

WARREN COUNTY AGRICULTURE DEVELOPMENT BOARD

Department of Land Preservation

P.O. Box 179

500 Mt. Pisgah Avenue

Oxford, NJ 07863

Meeting Minutes

June 21, 2018

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, Bradley Burke, Dave Dempski, Jason Menegus, Joel Schnetzer

Members absent: Tim Bodine, Abigail Postma

Others present: C. Tierney, T. Kaminski Staff, Steve Gruenberg, Substitute County Counsel; Richard Anderson, George Boesze, Anthony Sposaro, Hardwick Township; Robert Santini, Franklin Township; Stefanie Miller, SADC.

Minutes of the meeting held on May 17, 2018 were approved on a motion by Mr. Baduini and seconded by Mr. Burke. Motion carries.

Correspondence: Chairman Schnetzer noted that the SADC response letter to NJ American Water was not copied to Washington Township and requested that it be forwarded to the Mayor and the Land Use Board. Mr. Gruenberg removed himself from his position to sit in the audience as to the conflict of him being the Washington Township Land Use Board Attorney.

Mr. Gruenberg took his position as Substitute County Counsel.

Public Comment: Chairman Schnetzer opened up for comment for non-agenda items and no one from the public made a comment.

Old Business:

O'Dowd Farms Remediation Status

Mr. Tierney stated that because of the rain, the soil remediation will start once the soil is dry enough.

PVCA Update

Mr. Tierney stated that both report analysis has been submitted to the SADC for review and is awaiting feedback.

New Business:

Bob Santini property, BL 39 L 6.03, Franklin Township, 12 acres

Mr. Santini approached the Board about the driveway on a property that he purchased that is a safer entry and exit way leading to his farm operation on Stewartsville Road. The road is a couple hundred feet from his farm. The driveway is only used for farm vehicles, mostly grain with tractor trailer. The angle on Stewartsville Road to Route 57 is not safe and Mr. Santini stated that he has had a couple of accidents there. Mr. Santini had received approval from the NJDOT and Mike Finelli, Franklin Township zoning officer, to construct an access lane. Thereafter, Mr. Santini received a stop work order from Mike Finelli. Mr. Santini stated that Pequest Engineering installed 2 aprons, one at Rt. 57 and the other on Stewartsville Road and that there are currently millings on the one way 12 foot driveway. He also had to install an island and has about \$80,000 invested in the road right now. The Board discussed the issue with Mr. Santini and referred to Mr. Gruenberg to see if the CADB had jurisdiction to hear and make a determination. Mr. Gruenberg stated that the Board did have jurisdiction for a hearing once the NJDOT approved the permit, then the Municipality rescinded, it can be RTF, but has to be formally granted certification as commercial farm first. Mr. Baduini made a motion to entertain the option for Certification of Commercial Farm and a SSAMP-Right-to-Farm Hearing at the July 19, 2018 meeting. Mr. Menegus seconded the motion.

Roll Call: Mr. Schnetzer – yes; Mr. Baduini – yes; Mr. Dempski – yes; Mr. Burke – yes; Mr. Menegus – yes.

Motion carries.

Certification of Commercial Farm - Snyder Farm, BL 96 L 9 & 9.01, BL 97 L 46, Pohatcong

Glenn, Kevin & Stephanie Snyder own BL 96 L 9 & 9.01 and BL 97 L 46 in Pohatcong Township and operate under Snyder Farm. This application meets the eligibility criteria for Certification of a Commercial Farm which is: (1) Five or more acres, applicant supplied tax map, and; (2) \$2,500 annual income from agricultural and/or horticultural products which was provided by a 2017 Schedule F, and; (3) Satisfies the eligibility criteria for differential property taxation pursuant to the Farmland Assessment Act of 1964, applicant provided Farmland Assessment Form (FA-1 Form), and; (4) Is located in an area in which, as of December 31, 1997 or thereafter, agriculture has been a permitted use under the municipal zoning ordinance and is consistent with the municipal master plan.

