

WARREN COUNTY AGRICULTURE DEVELOPMENT BOARD

Department of Land Preservation
P.O. Box 179
500 Mt. Pisgah Avenue
Oxford, NJ 07863

**CRONCE RTF HEARING CONTINUED
April 30, 2019**

The regular monthly meeting was held at the office of the Department of Land Preservation, 500 Mt. Pisgah Avenue, Oxford, New Jersey. The meeting was called to order by Chairman Schnetzer at 7:31 p.m. An announcement was read as required by the Open Public Meetings Act, N.J.S.A. 10:4-6-21.

Chairman Schnetzer led the Pledge of Allegiance.

Members present: Lou Baduini, Tim Bodine, Bradley Burke, Dave Dempski, Joel Schnetzer, Melissa Watters

Members absent: Mr. Menegus

Others present: C. Tierney, T. Kaminski, Staff; Steve Gruenberg, Substitute County Counsel; Theodore & Monique Cronce, Anthony Sposaro, Applicants' Attorney; Kelley Smith, Harmony Township Clerk, William Mennen, Harmony Township Representing Counsel; Harmony Township concerned neighbors.

Chairman Schnetzer stated that this was a continuation of a hearing from March, that this is the only matter of business tonight, and that he will stop the hearing at 10 pm, after which the Board will have to continue at a later date.

Mr. Gruenberg stated that the testimony of Mrs. Cronce has been completed and Mr. Sposaro was coming back to the Board with additional testimony from Mr. Cronce along with some evidence to present. Mr. Gruenberg stated that after the witness is questioned by Mr. Sposaro, the Board may ask questions, the township attorney and then the public.

Mr. William G. Mennen announced himself as representing conflict counsel for Harmony Township and that he is in full cognizance of the March 6, 2019 Harmony Township letter wherein the Township indicates that it fully recognizes this Board's function, jurisdiction, and authority to decide the matters at hand. Mr. Mennen stated he may cross-examine a witness and may, at the conclusion of Mr. Sposaro's case, have a witness of his own to present, but is entering his appearance at this time.

Mr. Sposaro stated that Mr. Mennen was kind enough to call him today to alert him to the fact that he would be representing Harmony Township. Mr. Sposaro indicated that he received a copy of a set of photographs that were taken by Dave Dempski, CADB member, from his site visit on Saturday, April 27, 2019. Mr. Sposaro believes that they accurately depict the property, but asked the Board to disregard the photo captions because he thinks some are not accurate. One photo in particular shows two trailers with a rack in between and the caption is that animals are slaughtered in between the trailers, but that is not accurate; the animals are processed to the right of this trailer and this was shown to all of those who attended the site inspections. Mr. Gruenberg stated that the photographs entered will be marked as Board Exhibit B-1. Mr. Sposaro entered a revised portion of the survey sketch as A-2 and handed copies to the Board, Mr. Mennen, Mr. Gruenberg, and the public in the audience to circulate.

Mr. Sposaro called his next witness, Mr. Cronce, who was sworn in by Mr. Gruenberg. In response to questioning by Mr. Sposaro, Mr. Cronce testified that he is the husband of Monique Cronce who testified at last month's hearing, that he was present during that hearing, that he heard her testimony and that he was familiar with it. Mr. Cronce further stated that he is familiar with the operation, that he assists his wife at times in this operation, that this was a joint enterprise between the two of them, and that he is one of the owners of the subject property.

Referring to Exhibit A-2, Mr. Cronce stated that when entering the property during the festival, visitors follow the driveway down and go past the picnic area into a parking area that is a 2 ½ acre field. Mr. Cronce stated that per a Tennessee Education website, one acre can hold 150 cars. Mr. Cronce stated that they have never had a problem with overflow parking where it does not fit into that parking area and that they have always had additional room, which is why there is a dotted line to the left of the parking area on the plan as there's extension beyond that. Mr. Cronce replied that the field for parking was in pasture with grass, but that is rocky soil, which is a good base in moist times of the year, and that the ground is very solid and adequately supports the traffic using it. Mr. Cronce stated they have never had a problem with a vehicle getting stuck either in the mud or sliding because of the terrain and that the area is mowed so there is minimal amount of grass to decrease the opportunity for sliding.

Again referring to Exhibit A-2, Mr. Cronce stated that above where the parking area is located on the plan, the processing area approximately is 830 square feet where the animals are brought off the trailer one at a time, slaughtered, and then processed between the containers. The container area holds enough that several families can process multiple animals at the same time at that point, he continued. Mr. Cronce clarified that when he says processed, he means butchering of the animals; the skinning,

butchering, cutting up, preparing it for consumption. The visitors then take the animal and hang it away from that area, or if they are leaving right then they can wrap it and take it with them in their vehicle, he explained. Mr. Cronic stated that the picnic area, the processing area, and the parking area are not visible from Esposito Road because of the topography; the areas gently slope away from the road and cannot be seen from the road.

Except to the ridge on the rear of the property no immediate neighbors to the Cronic's left or right can see any of these areas just described because the foliage and terrain restricts the vision. Mr. Cronic stated that looking from the parking area and certain areas, he can see one of the neighbor's homes that they rent a field from, but that this neighbor told Mr. Cronic that he has never noticed anything going on. In the distance on the other side, Mr. Cronic continued, the neighbor is further down and Mr. Cronic can see the back of his house, but because of the terrain the neighbor is not able to see at their level. Mr. Cronic stated that the area where the animals are processed is not visible to neighbors; that whatever visibility there might have been for the two neighbors just described is now obstructed by the trailers.

Mr. Sposaro asked if the picnic area was visible to the neighbors. Mr. Cronic stated the picnic area was not visible to the neighbors from the road and that he doesn't believe the neighbors can see the area, but that they may be able to see the tent coverings that they use. Mr. Cronic stated that there was a hoop house in the garden area and the top of that 15-foot structure may be seen. The picnic area, he explained, is in the middle of the drawing [referring to Exhibit A-2] and that the garden and hoop houses are in the middle of that area. The visitors put their areas for picnicking around that, some sit on the ground, and some bring chairs and fold out 10 x 10 covers, he continued. Mr. Cronic stated there is approximately 26,500 square feet there. Mr. Cronic stated that if there were 150 families there at the time, which would be a lot more than normal, that would still allow greater than 200 square feet per family. Mr. Cronic said he correlates the space as if going to the beach to try and find a spot to put your beach umbrella and lay on the sand, you will be crowded, but that this is nothing like that; on his farm each family has enough room to have an area, each family has enough room to walk around and talk to others, and there is a lot of room with sufficient area to navigate.

Referring to Exhibit A-2, Mr. Cronic stated above the picnic area on the plan is where the lawn area is. This is where, he explained, if the visitors choose to, they bring the bouncy houses or have the hired companies bring in the bouncy houses. Because of the height of the bouncy houses, they are sometimes visible, he stated. The groups that come are allowed to put them up there, but they monitor and supervise them, Mr. Cronic said. That is not something that we are providing and the group is responsible for them and the action around them.

Mr. Sposaro stated regarding the port-o-johns referring to the sketch, the line adjacent to the lawn area where the bouncy houses are located, are the sexes separated? Mr. Cronic replied, yes, the upper ones by the bouncy houses are normally reserved for the males, the visitors' beliefs are that the women and men should use separate and apart from facilities. The two lower ones closer to the picnic area are for the women, he explained.

Referring to the short-term parking area near Esposito Road, as shown on Exhibit A-2, Mr. Cronic replied that short-term parking was for some individuals whose intent was not to enjoy the scenery, picnic area and comradery. It is an area that a password is used for those people to park, he explained. The password is given by Mrs. Cronic and if the patrons use the correct password given to the parking attendant, then they can park there, Mr. Cronic said. He explained that the purpose for that is that they will take their animal more quickly, process it, wrap it, put it in their vehicle and leave because they are not staying for the day. So that parking area allows an easy egress for those visitors and keeps them from driving up and down the road during the festivities, he added.

Mr. Sposaro asked Mr. Cronic if there was anything else that he would like to add. Mr. Cronic stated that the holding/finishing area has some portable corralling, but that it does not define the entire area that the animals stay in. There is approximately 9,400 square feet which gives greater than 60 square feet per animal at 150 animals. He stated that is more normally what is kept in that pen during a holding time, and is not their year round living area. He stated that they live out in the barn and on the pastures; this is just a holding area to finish them that last week before the event so that people can come and look at the animals and it also makes it easier on that day using the round pen structures to corral them, get them loaded onto the trailer easily with a minimal amount of work, and that we can take them down to the processing area.

Mr. Sposaro asked if this garden or hoop house area 9,000 square feet and again what is that used for? Mr. Cronic replied that it was presently their garden with the intent to improve on that and be able to offer some vegetables and fruit from there for sale. Mr. Sposaro asked that the irregular shaped rectangle that is up closer to the road and that "y" driveway, is that your footprint of your home? Mr. Cronic replied that is the footprint of the home based on the surveyor's. Mr. Cronic also stated that there are other buildings on the property that are not specifically depicted on this plan, which are down towards the valley where the animals and machinery are kept. There is a barn and several structures that house farm equipment, hay storage and other feeding products. He explained that these are restricted from the festival activities and use. He added that they can see the top of them, but cannot see into them because of the topography, it is down below the picnic areas.

