his operation of future date.

STAFF COMMENTS

- Exceeding the municipal height ordinance from 6' to 8' seems a clearly protected activity for commercial farms. Fence heights of 8' to 10' are considered standard for protection of crops from deer damage.
- The fence has been installed in accordance with Ord. 489, pg. 0173 final adopted by the County of Monmouth for eight triangle and right of way purposes. Installation of a fence and landscape plantings over 30 inches in height within the eight triangle easement violates the intent of the easement to provide drivers with a clear view of traffic safety reasons. That being said, enforcement of the easement is not within the jurisdiction of the Monmouth County Agriculture Development Board and the appropriate county officials will need to determine how they would like to handle this issue.