Mr. Baduini made a motion to justify the Certification of Commercial Farm for the Snyder Farm, owners Glenn, Kevin & Stephanie Snyder, BL 96 L 9 & 9.01 and BL 97 L 46, in Pohatcong Township. The applicant provided all the required documents for certification. Mr. Dempski seconded the motion.

Roll Call: Mr. Schnetzer – yes; Mr. Baduini – yes; Mr. Dempski – yes; Mr. Burke – yes; Mr. Menegus – yes.
Motion carries.

SSAMP RTF Hearing - Richard Anderson, BL 1103 L 9 & BL 1104 L 6 & 7, Hardwick Township

Mr. Gruenberg swore in Mr. Anderson. Mr. Anderson stated that he was here because he got violations on his property for the trailer and shed. Mr. Anderson stated that when he purchased the property 20 years ago there was an existing trailer and shed and they were moved into the quarry for the demolition of 3 houses along with a bunch of other outbuildings and garbage as it was used as a hunting and fishing camp. Mr. Anderson stated that Mr. Boesze was his forester for 15 years and that he was 5 years without a plan and the State Forester came and said that he was going to lose farmland assessment because he was behind on his plan. Mr. Anderson fired Mr. Boesze, and after two weeks he stated that Mr. Boesze came and trespassed onto his property, and then was served with violations. The violations state a tractor trailer, but Mr. Anderson stated that it is not a tractor trailer because there are no wheels and sits in a quarry far from view and that the shed is on an existing old trailer still after it was moved into the quarry. Mr. Anderson stated that the trailer contains tools, tractors, chippers, grinders, all related to forestry that are on a need basis for the farm and come and go. Mr. Anderson stated that he needed to keep the trailer and shed on his property for his tools. He stated that they can't be seen unless you come onto the property, were moved for the demolition and that he is required to take them off of the property, he cannot work the farm and is looking for relief.

Chairman Schnetzer asked to see the summonses. They were included in the packet and asked about the one that was dropped. Mr. Anderson stated that there were 2 utility trailers and were used for when he did the cutting and had small tractors, chainsaws, blowers and what not to maintain the property and that they are not there now. So, that ticket was dropped for those 2 utility trailers. He stated that the trailer and shed were there at the time he purchased the property and thought that they would be grandfathered in.

Mr. Burke asked about what the accessory building, outdoor storage applies to. Mr. Menegus noted in the zoning that you cannot have an accessory structure without a principal structure. Mr. Menegus said that it was very common to have buildings without houses on farms.

Chairman Schnetzer asked if he had any intention of building a house on the property and Mr. Anderson stated that he is almost finished renovating (90%) a foundation from 1671. Mr. Anderson stated that it was being renovated as a barn now, but it has been so much work he will probably now make it a house.

Mr. Anderson stated that there was nothing new being cited here. Mr. Anderson stated that there was never a problem until he fired Mr. Boesze and he trespassed onto his property and violating his 4th amendment rights and he is using his position as a zoning officer to harass him. Mr. Anderson stated that he was about to lose his farmland assessment because there were mistakes with Mr. Boesze filling out his farmland assessment forms for 5 years. Mr. Anderson stated that his foundation will be done this summer for sure and that he will have the plans for something.

Mr. Gruenberg asked Mr. Anderson when was the last time there was any occupied building. Mr. Anderson stated 20 years ago and that he dozed everything because nothing was worthy of being renovated. Mr. Gruenberg asked when was the last time a structure was demoed. Mr. Anderson stated that everything was demoed as soon as he bought the place, almost 20 years. They still had COs, but nothing was livable. Mr. Gruenberg asked if the two structures subject to this hearing other than the stone foundation are the only structures on this property for the last 20 years. Mr. Anderson answered yes.