Mr. Sposaro asked what is that approximate distance from the parking area to your closet neighbor's property line? Mr. Cronic replied the parking area to the property line from the fence is 113 foot, and then from the fence area 130 foot from the parking area fence down to the closest neighbor's house. Considering that the most activity is in the picnic area, he explained, it is greater than 500 foot from that home to the picnic area. Mr. Sposaro asked with Mr. Cronic's best estimate, the car that is parked closest to your neighbor during these activities, how far is from your neighbor's property line? Mr. Cronic replied it would be at least 140 foot. On the other side across Esposito Road, Mr. Cronic stated, the property line to the neighboring house is 140 foot, but from the picnic area to the property line, it is 270 foot; so greater than 400 foot from the picnic area where the most activity is to the neighboring home across the street on Esposito. Mr. Sposaro asked Mr. Cronic if he had anything else that he would like to add. Mr. Cronic replied that he did not believe so at this time. Mr. Sposaro stated that he had no additional questions.

Chairman Schnetzer asked if any Board member had a question for Mr. Cronic at this time.

Mr. Baduini asked Mr. Cronic where did he keep the horses while the function is going on? Mr. Cronic replied that the horses were kept in the barn or in their paddock. Mr. Baduini asked, at all times? Mr. Cronic replied during the festivity and that any other time of the year, they are starting to put them out on pasture and being careful because of the green grass, the fresh spring grass, but normally, they would be out on pasture most of the day.

Mrs. Watters asked Mr. Cronic if more people were coming every year since starting in 2012. Mr. Cronic replied, no, it varies; it depends on what group and on their needs. Some years, depending on when the activity is and when the school year corresponds to it, they try to make a journey back to their homeland. So, it depends on if they can take the children with them. If they don't have the ability to travel that far, then they would do the festivities in America and that is when there is a larger group, but it varies and there are other places that offer similar services. Mrs. Watters asked if it was any day of the week or is it just the weekends? Mr. Cronic replied that it is based on the lunar holiday and backdates 10 or 11 days every year; in quite a few years from now, it will be on December 26th.

Mr. Baduini stated that after visiting the property, he noticed no refrigeration for the animals for the slaughter? Mr. Cronic replied, remember, we are not slaughtering them and we don't chill them. The visitors age them, so they hang them to let them age a little bit, just like one would a deer carcass, and then they take it home immediately or at the end of the day at the latest and then they refrigerate. Mr. Cronic added that sometimes the visitors bring ice chests, but would defer to his wife on that. In general, the animal is still hanging or aging before they refrigerate it. Mr. Cronic stated that he and his wife do not do any slaughtering or butchering, and only sell the animal to the visitors and provide a place for them to do that without fear of retribution.

Mr. Bodine asked if there was some kind of backup plan if there was torrential rain for three days in a row. Mr. Cronic stated that they have not crossed that bridge yet. Mr. Cronic stated that they bring their canopies, but torrential rain would dampen that as well; however, he does not have a true answer for that and guesses that the men might come out and process the animal quickly and take it back.

Mr. Burke asked if any food or drink was served. Mr. Cronic replied that they did not provide anything other than the picnic area. Mr. Burke asked if any fee was charged for admission, parking and the general use of the property. Mr. Cronic replied that they do not, but that they do charge for the animals - more than what one would pay at market, but that is in exchange for the use of the facilities. Mr. Burke stated then it is a retail price and asked if there were no other fees or receipts other than the sale of the livestock. Mr. Cronic replied that is correct.

Mr. Baduini asked how long they have been in business at that location. Mr. Cronic replied 7 years. Mr. Baduini asked if the Municipality has approached them about needing a special permit to do this operation on the farm? Mr. Cronic replied that 2 or 3 years ago, they received a complaint and that they have a neighbor who is not happy with their operation. He stated that she complained to the Board and with that, they wrote a letter that we need a site plan because they made her get a site plan. Mr. Cronic stated that after doing research, they found out that they are a farming entity and that their best approach was not to go through the Municipality, but rather to come to the CADB. Mr. Baduini asked Mr. Cronic to confirm that he never submitted a site plan. Mr. Cronic stated that they did not. Mr. Sposaro stated that the Municipality's letter regarding that was submitted to the Board with the original SSAMP application. Mr. Sposaro stated that there were a series of letters, one was dated from October 24, 2016 from former Zoning Officer, John Fritz, another notice from Zoning dated August 23, 2018 stating that approval is needed from the Township Zoning Board, and correspondence from Katrina Campbell, Township Attorney, September 19, 2018. Mr. Sposaro noted that those were all submitted as part of the SSAMP application.

Mr. Bodine asked exactly what date is the next event? Mr. Cronic replied the middle of August. Dave Dempski stated August 19th. Mr. Bodine stated that roughly 130 animals would be the minimum, correct? Mr. Cronic replied that he would not say "minimum," but that they hope between 100-150. Mr. Bodine asked when do you intend on bringing the rest of the animals in? Mr. Cronic replied that his wife will be purchasing them shortly and put on pasture to fatten them up. Mr. Bodine asked how shortly and Mr. Cronic replied within the next month. Mr. Bodine stated that there were 38 animals there during the site inspection and Mr. Cronic replied that some of them are breeding stock. Mr. Bodine then asked that by the end of May, there should be at

least 150 animals there? Mr. Cronce said whatever we anticipate, yes. Mr. Cronce stated that his wife would reach out to the groups to find out the approximate numbers and that they may be going back to their native countries because it is in August.

Chairman Schnetzer stated that regarding the site visit yesterday, the barn where the sheep and horses are now, is that 30' x 40'? Mr. Cronce replied 40' x 40'. Chairman Schnetzer again confirmed with Mr. Cronce that there are 38 sheep in the barn, and asked him to explain when they begin to pasture the sheep this time of the year and as the animals are brought into the property, where do they come from, are they kept separate for a few days, and are they coming as feeders? Mr. Cronce stated that he would have to defer to his wife for those answers because she handles this portion of the process. Mr. Cronce stated that when they are brought in, they quarantine the animals and have holding pens that are used with good grass on them and that they are integrated into the flock after they appear healthy. Mr. Sposaro stated that Monique was still under oath and could answer that question. Mrs. Cronce stated that she does not try to integrate them because they are boys and that she has ewes that may come into heat and have learned from experience that males will fight and kill each other, so she only keeps one ram raised within the flock together. When the others are out on pasture, they are timed so that they cannot cross and fight in the fields.

Chairman Schnetzer asked that when they start to pasture the animals, do they spend time any more time in the barn that he saw yesterday or are they out all the time? Mrs. Cronce replied that they are out unless it is a rainy day, they are usually out in the morning. She stated that she turns them out in the morning and at about 3 o'clock brings them in. She stated that if she has other animals in for the holiday, she will let them out and bring them in at dark.

Chairman Schnetzer asked that the animals that he saw yesterday, have they been out on pasture? Mrs. Cronce replied, no. She stated that they got out one day and went out into the one field and yesterday were put out. She said they start out late in the afternoon because of the wetness of the grass and the sugars in the grass. So they start with one hour out and bring them back and then two hours out and then bring them back and does that for a few days because she stated that this decreases chances of bloat. Mrs. Cronce said that she has never had the success of getting air out of sheep the same way you can with cattle.

Chairman Schnetzer asked what is the goal or rate of gain as you bring these animals in? Mrs. Cronce stated that it depends upon what size animal is brought in and she needs at least an 80 pound animal for a 90-100 pound animal at time of slaughter. Mrs. Cronce stated that she brings them in sometimes earlier and sometimes later, but she makes sure that she has them for more than 30 days from the first possibility of slaughtering time. She stated that she always tries to have extra animals and if she can she try to pick up a female or two along the way for extra breeding to bring in new blood into the herd.

Chairman Schnetzer stated that the pastures that were out away from the barn where the animals were kept, are they rotationally grazed or how do you split the herd up? Mrs. Cronce replied that the horses and sheep can graze on the same field and will chose one field and try to push them to one side of the field or the other; there is a permanent fence between the two. They have not grazed a whole lot in the back because that was alfalfa, but slowly that has been changing to grass, so they are grazing them more. It depends on how fast the field gets eaten up and how it is coming back as to how quickly they get put back on.

Chairman Schnetzer asked of that the animals that he saw yesterday, are they being supplemented as this point with any grain? Mrs. Cronce replied not grain. Until about 3 days ago they were given alfalfa hay and they ran out of alfalfa so they have been given grass hay and have been put back onto grass slowly. She stated that she is going to get alfalfa.

Chairman Schnetzer asked of the group of animals that he saw yesterday, how much hay were they consuming a day, was it dry alfalfa hay? Mrs. Cronce replied that it was dry alfalfa hay and they get 4 very large square bales of alfalfa hay per day. Chairman Schnetzer asked are these bales that you produce or purchase? Mrs. Cronce replied purchased. Chairman Schnetzer asked if they were analyzed? Mrs. Cronce stated that she never had them analyzed. Mrs. Cronce stated that she believes that the person that she buys them from has and he told her that at one point in time. She knows that her horses have done well with them and the sheep and goats are doing well with them and the alfalfa helps the mothers with their milk.

Chairman Schnetzer asked why they went from alfalfa hay to the low quality hay that he saw yesterday? Why didn't they go from the alfalfa and start to introduce the animals on pasture? Mrs. Cronce replied that because of the wetness she was afraid that they would bloat. She stated yesterday that she started to put them out, but she puts them out in the evening for an hour and then brings them back and will do that for a few days, increasing the time before they are turned out all the time. Chairman Schnetzer asked which pasture was utilized yesterday? Mr. Cronce replied the parking lot. Mr. Cronce replied that in normal years, they do get them out on pasture earlier, but the wetness of this year has held them back a little. Mrs. Cronce stated that usually from April 1st – April 10th they go on pasture and this year has been different because it has been cooler and wetter; she can't take a chance on horses running out and breaking a leg and also if it is real wet, she sees the sheep and goats slide and fall. She stated that she does not put them out if it is real wet and it tears up your pasture if it is real wet. Mrs. Cronce stated that another thing that they have done if it is rainy is that they are able to get in green chop and bring into them.