Mr. Sposaro, Hardwick Township's representative questioned Mr. Anderson that was he not on trial for the complaints signed against him in municipal court and found guilty on all 3 counts and then one was dismissed? Mr. Anderson replied that he didn't think that he was found guilty but that was going back over a year and said that the Judge did give him an extension on the foundation to complete the work, but with all the rain and weather, it could not have been done. He stated that it was a bad winter and doing masonry in the cold was not going to happen. Mr. Anderson stated that Mr. Boesze came to the property a second time and he dropped the two utility trailer violations.

Mr. Sposaro again asked Mr. Anderson if it was a fact that he was convicted on 3 different complaints, but the court ultimately dismissed one of them, but on 2, he was found guilty. Is that correct? Mr. Anderson replied yes. Mr. Sposaro asked if he had the benefit of legal counsel when he appeared in legal court? Mr. Anderson stated that it was before he hired an attorney, but that the attorney was hired to appeal and that what was pending and that since he was a commercial farm he decided to come to the CADB. Mr. Sposaro asked if there was an appeal pending in Superior Court. Mr. Anderson stated that the appeal lapsed yesterday and that it was to be heard in this court. The brief was not filed and was due yesterday because Mr. Anderson figured that we'd do it here. Mr. Sposaro asked Mr. Anderson as a result of that appeal not being filed, was it going to be dismissed? Mr. Anderson replied yes. Mr. Sposaro stated if that was correct, then the decision of the Municipal Court Judge was final and that Mr. Anderson had exhausted his appeal rights or chosen not to proceed on that appeal, correct? Mr. Anderson replied that he really did not know, that he would have to talk to an attorney. Mr. Sposaro asked that he thought that he had benefit of counsel for the appeal and Mr. Anderson replied that he never got to the appeal, but that he filed for an appeal, but didn't get to court so never used the counsel. Mr. Anderson stated that the came to the CADB to get this resolved.

Mr. Anderson stated that at the time of the trial, he did not have an attorney, but he hired an attorney to file the appeal but did not use an attorney in court. Mr. Sposaro stated to Mr. Anderson that the Court then issued an order and a briefing schedule, correct? Mr. Anderson said that there was certain amount of time to file a brief, but since it was going to be heard hear, he chose not to renew that.

Mr. Tierney asked that if the complaints that he was found guilty were the same two presented here? Mr. Anderson replied, yes.

Mr. Gruenberg stated that to the Board that the process was if found guilty, then an appeal is filed, then a deadline to file the appeal was yesterday and a dismissal may be in the future or an extension may be filed in the future, but in Mr. Anderson's case, all we know is that an appeal was filed.

Mr. Tierney asked when a decision was made at the court. The violations state January 17, 2017. Mr. Sposaro stated that Mr. Anderson appeared at the North Warren Municipal Court on October 19, 2017 in which one charge was dismissed, but was found guilty on the other two charges? Mr. Sposaro stated that a \$1,000 fine for each summons, but that the imposition of the fine was stayed pending your appeal? Mr. Anderson replied that was correct. Mr. Sposaro asked if an appeal has been pending and no brief had been filed. Mr. Anderson replied correct.

Mr. Sposaro stated that this has been going on with Hardwick for a very long time prior to Mr. Boesze being a zoning officer for Hardwick Township. Mr. Sposaro stated to Mr. Anderson that you bought the property in 1998 and you immediately razed on the buildings on the property? Mr. Anderson replied correct, except for the one structure and the van trailer. Mr. Anderson feels that the shed that was found to be an accessory structure by the Court is in error because it is on wheels. Mr. Sposaro asked Mr. Anderson if the Municipal Court found Mr. Anderson guilty of having an accessory structure (shed) on the property without a principal structure on the property. Mr. Anderson replied, yes.