Chairman Schnetzer asked of the breeding stock that they have and use, are there any vaccination programs used? Mrs. Cronce replied that she does not vaccinate because if they are sold for meat, occasionally they are, she does not want to eat it, so she does not give them vaccines for other people to eat.

Mr. Bodine asked of the majority of sheep that are sold, are they in that 100 pound range? Mrs. Cronic stated that she makes sure that they are over 80 pounds and that she likes to sell them between 90 and 100 pounds because when they come for the holiday, they are getting a nice, large animal. Some groups like smaller animals and other times of the year an animal that is sold is only 50-60 pounds. Mr. Bodine asked at the day of your event, that is what you prefer to sell? Mrs. Cronic replied 90-100, yes.

Mr. Dempski asked if these were out of state purchases for the animals? Mrs. Cronic replied, no; she has made the mistake of purchasing out of state and has found they are not supposed to so she has avoided that. She stated that she drives a distance to get the animals. She stated that she watches for ads and word of mouth and different things to try and find a few here and a few there.

Chairman Schnetzer asked if they were in state? Mrs. Cronic replied yes.

Chairman Schnetzer asked how do you know if they are not vaccinated? Mrs. Cronic replied that she didn't honestly know other than taking the person's word. Unfortunately, you have to take a person's word, she said, and if you buy from somewhere you don't know, there is no guarantees.

Chairman Schnetzer asked if the purchasers of the animals in August ask whether they are vaccinated? Mrs. Cronic replied that they do not, but that they do ask if they vaccinate her own and she does let her customers know if the animals were bought at other places and that she does not know for sure if they were vaccinated. Mrs. Cronic added, just like she can't say if an animal has been raised on grass if she doesn't know how it started out, she can only say from the time that she has had the animal what they have received.

Mr. William Mennen, Harmony Township conflict attorney questions Mr. Cronic

In response to a question by Mr. Mennen, Mr. Cronic replied that his notations on the map [Exhibit A-2] were done with approximations using a measuring wheel. Referring to A-2, Mr. Mennen asked where the grade begins to fall off looking at the house and short term parking area? Mr. Cronic stated that it falls off shortly after the short term parking, so the upper Port-o-Potties will not entirely be seen, but the tops of the bouncy houses are visible because of the height. At the point between the picnic area and the bouncy area, he estimated there is probably a 10-15 foot drop off so the portable coverings and processing cannot be seen. Mr. Cronic explained that during the site visit there was a pickup truck parked in the parking area and, as evidenced to the Board members during their site visit, the truck could not be seen from the short term parking area.

Mr. Mennen asked if what is depicted on A-2, the parking areas and other functions that are hand written notations, are proposed to be used in the future or are what have been used, and if so, have they been used since the inception or has this been an evolution over time? Mr. Cronic replied that with very minor variation it is what was done since the beginning. In the approximately 2 ½ acres of total area used as believed at the most, at any rate, he stated, there are 25 acres on the property. If the need arises they have the capability to change it if necessary, stated Mr. Cronic, but for a multitude of reasons, this is the best they have come up with.

Mr. Mennen asked, the best that you have come up with for what sort of volume, sort of numbers? Mr. Cronic replied 150 families. Mr. Mennen replied that he thinks that having reviewed the minutes, there was testimony at the last meeting, that while there may be 130 families, there could be as many as 400-450 people on site at any given time, is that what is contemplated by A-2? Mr. Cronic replied that it would certainly support it, but at the same time, does not believe that they have that many coming on and staying. That is what the short-term parking is about for individuals coming, he said, so there may be a family member coming to purchase an animal and take with them and that would not be a family with that larger number.

Mr. Mennen asked how do you, going forward, control that number? He explained that he is asking this question because the prior testimony indicates that while the Cronces can certainly control the number of animals they're selling, there was testimony that people who come along and stay for a period of time may just be spectators or ancillary family members. So, how do you ultimately control that number to make sure, quite frankly, that it does not balloon beyond that which you planned for, Mr. Mennen clarified? Mr. Cronic replied that by working with the organizers and explaining to them that is not the purpose or intent and asking them to work with us. He added that because of the prejudice that they see in this nation presently, they are more than willing to work with us to the definition that we give because they recognize that there are people out there that do not care for them and do not want them and, thus forth, they are very pleased that we offer them an opportunity and a place to do this.

Mr. Mennen asked if Mr. Cronic had a level of comfort that the organizers can control those numbers? Mr. Cronic replied yes, and they know that if they didn't that they would not be allowed or invited back the next year. Mr. Mennen then said to Mr. Cronic, you feel that you have the ability to give them parameters that they should not exceed, is that correct? Mr. Cronic replied, correct.

Referring to prior testimony regarding the sanitary facilities, the Port-o-Potties, asked if it would be accurate to summarize that there is not a mathematical formula, per say, that is used, but rather the Cronces contact the supplier to find sufficient amount based on attendees expected? Mr. Cronic replied, yes; their business is to rent Port-o-Potties, so if they can rent us 20, they're

making more money. He stated the number is given to them with anticipated participants and we let them know that there is no alcohol that is brought on the premises or offered or drank there. So, thus forth, he said, there is no problem associated with alcohol in many events and, at the same time, that decreases the amount of use for the Port-o-Potties.

Mr. Mennen asked if Mr. Cronic has ever consulted with any other entity, Board of Health or otherwise to get their input as to whether or not the number of sanitary facilities that is being provided is sufficient? Mr. Cronic replied that they have spoken with the Board of Health. Mr. Mennen asked if they had given an indication that they felt that it was sufficient. Mr. Cronic replied that they found no problem with any of their practices that were being done in entirety.

Mr. Mennen stated that the driveways do not appear to have been done by a surveyor and asked if they are hand additions? Mr. Cronic stated, correct. Referring to the driveway into the property from Esposito Road, Mr. Mennen asked how would Mr. Cronic characterize the width of that access driveway in terms of the ability to handle two cars passing each other? Mr. Cronic replied from the point of inception of where it enters off of Esposito Road to just past the short-term parking, it easily handles two car widths. From there on down, there is a pull-off area, he said but any rate going down to where you see the curve into the field, is more or less one vehicle, but is fully seen from either end. Then down around, it really is open field, at that point, except for the gate into the parking area and all of that can easily maintain two vehicles, he said. At the same time, something that is not drawn here, is the other gate, he added; there is another gate between the lawn area and the picnic area right up pretty close to the driveway, and as explained to the Board members, that is left open all day long for people to be able to walk up and back to the bouncy area. But at the same time, he explained, there is nothing set in that pathway, emergency vehicles could easily enter if they needed to and also can offer additional grass if needed. And remember, he said, Mrs. Cronic is driving the truck with the trailer where the animals are loaded in the holding or finishing area and she makes a turn and comes back down into the field with the dooly and an 18-foot trailer and she is easily able to maneuver that so the driveway is kept clear for that purpose.

Mr. Mennen asked what is the material of the driveway, gravel? Mr. Cronic replied it was gravel and stone.

Mr. Mennen asked Mr. Cronic about the study he referred to earlier regarding parking and Mr. Cronic responded the study was by Tennessee.edu where they specify one acre will support 150 cars easily parked in a way that each can get out. Referring to the area drawn on A-2, Mr. Cronic said it was greater than one acre and the actual entirety of the field which is not shown to the left would be 2.5 acres. Mr. Mennen stated that Mr. Cronic has ascertained that again by either walking it out or using the measuring wheel? Mr. Cronic replied no, the field size is 2.5 acres based on the NRCS survey when they helped put up the fence.

Mr. Mennen asked beyond this study that Mr. Cronic found online, has there ever been any other input with regard to sufficiency of parking on the property? Mr. Mennen stated that from the last hearing minutes, the Cronics committed to going forth to provide a report and apply for a special use application permit with the Township 30 days in advance. Mr. Cronic replied, no, because we have never had a problem with the parking. Mr. Mennen asked if there have ever been instances where there have been vehicles parked on Esposito Road as opposed to having been parked exclusively on the property? Mr. Cronic replied to the best of his knowledge, that they have not been parked on Esposito Road, if they had it was not with our permission or intent and they have always told them to park in the parking area unless it was short-term. He stated that they cannot control everybody, just as someone wanted to come out to their property and they wanted to park on Esposito Road, he could not stop someone.

Mr. Mennen stated then Mr. Cronic may or may not be surprised if someone were to be able to offer testimony that there have been instances where there was parking on Esposito Road? Mr. Cronic stated that if someone wants to state that they can, but to the best of his knowledge, they have never had a participant park on Esposito Road. If they did it was time for a vehicle to leave and then to go on or something. He doesn't know the circumstances because he doesn't know of any time that it was done.

Mr. Mennen stated that in regard to parking, Mr. Cronic can't enforce or make people meet his dictates all the time, there was testimony that there would be at least one individual at the entrance to property, situated at the end of the driveway, correct? Mr. Cronic replied, yes. Mr. Mennen stated that that person would be in charge of directing incoming traffic and if there were parking taking place on the roadway, they would instruct them, what? Mr. Cronic said that if they were one of the participants, they would instruct them to move. Mr. Cronic stated that he knows that he has individuals who are unhappy with this and suspect that they may have been the ones parking on the road because we would not allow them on our property.