Mr. Sposaro showed a certified letter addressed to Mr. Anderson from Arlene Fisher, Hardwick Township Zoning Officer dated February 10, 2000 about the shed constructed on property, labeled as Exhibit H-1. Mr. Anderson stated that he doesn't remember getting the letter, that it was his mother's signature on the certified green mail card, but does remember talking to Ms. Fisher. Mr. Sposaro read the letter that Mr. Anderson was in violation of constructing a shed on the property as an accessory structure without a principal structure and that he needs a variance and site plan. Mr. Sposaro asked Mr. Anderson a couple of times if what he was convicted of in 2017 dates back to the year 2000. Mr. Anderson responded that there were some untruths there and then replied yes. Mr. Anderson said that he did not construct a shed, that it was existing, and that the Town's citation against him was incorrect. Mr. Sposaro stated that Mr. Anderson has had 17 years to complete/repair the principal structure. Mr. Anderson replied yes. Mr. Sposaro stated that he has had 17 years to complete the structure and for whatever reason has not done so. Mr. Anderson replied yes.

Mr. Sposaro asked what kind of farming is done on his property and Mr. Anderson replied that it was a tree farm. Mr. Sposaro asked if he did any other farming other than complying with his woodland management plan. Mr. Anderson replied that a small amount of the property is hay. Mr. Sposaro asked how many acres and Mr. Anderson replied that it depends upon the year and that this year it would probably be down to 2 acres because he has Cedar trees which have grown in. Mr. Anderson stated that regarding his farmland assessment, that there is a small amount in hay and that depends on the year and is slowly reverting back to woodlands. Mr. Anderson expects 2 acres this year and last year was 4 acres and that the woodlands are taking over and just wants to keep in under control. Mr. Sposaro asked Mr. Anderson when was the hay planted and Mr. Anderson replied that it has been there ever since the houses were dozed. Mr. Sposaro asked if the hay regenerated every year and Mr. Anderson stated yes. Mr. Sposaro asked how many cuttings did he get in 2017 and Mr. Anderson replied only one cutting. Mr. Sposaro asked if it was ready to be cut now and Mr. Anderson replied that it was overdue. Mr. Sposaro stated that if Mr. Anderson was truly farming this land that he could get an additional crop out of it before the fall and asked Mr. Anderson if that was true. Mr. Anderson replied yes if he needed that, but wanted to keep control of a certain area. Mr. Sposaro wanted to know who cuts the hay and where is this tractor stored and what else is the tractor used for. Mr. Anderson stated that he cuts the hay with a tractor and stored on the property and that he has a brush hog, sickle bar, and bailer. Mr. Sposaro wanted to know how many bales of hay on the property he gets. Mr. Anderson replied that he gets approximately 25 bales of hay at \$4/bale but charges a nominal amount for the poor quality and is keeping control of the area. Mr. Sposaro stated that since Mr. Anderson only has one half of the land from last year devoted to hay, how much is expected this year and how much does hay go for a bale. Mr. Anderson replied that he has poor quality hay and that it is mulch hay with roughly \$4/bale. Mr. Sposaro stated that for this year it would be less than \$50 worth for hay and Mr. Anderson replied yes because the field is being reverted back. Out of 35 acres, a nominal amount is being used for hay.

Mr. Sposaro asked Mr. Anderson if he had an approved Woodlands Management Plan and if he had his 2018 Farmland Assessment Form that he submitted last year in 2017. Mr. Anderson replied that he did have a Woodlands Management Plan but didn't have the Farmland Assessments forms with him but believed that our office has that on file. Mr. Sposaro asked in 2017 how many cords of wood did the cutting yield? Mr. Anderson responded that he did not know and would have to reference the forms. Mr. Sposaro asked again and Mr. Anderson replied that there were cords, cedar posts and hay from his property but that he does not remember the specific yield from year to year. Mr. Anderson stated that the Town came in and made a cul-de-sac which took down his yield. Mr. Sposaro asked Mr. Anderson how many did he cut this year? Mr. Anderson said none. Mr. Sposaro asked what equipment is located on the property. Mr. Anderson replied that he is familiar with what is required from his 2018 Woodland Management Plan requires in the way of cutting. Mr. Anderson replied that he was a Commercial Farmer now and has to make \$2,500 to remain a Commercial Farmer. Mr. Sposaro asked Mr. Anderson how many trees would that require you to cut to make \$2,500 and Mr. Anderson replied that it depends on the size of the tree. Mr. Sposaro asked Mr. Anderson how many trees did he cut thus far this year and Mr. Anderson replied very little but that he has at least until August 1 and that his new forester said that he has until the end of the year to get all the cutting done. Mr. Anderson that with all