Mr. Mennen asked how many people do they anticipate on having wearing vests to direct traffic, one, two, three? Mr. Cronic stated that the orange vests are the ones that help us oversee the operation so there would be one up at the roadway parking and may be multiples down in the picnic area and other areas who are helping to maintain the flow and make sure that people are enjoying the agritourism offered.

Mr. Mennen stated and those people who are directing traffic, those people are not members of your family nor employees, but affiliated with the visitors to the property, correct? Mr. Cronic stated correct and that they are very appreciative to their offer and attentive to making sure that the operation goes well.

Mr. Mennen stated, but other than the ability to return, or be uninvited from a future year, you have no control, they are not employees or family members, correct? Mr. Cronic replied that Mr. Mennen was correct that they are not employees or family

members, but will offer that they can be dismissed from the property immediately and would certainly not hesitate to do that if there were a problem.

Mr. Mennen stated that speaking with the potential for confusion as people enter the property, confusion, that hopefully, will be cleared up by the individuals in the orange vest, correct? Mr. Mennen stated that there was some discussion at the last public hearing that there was to be a signage plan developed to ensure that people entered into the correct location, understood where they were going, and how to get there. Other than the mailbox which has a street number, what sort of signage is there or has there been up to the point of these gathering, he asked? Mr. Cronic replied that they have a vocal neighbor which dislikes the operation and for that reason they have tried to minimize her being upset by advertising it, knowing that a lot of what is going on, is driven by her, and the agreement that we had at the last meeting, we will now put up signage indicating that this is the driveway and with her permission and agreement, we can put signs up near or on her property indicating that it is not the proper property and any of the other neighbors that would like us to do so. He stated that he was more than willing to do that. If the signs are destroyed by the people that are unhappy than we cannot stop that, but we are willing to put signs up, he added. As far as on the property erection, we've had signs, but they are not aware of that, but nobody else is aware of that other than the participants because they see it. The people on the road don't.

Mr. Mennen asked if he would be mischaracterizing his testimony, not trying to be argumentative, just trying to understand, for a variety of reasons, that which was being placed on the record at the last public hearing, is there an acknowledgment that the signage could be clearer? That it could be more instructive to visitors to the property going forward? Mr. Cronic replied, yes, and we will endeavor to do that and meet the needs of those coming in so they can more easily find it.

Mr. Mennen asked Mr. Cronic would they be amenable to signage that would indicate that parking is prohibited on the roadway should somebody disregard either your instructions to the guide or just not knowing better and park on the side of the road? Subject to the town being it in rights-of-ways or otherwise that that was acceptable, would you be amenable to that? Mr. Cronic replied knowing that Mr. Mennen represents the Township, that he would offer, knowing that it is a public roadway, Harmony Township does own and maintain that road, he would suspect that they may fall under their jurisdiction to put signs to that effect and at that point, Mr. Cronic would be more agreeable to making sure that seeing someone coming to their property, to explain that, no, that is not allowed.

Mr. Gruenberg wanted to clarify the no parking on the roadway, that was not intended to be a permanent sign, it was referring to a temporary sign during an event, correct? Mr. Mennen replied, correct.

Mr. Sposaro asked if the municipality was willing to post signs because he believes that they do not have the authority or jurisdiction to regulate who can park on that road. It is a public road, and otherwise, there are no signs that prohibit parking, but would have no objection if the municipality wanted to put a sign that read, "Special Event – No Parking".

Mr. Mennen stated that he thought the cooperative nature of the answer was all that they were really looking for at this junction.

Mr. Mennen asked if during the slaughtering, do they ever have participants who come to the gathering who don't themselves slaughter an animal, but ask Mr. Cronic to perform that function instead? Mr. Cronic replied, no, we do not ever do that.

Mr. Mennen asked when does Mr. Cronic feel that the farming or agriculture activity ends, when the animal is sold to the customer or when they are preparing the animal, eating the animal, or picnicking on the property? When does the agriculture activity end? When are they then simply taking the produce they have acquired and doing it with what they will? Mr. Sposaro objected to the question and believes that it is a loaded question and an unfair question, it is like asking a person once they pick an apple from a tree, does the agriculture end the moment that apple was plucked from the tree and they bite into it? He stated that he thinks that we are splitting hairs that don't exist. Mr. Sposaro stated that from beginning to end this is an agricultural operation.

Mr. Mennen stated that he would only offer, and the witness if free to heed the advice of his attorney and not answer the question if he so chooses, but the applicant is seeking protection and the question is one of the bounds of those protections and when did those protections begin and when do those protections end. That is a question, addressing the Board, for them to wrestle with, not the town because that is the Board's purview and jurisdiction. Mr. Mennen clarified that it was not a question but a consideration for the Board going forward.

Mr. Mennen stated that once the visitors to the property have acquired the animal, there was testimony that many of them stay and cook the animal onsite, is that correct? Mr. Cronic stated, yes, correct. Mr. Mennen stated that is exclusively done on grills that are brought on to the property, BBQ grills, open flame? Mr. Mennen asked what if any open flame cooking do you permit or occurs after the gatherants have acquired the animal? Mr. Cronic replied that we allow them to use an approved commercial grill with charcoal. There are ready sources of water and it is one of the purposes of the gentlemen in the vests to make sure that everything is done safely, he said. He stated that it was their property and wanted everyone to go home after enjoying a day that they would not normally get and we want our property to be safe, too.

Mr. Mennen stated that they allow that type of grill, but are the other types not allowed, an open flame? Mr. Cronic replied, yes.

Mr. Mennen asked about the what kind of lighting was used because given testimony from prior hearing, most everyone has left before dark. If happening in December in an upcoming year with shorter daylight, will that require Mr. Cronic to bring in lighting that will aid in the enjoyment of the property that has been described? Mr. Cronic stated that he has not made plans for that time and is not prepared to answer that. He stated that if they did put up lighting, they would be respectful of all the zoning laws and requirements. All activities that they do, they do their best not to disturb or upset any of our neighbors as we would ask them to for them as we would do for them when they're having activities.

Mr. Mennen stated that at this point, this concluded his questions.

Mr. Sposaro wanted to clarify one thing from last month's meeting after going over the minutes, the AMP that they are guided by is the farmer's option to submit either an event management plan 30 days in advance or if the municipality has an ordinance to require to apply for an assembly permit that is his client's option and have indicated that they will be submitting an event management plan to the municipality at least 30 days in advance of the event.

Public questions Mr. Cronic

Chairman Schnetzer asked at this time, if there was anyone from the public to question Mr. Cronic.

Julia Sudylo, Phillipsburg

Ms. Sudylo asked what fire management is provided, can a concrete base for grill be installed to prevent wind-swept fires? Mr. Cronic replied that concrete or permanent structure would not be able to allow them to continue to have the grounds as agriculture. As far as wind-swept, if that were the conditions of the day, the ground too dry, or any risk, it would not be allowed. They would then only be allowed to process the animal and take it home and any food that they were going to consume, would have to be done prior to coming.

She then asked, with regards to the slaughtering, is it packaged and taken away? Mr. Gruenberg stated that it was answered at the last meeting. Mr. Cronic stated that his wife answered it at the last meeting and stated that they take a lot of the by-product with them. They consume a lot, more than we do, as Americans.

These animals, according to you, are for human consumption, partially on the property, partially given to the poor, how healthy are these animals and what can be provided to ensure that these animals are fit for human consumption, she asked? Mr. Sposaro stated that it was beyond the purview of this Board. Mr. Gruenberg stated that he thought that this was in relation to Chairman Schnetzer's questions about whether animals had been provided any type of shots before and thinks that the question had been answered previously. Mr. Cronic stated that you could see that they were healthy by their general demeanor and they don't get any antibiotics in the required amount of time before slaughter. They eat grass and have gotten very good reviews on the taste of the animal.

She asked, when you have this event that has over 100 cars, is the fire department notified to have an ambulance on standby? Mr. Sposaro stated that he did not know what has been done previously, but going forward, we will be submitting an event management plan and first aid, fire and police will be put on notice.

Have you ever requested a permit from the township for these activities, she asked? Mr. Gruenberg stated that that question has already been asked and testified to.

Katie Tolkacz

Ms. Tolkacz asked who are the people that come and where are they coming from and how long are they there? What weapons do they have to slaughter and kill animals? Mr. Sposaro stated that they are members of the general public. Mr. Cronic stated that they are not weapons.

Mr. Gruenberg stated that at the last meeting, testimony was provided in detail about who these groups are and what cutlery they may bring, so all of that testimony has been provided to the Board at the last meeting.

Will safety monitors be installed to make sure the weapons will not get out of control? Mr. Sposaro stated that the answer is no.

Bill, River Road, Harmony Township

Bill asked, if I understand this religion, you cannot be there for the slaughtering, is that correct? As he understood, infidels could not be present during the slaughter, is that true, he asked? Mr. Cronic stated that he was in the proximity of it, he doesn't care to watch it. Mr. Sposaro stated that question was, was there some religious prohibition to his clients being present or in close proximity to the slaughtering. Mr. Cronic stated that he has seen the animals slaughtered and they do not suffer. Mr. Sposaro asked Mr. Cronic again if there was a prohibition to him seeing the religious slaughter? Mr. Cronic stated that he did not know of any. Mr. Sposaro asked if Mr. Cronic was ever told that anyone ever had a problem with them witnessing? Mr. Cronic replied, no.

Mr. Mennen called as a witness, Kelley Smith, Harmony Township Municipal Clerk
Mr. Gruenberg swore in Ms. Smith to give testimony.

In response to questioning by Mr. Mennen about her employment, Ms. Smith replied that she was employed by Harmony Township and is also Township Administrator; she further stated that that she has held the Clerk's position in 2004 and the Administrator position in 2016 and is the Land Use Board Secretary since 2007. Mr. Mennen stated that in her capacity as a Township Administrator and Clerk, does she interact with members of the public? Ms. Smith replied every day. He asked if she received phone calls or visits from concerned citizens. She replied, yes. He asked if she ever received complaints or expressions of concern regarding the Cronic's farm on Esposito Road? Ms. Smith replied, yes. Mr. Mennen began saying, "In general terms..." at which point Mr. Sposaro objected on grounds of hearsay to Mr. Mennen asking the witness to generalize what those statements are. Mr. Sposaro stated that he that is particularly improper, not only because that becomes the witness's summary, but because he does not have the opportunity to cross-examine the individuals who made those statements. Mr. Sposaro added that he does not know the accuracy of the summary and does not have the opportunity to ask questions of the people who allegedly made the complaints.

Mr. Gruenberg stated that while Mr. Sposaro gave his arguments with respect to the testimony, the rules of evidence are not strictly adhered to during these types of Board proceedings. The Board can give the weight the credit they think it deserves, he explained, but he does not think that this question is particularly improper. Just because something is technically, hearsay, under this type of scenario, he does not think it should be barred from the Board.

Chairman Schnetzer asked that Mr. Mennen give a little deference to Mr. Sposaro's concern to and utilize what Mr. Gruenberg shared with the Board and pin this down a little tighter.

Mr. Mennen asked Ms. Smith if she ever received complaints regarding noise at the subject property? She replied, I have. He asked if she ever have received complaints regarding parking around subject property? She replied, I have. He asked if she ever has received complaints regarding expressions of concern regarding traffic issues generally around the subject property? She replied, yes, I have. He asked has she ever expression of concerns or complaints concerning the trespassing on neighboring properties of visitors to the subject property? She replied, I have. He asked has she ever received complaints or expression of concern regarding the welfare of animals on the subject property? She replied, I have.

Mr. Mennen asked Ms. Smith to describe Esposito Road. Ms. Smith replied that Esposito Road was a small rural road like most roads in Harmony Township are; it is wooded on some of the area, with farmland. It is tight, she said, and explained that she has hauled horses back there in and off of that road. She stated that it is not a very wide road and does not think that it is travelled that often other than for the equine facility and the residents who live on the properties along the road.

Referring to the specific section of Esposito Road where the Cronic farm is located, Mr. Mennen asked what is the road topography, straight or curved? Ms. Smith replied that it was curved, not a sharp curve, but it has bend in it. He asked if it would be fair to say that it is on a curve in the road? She replied, yes. He asked her to describe the surrounding neighborhood, surrounding land uses. She replied, agriculture, some small homes, a couple of larger homes in the area, some properties have cattle, the Cronic's have their livestock, then the Equestrian Center; she doesn't frequent that area often, but that is what she has observed.

Mr. Mennen asked if Ms. Smith has ever investigated the received expressed concerns or complaints herself? Ms. Smith replied that at one time, she did go out to site to follow up on several concerned phone calls.

Mr. Gruenberg interjected at called for a five-minute break at the request of Mr. Sposaro.

Chairman Schnetzer called the meeting back to order.

Mr. Mennen stated that they were in the middle of a question concerning whether Ms. Smith had ever investigated any of the complaints or expressions of concern she had received. Ms. Smith replied one time, this last fall, September of 2018, numerous phone calls were coming into the office, as a public servant, she went out to investigate the scene and invited her road department supervisor to go with her and they went in the Township Road Department truck that clearly states Harmony Township on it. She stated that when she got near the Cronic property on Esposito Road, she did notice some type of activity going on; they did see vehicles parked in the short-term parking area according to the map and a few out on the road. She believes that the short-term parking was full, a horse trailer was parked there, there was a tarp in the area hanging, and people milling around. She stated that she stopped in the road and did not get out of the truck as she was approached by Mr. and Mrs. Cronic to see if there was a problem. She stated that she was there to follow up on complaints that they have been receiving at the Township office and to see what was going on, to take a look with their own eyes to see if anything had to be pursued at that point, but she left after being advised that it was a private party.

Mr. Mennen stated, to clarify, you indicated that there were vehicles parked on the side of Esposito Road? She recalls a small silver car parked heading out of Esposito Road. He asked, one vehicle, five vehicles, ten vehicles, twenty vehicles? She stated, that she believes that it was just one.

Mr. Mennen asked her if she saw anybody at the end of the driveway directing traffic in and out of the Cronic farm? Ms. Smith replied that she did not recall seeing anyone at that time. She thinks that the Cronic's came up from their home area out through the wooded area in front of their property to approach the vehicle, but she does not remember seeing anyone else.

Mr. Mennen indicated he would like Ms. Smith to clarify her "milling around" statement, and asked was it on the roadway, adjoining properties, or exclusively on the Cronic farm? Ms. Smith replied, at that time, it was just on the Cronic farm.

Mr. Mennen asked whether the entrance to the Cronic Farm is well marked, as it is now without the additional signage that has been contemplated and promised? Ms. Smith replied that it was your typical, residential driveway and believes that they might have a sign that has their number on it.

Mr. Mennen asked whether, viewing the activity that day as a Township official did anything cause her any concern? She replied, that when she was viewing that day, she did see smoke in the area but did not know exactly what was taking place as she was not on the property. As a Township official, her concern was that there was a lot of activity on that road, the type of activity taking place was kind of out of the ordinary for the area and new territory for her to be observing, and so she brought it back to the governing body as to what was taking place and that is when the Township Zoning Officer was asked to follow up.

Mr. Mennen asked Ms. Smith if there was anything else that she wanted to add about the property or the event that she witnessed. Ms. Smith replied no, other than now after looking at the map, she did see the facility where the slaughtering was taking place. There were cars coming and going on the road. When we did exit the road, we did pass several cars with out of state license plates, a taxi, and a lot of unusual activity which was not typical for that area.

Mr. Mennen stated that he had no further questions.

The Board questions Ms. Smith

Mr. Dempski asked, as the Township Clerk, do you record your calls in an official format when you receive them? Ms. Smith replied, no. Mr. Dempski asked if any of the calls were referred to the zoning officer for appropriate action? Ms. Smith replied, yes. Mr. Dempski asked how did she involve the zoning officer, was it via email, a letter? Ms. Smith replied, that she believed that it was at a Township meeting he was advised to take a look at what was going on and on several occasions there have been emails back and forth and depends upon the time and the activity.

Mr. Dempski asked if any of these reports were reported to the State Police. Ms. Smith stated that she knew that they were reported and that the State Police was called to the site.

Mr. Dempski asked her if she was aware of any ordinances that Harmony Township has for prohibiting parking on a public roadway, Esposito Road? Ms. Smith stated that she did not know, she would have to look through the code book to see what parking regulations are on that street. She does not believe that there is.

Mr. Burke asked Ms. Smith, when she visited the Cronic's farm, what time of day was that? Ms. Smith replied that it was early afternoon. Not necessarily in the morning, when there might have been a rush of people, Mr. Burke sought to clarify? She replied, no. Mr. Burke asked to confirm that she said she saw some people leaving? She said yes, it was later in the day.

Mr. Burke asked Ms. Smith if she had asked the Cronic's if they could enter the property? Ms. Smith replied, no. Mr. Burke asked if she had intent to go onto the property. Ms. Smith replied, no. Mr. Burke asked about the unusual activity that she referred to, does that mean something suspicious, criminal, or just out of the ordinary traffic? Ms. Smith replied out of the ordinary; she remembered seeing tarps hanging and the smoke billowing and she did hear music, but it was not loud, just a lot of milling around.

Chairman Schnetzer asked if there were any more questions by the Board.

Mr. Sposaro stated that he had no questions.

Chairman Schnetzer asked if the public had any questions for the witness.

The public questions Ms. Smith

Patricia Carlin-Wilkens, Esposito Road, Harmony Township

Ms. Carlin-Wilkens asked when Ms. Smith receives these complaints from people, or telephone calls of concern, are they all from her (Ms. Carlin-Wilkens)? Ms. Smith replied, no.

Katie Tolkacz, Washington

Ms. Tolkacz asked whether anyone from that Elementary School has ever called with questions or concerns regarding lingering guests that have not left? Ms. Smith replied, no; she has not received a call.

Chairman Schnetzer asked if there were any more questions from the public for Ms. Smith. There were none, so at this time Chairman Schnetzer opened it up for public testimony.

Public Testimony

Patricia Carlin-Wilkens, Esposito Road, Harmony Township

Mr. Gruenberg swore in Ms. Wilkens. At this time, Ms. Wilkens wanted to read her letter submitted to the Board into testimony, but first wanted to acknowledge that she did make a mistake when she spoke at the last meeting, that her goats were out when Mrs. Cronic first moved in, but she had stated that they were never out at the prior right to farm hearing. Ms. Carlin was concerned about the traffic on the road, she has the traffic coming in from the horse farm and problems with trespassing by their customers. She stated that the letter that she gave the Board was concerned with traffic safety on Esposito Road was a one lane dead end road and that it ends at her Equestrian farm. At one time, Esposito Road connected to River Road and GPS brings attendees to her front gate 200 feet up the driveway from River Road and festival attendees try to open her gate and it happened last year on 9/12.