the rain and with his business he is trying to put it off as long as possible to try to get some work done. Mr. Sposaro referred to 2018 FA-1 Form and stated that it said 4 acres in hay, but that turns out to be less than accurate that was turned into the tax assessor. Mr. Anderson stated that there was a difference because one field grew in and part of the problem is that you have to submit the form a year ahead of time for the following year to estimate what the income the following year. Mr. Sposaro stated that the dollars were not the question, but the acreage was the question. Mr. Anderson responded that he could cut 4 acres. Mr. Sposaro stated that there was an inconsistency in what Mr. Anderson has testified and what was submitted on the form. Mr. Anderson replied that he really doesn't know how much, but that he could cut 4 acres and it depends but that if he is forced to cut 4 acres to be credible, then he will cut 4 acres. Mr. Anderson stated that he'd rather give the property a chance to grow in as woodlands so that is why the woodlands is increasing and the hay is decreasing. Chairman Schnetzer asked Mr. Anderson if there were 4 acres of hay that could be cut this year and Mr. Anderson replied absolutely. Mr. Menegus asked what does the hay have to do with the accessory building and Mr. Sposaro replied that the questions go towards Mr. Anderson's credibility.

Mr. Sposaro asked Mr. Anderson what equipment was on the property and Mr. Anderson replied that there was a chipper, a stump grinder, an old dump truck, backhoe, tractor and the rest of the equipment would be stored in the trailers which are the chainsaws, blowers, weed wackers, brush cutters, welders and all kinds of mechanical tools. Mr. Sposaro stated that up until June 21, 2018 would it be fair to say that no equipment has been used on the property. Mr. Anderson stated that was untrue and that he uses his tools on that property all the time. Mr. Sposaro stated that Mr. Anderson stated that he has not cut any hay or wood yet this year. Mr. Anderson replied that he did not cut the hay yet but that he did do some cutting of trees. Mr. Sposaro stated that there has been no need for this equipment on this property up until June 21, 2018 this year, correct? Mr. Anderson replied that it was incorrect because he used the tractor with the brush hog to clear the rows which grow in and the backhoe has been used to move a stone on the foundation. Mr. Sposaro replied that it was not a farm use and Mr. Anderson said not necessarily because he gets the field stone off the property and getting rid of the hedgerows. Mr. Anderson stated that he uses all of the equipment on that property, he uses the chipper, the stump grinder every once in a while.