She stated that her liability insurance does not cover festival attendees, only her customers who board their horses with her. She is concerned that the first person bitten by one of the horses will entail a lawsuit. Her customers do not want anyone touching their horses unless it is an emergency situation. Her customers, and some are in the audience, must use Esposito Road for horse trailers because the sight distance on River Road is dangerous due to the hill to the left of her driveway and the drivers cannot see anyone until it is too late.

She has been on her property since 2008 and the Cronces moved in around 2012 and the festival has been going on since then. It has gotten bigger every year. Ms. Wilkens stated that she was required to do a traffic study for Esposito Road because of 30 horse stalls in her barn in which she rents out. Her neighbor, Dennis Kardos, thought that the road could not handle the increased traffic. She did the traffic study for 30 horse trailers and the festival attendees are in the hundreds as in the 2018 festival. She stated that the zoning officer, Joe Rossi, saw no less than 200 people and left the property immediately because the festival was in progress. The festival and the sale of animals has been going on since 2012.

The traffic on her farm, to operate it as a commercial business on a residential road, where she obtained a variance to open a horse farm and conduct her business. She stated that she has roll off containers to recycle the manure to Down to Earth Farms that complies with the Warren County Board of Health Manure Plan. She has approximately 30 horses and 1,500 pounds of manure a day that goes into containers. Tractor trailers come in to remove and transport the 30,000 bushels of soybeans and grain bins that are now leased to Down to Earth Farms. Tractor trailers deliver the shavings, flat bed trailers deliver round bales of hay. There are three deliveries or more a week of hay. Garbage pickup is once a week. Ms. Wilkens stated that she did a site plan, worked with the Township Engineer to build a barn, a riding arena, a parking lot, a retention pond. She moved into that area, did not come to this Board, she notified her neighbors about her intentions and some people were not happy. Dennis Kardos has small children at the time and was concerned for their safety with all of the increased traffic to her property and the possibility of a horse getting loose and hurting his kids. Ms. Wilkens respectfully asked the WC Department of Land Preservation to inspect the road and they did.

She stated that she personally thinks that a festival of this size that has the ability to continue growing should be held in a venue that can handle hundreds of people with bathroom accommodations and bigger parking areas. She stated it would make more sense to have the festival at the Warren County Fairground or the Township park. She has had concerns in the past with the Board of Health, because she stated 25-30% of the animal that is slaughtered is waste. She is a farm girl from a dairy farm in Pennsylvania. She stated that a lot of her customers were unhappy as at one point, a lot of animals after the slaughtering, were hanging on metal bars. A lot of her customers are unhappy, they complain to her or to Sachi McDowell, barn manager. She stated that she has no problem with the people that go there or their religion. Her customers are like the United Nations and does not want to be accused of prejudice. She thinks that it is terrible to bring up religion, as she is married to a Jew. She has customers that have legitimate concerns. She stated that at the last event she lost her temper from people being on her property, they (the Cronces) came out screaming at her and called the State Police to arrest her (Ms. Carlin-Wilkens). Mrs. Cronic's son gave her the finger the other day; she does not want a war on that street. She stated that the State Police are tired of this, that the Harmony Township Zoning should do its job; they (the police) are called out to keep the peace, not to decide zoning issues. Mr. Gruenberg stated that the letter was marked Wilkens 1.

No one had questions for Mrs. Wilkens.

Heather Hutchins, Port Murray

Mr. Gruenberg swore in Ms. Hutchins who stated that she was a friend of Mrs. Cronic and a client of hers, having received cats from her for her autistic son. During Spring Break, she brought her son to the Cronic farm and Mrs. Cronic showed her son how to deal with the horses and the sheep. She stated that there were no safety issues there and that she (Mrs. Cronic) is very blunt and to the point of what she expects of anyone on her property. She stated that her son was upset because a few cars were stopping by the driveway while they were there and a silver SUV had gone back and forth 5 times in 20 minutes. There was a

gray truck parked across the street from her property and it upset her son. Those are the only concerns that she has. They are good friends with the family and have nothing against anyone else in the neighborhood. Her son has a short attention span, but when he can identify a vehicle going slowly by a property, that is disturbing and asked if that was stalking.

No one had questions for Ms. Hutchins.

Sachi McDowell, Easton

Mr. Gruenberg swore in Ms. McDowell who stated that she runs her business out of Mrs. Wilken's barn and has been there since 2013. It is a very nice, quiet business with about 30 customers, she said. She stated that they are very conscientious about going up and down the road, they all have children and they do ride their horses up and down that road. Ms. McDowell's concern is in the past, when the festival has taken place, even though that they have stated that you cannot see things, you can. She stated that she has had customers complain to her and has to tell her young daughter to avert her eyes when driving past. Just this last year, they witnessed a dead animal being dragged across the front lawn. She has had to warn customers to go slow and try not to look and have had visitors on a couple of different occasions.

She stated that her job as managing the facility is to keep the horses safe, to keep the client's possessions safe. When people wander onto the property and up to the horses, it is not okay because there are no trespassing signs, there are private property signs up and down the road. She did approach a couple of different people on one occasion and stated that this was private property and they said, "No, no, this is a public park". She instructed them to leave as their hands were on the horses, and as Mrs. Wilkens has stated in the past, if one of these animals bites one of the festival attendees, who's to say that they are not going to get sued. She stated that they both hold insurance to try and dissuade any of that from happening. She stated that at one time, she also had someone come into the barn and asked them to leave and it made Ms. McDowell uncomfortable. This has nothing to do with race or religion, but it does make her clients uncomfortable. They don't know these people and there are a lot of small children on the farm and would like to try and keep the quiet family atmosphere. She does understand that people do get lost, but does not want people coming into the barn and onto the farm property. She stated that they have had several people come in and say that they were lost, that they don't know where to go, but this has been an ongoing thing and has seen cars parked on Esposito Road. Near the Cronic farm, the road becomes one lane. She drives a very large gray truck and goes very slow. She stated that Mrs. Cronic has been very nice to her in the past, that she has nothing against her, nothing against what they are doing, she just wants to run her business without any interruption and feels that if she has to run her business legally and responsibly, then everyone else should do so.

No one had questions for Ms. McDowell.

Mr. Pernini asked if there was a manure plan. Mr. Sposaro stated, yes, they submitted self-certified plan as part of the application.

Robert Pernini, Esposito Road

Mr. Gruenberg swore in Mr. Pernini. Referring to Mr. Cronic's testimony, he stated that he was in charge of the event, but also stated that the organizers are in charge of the event. So, which one is the competent person on site in charge, he asked? Mr. Gruenberg stated that those questions have been asked and answered a couple of times, but now is your time to provide testimony to the Board. He stated that he was not happy with the SSAMP application at all, he has people knocking on his door at 6:00 in the morning on the day of the event and the event does not end until 9:30 – 10 o'clock at night and he has to listen to loud music all day long. Mr. Pernini stated that he has had Mrs. Cronic's steers trespass on his property and helped her get them back. There were men in white robes chasing the animal from 11 o'clock in the morning until about 4:30 in the afternoon until it was finally caught and its throat cut. Behind my house, alongside my house, on Mrs. Wilken's property; he doesn't want to live that way, he doesn't know who these people are.

No one had questions for Mr. Pernini.

Katie Tolkacz, Washington

Mr. Gruenberg swore in Ms. Tolkacz who stated that if this festival continues, her biggest concern was that it should be stated somewhere that the Elementary School receives notification so that parents are aware that this is taking place. She stated that she does not need people running around that area with weapons or knives and slitting throats of animals on properties anywhere. She stated that there is an Elementary School within a quarter of a mile around the corner. We can't live like this. We cannot have this in our town. If this is so innocent, this festival, then why isn't the whole town notified? We have to look out for our children.

No one had questions for Ms. Tolkacz.

Raymond Raub, Harmony & Lopatcong Township

Mr. Gruenberg swore in Mr. Raub who stated that the Ag Board has a big problem here and ag anymore is painted with a wide brush. Everybody wants to put it under ag. He stated that he thinks the Board should think about when that animal becomes another person's animal and not agriculture. He stated that in the State of New Jersey, when an animal is slaughtered, it belongs to the producer until it is slaughtered; once it is slaughtered, it belongs to the other person unless you have USDA certified on that part. He believes that Board should have the answer to where ag stops and where you sell animals.

No one had questions for Mr. Raub.

Mr. Pernini stated that trespassing is a problem. They've had people down behind the back of their barn. A few years ago, three young kids from her event tried to crawl underneath his fence in which a 2,600 pound bull was located in his pasture. If the bull wasn't such a docile animal, something really could have went wrong and Mrs. Cronic caught it just in time and yelled at them and then they left. The trespassing is a big problem, it is not a contained event.

Ms. Smith stated that she had a statement to enter on behalf of the Township. Mr. Sposaro objected that without even reading it, the municipality submitted a letter and was introduced into evidence, this witness previously testified, and now to give a statement at the end is beyond the scope of what is contemplated here. This is time for the general public to come up and give statements, not for people who previously sworn and testified, and subject to cross-examination to just get another bite at the apple, Mr. Sposaro urged. Mr. Sposaro stated that he has not even read it, but he states that it has gone too far. Mr. Mennen stated that the letter is not a letter per se; it is a list of issues, considerations that the Township would like the Board to consider in its deliberations. Mr. Gruenberg stated that the public comment should be finished then both attorneys would have an opportunity to make a statement at the end before the Board and those considerations can be raised at that time as opposed to recalling this witness.

Dennis Kardos, Esposito Road

Mr. Gruenberg swore in Mr. Kardos. Mr. Kardos referenced Wikipedia as it refers to Agritourism as it is defined most broadly, involves any agriculturally based operation or activity that brings visitors to a farm or ranch. Agritourism has different definitions in different parts of the world, and sometimes refers specifically to farm stays, includes a wide variety of activities, including buying produce direct from a farm stand, navigating a corn maze, slopping hogs, picking fruit, feeding animals, or staying at a bed and breakfast on a farm. Then he stated, that if you go to a festival on Wikipedia, a festival is an event ordinarily celebrated by a community and centering on some characteristic aspect of that community and its religion or cultures. Mr. Kardos stated that the Ag Board needed to decide if it was agriculture or festival. We have all referred to it as a festival, at the prior meeting, at this meeting, it is a festival. People are coming from everywhere, not the community, as testified by the Cronic's. New York, Pennsylvania, Connecticut, Maryland, Delaware, who knows where, so there are coming from everywhere, but the community, which is fine, but it is not agriculture. Mr. Kardos stated that they testified last time that school buses are not brought in. He stated that his wife was bringing her children to the bus stop and got ran off the road by a school bus going to their festival. He does not know what the number of people on a bus is, but he states that it is masses of people coming onto this property. If they are not being totally truthful about what is happening there, they are sugar-coating it with agritourism. He stated that basically, they are bringing animals in for the event, and making their money, which everyone has a right to, but it is not being raised there. Agriculture should be raised for a period of time, he thinks that it is a fine line, maybe, but the Board needs to decide if bringing an animal in a month or two months before is really agriculture on that property. He stated that he did not know because he was not a farmer, but he doesn't think that it is. Mr. Kardos believes that the animal should be raised there and then sold. He stated the other issue is their plan to dispose of whatever carcasses are left, there is an odor that you would not believe coming from that property after an event. He stated that they can testify to what they want to, but his children cannot walk down the road after one of those events because of the odor emitting from their property. He stated that he has to close his windows because it is bad when the wind blows and also has to smell horse urine and manure from the horse farm, but it is not like smelling rotting flesh. He stated that it is something that the people on that road has to live with. If the Board decides that it is agriculture and the festival has to go. He believes that a decision should be made by the Township, he would like to see the proper permits and have them adhere to state laws.

No questions for Mr. Kardos.

Greg Petty, Harmony Township

Mr. Gruenberg swore in Mr. Petty who stated that he has a small farm up on Marble Hill Road and said that all he has to do was go out and buy a steer and everyone can come to his party and he will charge people to buy a piece of that steer and he can do anything that he wants, put up bouncy houses, have carnival rides? It can get out of hand. He stated that the decision made by the Board will snowball down the road. He stated that if you are running an illegal butcher shop, you are running an illegal butcher shop. It is what it is, let's not sugar coat it with something that it isn't. Mr. Petty asked whether you are making money from animals that you did not raise or charging admission, is there really a difference?

No questions for Mr. Petty.

Julia Sudylo, Phillipsburg

Mr. Gruenberg swore in Ms. Sudylo who stated that she goes down the road three or four times a day because she helps Mrs. Wilkens with her horses and her animals. She stated on one occasion, she was on Esposito Road trying to make it to the Equestrian Center and spent a good 20 minutes behind 3 charter buses and several cars, one had a Florida license plate, one had a Connecticut license plate. The charter bus in front of her got tired of waiting and started to walk up the road and one of the children approached Mr. Pernini's bull and now, by this time, three busloads of people are now walking down this road. She stated the bull came over and the child wants to touch that bull and the fence is electric, but the bull has broken the fence several

times. She thought how was she going to jump out of her car and prevent that bull from goring the kid. She stated that Mr. Pernini has a right to have that bull, but he had to move it to someone else's property over safety concerns from this event. Mr. Pernini lives exactly across from Mrs. Cronce, is that fair that he had to do that? She stated that Mrs. Cronce said that everyone brings their own cutlery and that they are walking on the road and there is a school located down the road. Ms. Sudylo stated that everyone is nice until they have a bad day and they are walking around with cutlery, butcher knives, and thinks that it is wrong and that a town permit should be required. She stated that she believes the town should be allowed to dictate how many people can be on a property. She stated that if Mrs. Wilkens needed a site and traffic study, why can't Mrs. Cronce also? It is not fair. She was concerned if the road could handle that type of traffic, the charter buses and that she was praying that the bull did not gore the kid because that bull is a nice bull. She stated that it is a pet until it is not, it is an animal. Ms. Sudylo stated that she did not think that this event was the scope of ag, but that it was more for the Township. It is a burden on the fire department, it is a burden on the neighbors. Could an ambulance make it up to the Equestrian Center during the event with all that traffic if there was an accident with a horse? She stated that she did not think so because you could only fit one and a half cars on that road. So please consider that.

No one had any questions for Ms. Sudylo.

Chairman Schnetzer asked if anyone else wanted to make a statement. There was no response so Chairman Schnetzer closed the public portion for testimony.

Closing Statements

Mr. Mennen stated that he thanked the Board for the opportunity and will be brief. The statement from Harmony Township is just a recitation of some of the Township's points of consideration for the Board. In large part, most of them are contemplated by the event management plan already. That being said, there are a few deviations that go beyond what the Township would like the Board to consider: That the event management plan be submitted 30 days prior to Township and requesting that, in the interest of public health and safety, there be some additional courtesy notice to adjoining property owners when event is planned, be it 10-20 days prior given that it is not a fixed date with the ability of people to plan around the gathering would be positive to public health and safety. Mr. Mennen stated that the Township would like signage related to the ingress and egress and parking considerations and no trespassing signage posted on other adjoining property owners land, more defined hours of operation, regarding how long refuse/carcasses are allowed to remain on the property to cut down the odor, the removal of that to ameliorate a number of concerns that were expressed. Mr. Mennen stated that the Township has a concern regarding the handling of food and whether it is done in a sanitary manner and in the interest of public safety with regard to the curbing of any potential food borne illness that a County or State food handler's permit be obtained. The Township would like the Board to consider local concerns and that the Cronce's follow all statutory laws and guidelines, some of those concerns would be regarding site plan concerns and some are otherwise as working through the application and anything that the Board would not have jurisdiction over would be worked out with landowners and the Township directly. Mr. Mennen asked to Board to be mindful of all these things when they deliberate their decision.

Mr. Sposaro first thanked the Board and the public and Mr. Mennen for their careful consideration of this application and patience with testimony and presentation. He stated that he thinks that this is the first time in 21 years since the Right-to-Farm Act was amended that he has seen or heard of a municipality coming in before a CADB and acknowledging that the Board has primary jurisdiction to decide this issue and commended Harmony Township for that. It has been his experience that municipalities do not give up control over the use of land within their own parameters. Mr. Sposaro reminded the Board that this farm has been certified as a Commercial Farm and the question of when does farming end and when does some other type of activity begins is a non-issue. In the example of someone picking an apple, is it no longer agriculture once the apple has been picked and in the possession of the individual who consumes onsite or takes it home and shares it with someone else. He thinks that it is a distinction without a difference.

He stated that this was a one-day event, not a frequent event in which maybe a need for closer look at parking and traffic control. But putting this into context, he said, is this different than having a large annual family gathering once a year with a picnic, celebrate, and play music? He stated that there was no difference. He stated that the parking has been demonstrated to be sufficient, no vehicular mishaps, no indication with a problem with ingress and egress. The public road does not have prohibition on parking. Mr. Sposaro referred to the frequency of traffic with tractor trailer and horse trailers on the road going to the Equestrian Center which demonstrates that the road has the physical capacity to handle the traffic that is generated. He stated that his client denies buses coming in, but if in the future buses come in, this road can handle that once or twice a year and is a non-issue. As far as impact upon adjoining property owners, the testimony has been because of the topography of the land, none of the activities can be seen. Someone saw a carcass being dragged across the lawn, but no one has seen any slaughtering of the animals, nor the people on the property when they are picnicking and enjoying the festival. He reiterated that his clients have stated that there is assistance with traffic control and direction and that they would agree to have a person there to direct traffic. As with signage, they need the consent of other property owners and the municipality to post signs anywhere other than the Cronce's property, but they would work with the Township and neighbors to come up with signage that helps. An event management plan will be submitted and signage will be addressed, a designated person for traffic, and regarding hours of operation, he stated that he is not aware of any time limits of farms that are engaged in agritourism. Mr. Sposaro had issue with the food handler's permit because all the individuals who do the slaughtering are the food handlers, not his clients who are not handling the food. He does

not believe that a food handler's permit should be required to every person that will slaughter and handle food. He stated that they will comply with all health code requirements and is not aware of any citations. Regarding the disposal of waste, he believes that people bring garbage bags, picnic ware, beverages and are taken away with them when they leave. With the animal waste, there is an animal waste management plan where it was examined and reviewed by a Rutgers representative and the composting onsite is acceptable. Proof of insurance will be provided for this specific event.

Mr. Gruenberg stated that there was a general commitment to adhere to all of the standards of the on farm direct marketing facility activity and events which includes hand sanitizers and Port-o-Johns and all of the administrative codes provisions would be a condition, no deviations being requested.