Mr. Sposaro stated that up until now Mr. Anderson identified tools that are in the trailer and on the property, but did not identify what was in the shed. Mr. Anderson stated that the compressor, welder which he used recently and chainsaws being repaired are located inside the shed. Mr. Sposaro stated that isn't the shed basically used for a place for people to go and hang out if they are hunting or fishing your property? Mr. Anderson replied no. Mr. Sposaro stated that there was a lounge chair in that shed. Mr. Anderson replied no. Mr. Sposaro asked if there was a wood burning stove in that shed and Mr. Anderson replied that there was an old wood burning stove in that shed. Mr. Sposaro asked if he got any permits for that and Mr. Anderson stated that it was not hooked up and was just being stored in there. Mr. Gruenberg asked if Mr. Anderson got permits and said that answer is no because he is not using it and Mr. Anderson replied that it was correct. Mr. Sposaro asked when was the last time it was used and Mr. Anderson replied that we would have to talk to the last owner. Mr. Sposaro asked Mr. Anderson if he has ever used it and Mr. Anderson stated not in that shed. Mr. Sposaro asked if it was connected at this point with a smoke stack and Mr. Anderson replied that it was not but said that there was an old smoke stack in the shed. Mr. Anderson replied that it probably was used previously by the owner maybe as a smoker or a little stove in there. Mr. Sposaro had asked if Mr. Anderson had slept in the shed and where does Mr. Anderson presently reside. Mr. Anderson replied that he does not sleep in the shed and that he resides at 356 Essex Street, Stirling, NJ. Mr. Sposaro asked how far Stirling was from this farm. Mr. Anderson replied that it was 43 miles. Mr. Sposaro asked where his tree business equipment was stored and maintained and Mr. Anderson replied that it is stored on a commercial lot down in Stirling and maintained wherever the equipment breaks. Mr. Sposaro asked if any of it was maintained at the Hardwick property and Mr. Anderson replied yes, and when it breaks up there, I fix it up there. Mr. Sposaro asked Mr. Anderson if there were any utilities that were run to the shed and Mr. Anderson replied no. Mr. Sposaro stated that there was no water, no electricity, no heat to the shed and that it was out in the quarry and no sanitary facilities. Mr. Sposaro stated that the reality was that you could not stay there for extended periods of time without having to use the bathroom and Mr. Anderson replied correct.

Mr. Sposaro asked Mr. Anderson if he knew this year to be compliant with his woodland management plan, how many trees that he was going to have to cut this year. Mr. Anderson replied that he really didn't know because it depended upon the size of the tree and the yield and that it had to be cut and stacked and didn't know the yield until it was actually done. Mr. Anderson also stated that some trees can be rotten half way up and they are useless. Mr. Sposaro asked if the trees that are going to be cut have been marked this year. Mr. Anderson stated that he doesn't have the forester mark the trees because it is either blow downs or dead trees. Mr. Sposaro asked how many chainsaws, how many compressors. Mr. Anderson replied that there are 6 chainsaws and that they are in the van trailer. Mr. Sposaro stated that Mr. Anderson testified that one was in the shed and Mr. Anderson stated that one compressor was in the shed and one was in the trailer. Mr. Anderson doesn't keep account of what and where they are stored on the property.

Mr. Sposaro stated that the thrust of Mr. Anderson's argument is that the shed was preexisting and that he has a right to retain it. Mr. Sposaro stated that the reality is that there is no farm use to what that shed is put. Mr. Anderson stated that it was used to repair all the equipment on the property that needs repairing and that if you are a farmer, you need a place to store tools and work on repairs. Mr. Sposaro stated that the shed contained a compressor and six chainsaws and Mr. Anderson stated numerous other tools. Mr. Anderson stated that he had socket wrenches, screw drivers, clamping devices for welding, all kinds of repair tools. Mr. Sposaro asked how high was the shed off of the ground? Mr. Anderson replied that it was about 3 feet and that he backs the truck up to the shed to roll the equipment in there that needs to be repaired. Mr. Sposaro asked if it was fair to say that the shed holds a lot less than what was in the trailer and Mr. Anderson replied that the inside of the trailer was not that big, inside a 36' van trailer by 7' and the shed being 10' x 20'. Mr. Anderson stated that it was just different tools in each and there was the mechanical end and then the repair end and both have a little bit of everything in it.

Mr. Sposaro asked if he filed his tax return for 2017 and 2016. Mr. Anderson replied that he filed 2016, but got an extension for 2017. Mr. Sposaro asked about the Schedule F Profit and Loss statement and asked if it was included in his 2016 return and Mr. Anderson replied yes.