Mr. Sposaro stated that he believed that all set back requirements with respect to the activities and parking. He stated that the bouncy houses were not agriculture, but do the regulations contemplate that you can have, as part of agritourism, activities that bear no resemblance to agriculture? The answer is yes, he stated and the perfect example was pedal carts because they are a specific thing that are referenced in the farm marketing AMP that is permitted and recognized that sometimes kids need to be kept occupied with other things that are purely and solely farming related. He stated to allow these bouncy houses one day a year pushes the envelope and beyond the scope of the Board's authority and discretion and is asking it to be included as part of the AMP.

Mr. Gruenberg stated, just to clarify, Mr. Sposaro is not proposing an official farm market with this application and not proposing an ag education and buses of kids as part of this application and that if those activities are planned in the future, the applicants would have to return to the Board for that. Mr. Sposaro stated that they understood that. He said that there are other agricultural activities referenced in the application, raising and selling of livestock, poultry and eggs, raising hay, vegetables and flowers, on disposal of organic agricultural waste, culling trees used to cut and produce and sell firewood. He further stated together with the activities that have been described in great detail by his clients, those are the activities that are proposed and the site plan that accompanies the application, the revised plan that was submitted this evening as A-2.

Mr. Gruenberg stated that no lighting plan was submitted, but the event hours have not been limited, it is from dawn to dusk proposed and not to be held at night and deal with the temporary lighting situation.

Mr. Sposaro stated that for one day year to require a lighting plan is somewhat over the top and this is akin to annual party that a family might have, whether it is on the 4th of July or a family reunion, or a pig roast and it would be unprecedented to require a landowner to have something like that. He stated that this was informal and was trying to keep it that way and that his client has control over the number of people that come and the number of animals that are sold because it is all prearranged. They know what their limits are and does not think that the lighting plan is necessary.

Chairman Schnetzer brought up the fact that when the Board certified the farm as commercial in March 2019 it was on the contingency of receiving the 2018 Schedule F form and wanted to make the record clear that each Board member did receive it so that contingency is settled and put on record.

Mr. Gruenberg stated that the applicant has sought relief under the RTF act on the basis that their proposed activity is an accepted AMP for on farm direct marketing facilities, activities and events and particularly there is a request for what is defined under the administrative code as an on farm direct marketing event and would like to read the definition in to the record so that the Board and public understands what is being decided by the Board. He stated that that type of event is a permitted activity under the RTF act as long as all of the conditions in the administrative code are adhered to:

"An agriculture related function being offered by a commercial farm that is accessory to and serve to increase the direct market sales of the agricultural output of the commercial farm. Such events are designed to attract customers to a commercial farm by enhancing the experience while purchasing agricultural products may include on farm direct marketing activities as components are either product based or farm based and occur seasonally or periodically. Product based events, provided they demonstrate the required relationship to marketing the output of the commercial farm may include, but are not limited to an apple, peach, strawberry, pumpkin, wine, and other agricultural or horticultural product festival held at a commercial farm that produces that particular product. Farm based events provided they demonstrate the required relationship to marketing the output of the commercial farm may include, but are not limited to, seasonal harvest festivals held at a commercial farm that produces such seasonal farm products, farm open house events, CSA membership and meetings, and farm to table events that showcase the agricultural output of the commercial farm."

Mr. Gruenberg stated that those type of activities are permitted under the RTF act, subject to all the criteria being adhered to. Mr. Sposaro presented testimony that all of that criteria would be adhered to and has been adhered to and would be a condition of any approval by the Board, so it would be appropriate for the Board to deliberate on whether the proposal meets that condition and the criteria and any potential conditions that if found to meet that type of event.

Chairman Schnetzer stated that he thinks that the Board does need to deliberate on whether it falls under the guidelines of the special events AMP and also encourages the Board members to be vocal on where they stand with their reasoning on yes or no

with their votes when the motion gets properly moved and seconded. Mr. Gruenberg stated that there should be discussion and regarding the conditions that have been discussed, which were relayed by both Mr. Mennen and Mr. Sposaro, are those conditions what they should be, including the provision for an event management plan 30 days prior to the event, and the request for additional notice to adjoining property owners 10 or 20 days prior to the event, though Mr. Sposaro did not address whether they would be willing to do that. Mr. Sposaro stated that he did not think that it was necessary, that the municipality was going to receive notice, and there were signs that were going to be put up in the area and does not think that they really need to do any more than that. He stated that he does not know of any other ag-tourism activity that requires notice to the adjoining property owners and in particular, one for once a year.

Mr. Gruenberg stated that the provision for the signage plan which will include no trespassing on adjoining property owners and no parking with the cooperation of the adjoining property owners and to the Township on their public right of way, directional signs. He stated that there has been a request for defined hours of operation, waste removal plan satisfaction, which includes the composting, with respect to food handling and all the activities, this Board can determine when an event is taking place, but does not have authority over any County, State, or Federal issues and the slaughtering that is taking place, whether that complies with County, State, or Federal guidelines, in terms of how that happens, is not really for this Board to determine. Anything that the Board would grant or approve would be subject to compliance with any higher authority. So, if this Board approves this type of event as an accepted AMP that does not mean that the question is necessarily resolved to the extent that there may be a USDA violation for slaughtering because the Board does not have the authority to enforce that or even review it. So any approval would be subject to compliance with those regulations. Mr. Gruenberg also noted that the applicant agreed to parking and traffic person to be present for one day event. The Board is not taking any with the respect to the official farm market or ag education because it is not being proposed at this time.

Chairman Schnetzer stated that he would prefer that the Board members deliberate their feelings after a motion has been presented and seconded for discussion.

Mr. Gruenberg stated that if a motion was made to approve subject to the conditions that were just identified and also to make a determination on hours of operation and notice to the property owners and any other conditions or a motion to deny.

Mr. Baduini stated that it was 10:20 pm and a motion was made earlier in the meeting to stop at 10:00 pm and would like the Board to deliberate at the next meeting.

Mr. Baduini made a motion to continue the deliberation at the June 20, 2019 meeting because of the late hour. Mrs. Watters seconded the motion. Mr. Dempski stated that he would like to see it completed tonight so as not to drag the public out again and because we are getting into the busy season for us. Mr. Burke stated that he would like to get it done tonight unless someone would like to go home and reread the notes and rethink everything.

Roll Call: Mr. Schnetzer – no; Mr. Bodine – no; Mr. Baduini – no; Mr. Burke – no; Mr. Dempski – no; Mrs. Watters – no. Motion fails.

Chairman Schnetzer stated that the Board now has to make a motion to approve the conditions of the SSAMP application that Mr. Sposaro stated that his clients would agree with or a motion to deny.

Mr. Burke made a motion to approve Cronic's event as an accepted AMP with conditions previously stated with daylight hours. Mr. Dempski seconded the motion. Mr. Burke stated that Warren County has him get a food handling permit for his apple orchard your own farm and he sells preserves purchased elsewhere. He stated that regarding the food handling permit prepared foods, it was his understanding that if he offered cooked hot dogs, coffee, packaged cookies is what the food handling permit covers, but doesn't cover the apples and assuming that the livestock would be covered. He's not sure if the food handling permit is relevant in this situation and would not include it in the resolution.

Mr. Bodine stated that, regarding these animals that are being brought in maybe 30-60 days prior to the slaughtering, if there were antibiotics, the withdrawal period from the system for some antibiotics is 90 days and there is no one even there to inspect them. He stated it was a public safety issue and he is concerned about that. There is no way of knowing when you bring the animal in or who it was bought from, and so you don't know if they just treated the animal for something. If you go through a USDA inspected slaughter house, there is an inspector there to say whether an animal is clean or not. That is not known at the Cronic's farm and that concerns him. Though he believes that the other issues could be worked out, someone has to be there to inspect the animals.

Mr. Dempski said if the Harmony Township Committee was also the Harmony Township Board of Health then they should have the jurisdiction to decide those matters and not the CADB; for any kind of specialized regulations for the Town, it should be their responsibility and not the CADB. Mr. Dempski was concerned about quality of life issues and that the local government should be taking that on. There should be ordinances for signage, for parking, festivals, for example, and believes that the Town should have those quality of life ordinances in order to run the Township rather than put on the CADB to have a lighting plan for a single resident. He also stated that the request for the 200 feet notification was also a burden to put on a resident for one event. He

stated that his vote would be based on the site visit of the establishment and the things that he observed first hand. The pictures that were provided to the Board were his and he had a very detailed tour of the property from start to finish. He had a chance to go down Esposito Road and he has concerns about the operation similar to Mr. Bodine's, but that the Board should be focusing on it from an AMP perspective issue and not quality of life issue which is Harmony Township's responsibility.

Chairman Schnetzer also visited the site yesterday and, regarding the conditions that Mr. Sposaro agreed to that the client would do, he stated that he has no issue with; has no issue with the parking, has no issue with the traffic. But what he does have an issue with, and therefore will not support this motion that is on the floor, is that he could not advocate that the farm operator has the husbandry techniques that he can live with and he could not make that anymore clearer. So, he will not be supporting this motion and the nutrition plane that he saw the animals have, is something that he cannot accept, he said.

Chairman Schnetzer stated that if there were no more comment, he asked for roll call.

Roll Call: Mr. Schnetzer – no; Mr. Bodine – no; Mr. Baduini – no; Mr. Burke – yes; Mr. Dempski – no; Mrs. Watters – no. Motion fails.

Adjournment: A motion for adjournment was made by Mr. Baduini and seconded by Mr. Burke. Motion carries. Chairman Schnetzer adjourned the meeting at 10:34 pm.

Respectfully submitted,



Teresa Kaminski