Mr. Menegus asked about the Hardwick Township ordinances. If a landowner has a 50 acre farm with no houses on it, am I allowed to put a barn on it. Mr. Sposaro answered no, unless you are a legitimate farmer. Mr. Menegus asked, if you have a house on there, can I put a barn on there. Mr. Sposaro answered absolutely. Mr. Menegus asked if a landowner had 50 acres of hay field can't have a barn, no shed, no trailer on that farm? Mr. Sposaro answered no under the ordinance. Mr. Menegus asked, unless you have a house. Mr. Sposaro answered, correct, unless you have a principal structure. Mr. Menegus asked Mr. Anderson if this barn was on the property when he had a principal structure. Mr. Menegus and Mr. Dempski asked why didn't the Township not do anything about the issue from 2000-2017 with such a slow prosecution rate. Mr. Sposaro did not have an answer for that. Mr. Gruenberg stated to continue with the pending question and then the Board can ask questions later.

A five minute break was taken. Mr. Tierney provided Mr. Sposaro with a 2017 Schedule F income tax return profit or loss statement from the county's file and it was labeled Exhibit H-2.

Mr. Sposaro asked Mr. Anderson if he recognized the 2017 Schedule F. Mr. Anderson replied that he did. Mr. Sposaro asked Mr. Anderson if he certified that this form was correct and accurate that was submitted to the Board. Mr. Anderson replied that he did. Mr. Sposaro asked if there was any reference to any field crop on that document and would he agree that the hay fields are part of his income and last year there were 4 acres devoted to hay and that the hay was cut and sold. Mr. Anderson replied that he did not remember, but he believed he did testify and would have to rely on documents for numbers. Mr. Sposaro asked if Mr. Anderson remembered from the 2017 form that there were approximately 25 bales of hay yielded. Mr. Anderson replied that he did not remember and believed that was the form. Mr. Sposaro asked if there was any reference on that form. Mr. Burke replied that he could answer that question, that it was a profit or loss from your business that does not need to specify 50 bales of hay. Mr. Sposaro pointed out that the only thing referenced on this form is forestry and logging and no mention of any other type of farming on this form and that there should be some identification on this form that there were no farm crops. Mr. Burke stated that on the Schedule F form, it specifies the principal crop and that the minor crop does not need to be specified. Mr. Sposaro responded ok.

Mr. Sposaro stated that Mr. Anderson testified earlier that his income is from cutting trees and asked if any of those trees were brought to the farm to be cut and split. Mr. Anderson replied that what basically goes to the farm is the rotted wood that he has to pay to get rid of and it is half dirt. Mr. Sposaro asked if that was a farming activity and Mr. Anderson replied no. Mr. Sposaro stated that he did not have any additional questions.

Chairman Schnetzer asked if Mr. Boesze had any questions and Mr. Gruenberg pointed out that the Town was already represented by Mr. Sposaro. Chairman Schnetzer asked if any member of the public had any questions for the Board.

Mr. Dempski stated that he was concerned about why the Town had did nothing for 17 years, that there was an initial violation in 2000. What did the Township do? Mr. Gruenberg stated that the time was to ask Mr. Anderson questions. Mr. Dempski asked Mr. Anderson how long Mr. Boesze was employed as his forester. Mr. Anderson replied 15 years with approximate years of 2000-2016. Mr. Dempski asked if he was aware that he was working for Hardwick Township. Mr. Anderson replied that Mr. Boesze told him that he lost his main job and thought that the Hardwick zoning was a side job, didn't know exactly how else he was employed and that he was a forester before he was a zoning officer, 5 or 6 years prior. Mr. Dempski asked Mr. Anderson that from 2000-2016 if Mr. Boesze was his woodlands manager. Mr. Anderson replied yes and that they met once a year. Mr. Dempski asked Mr. Anderson if Mr. Boesze provided any notice to him that he was the Hardwick Township Zoning Officer. Mr. Anderson replied that Mr. Boesze was his forester for at least 5-6 years before he became the Hardwick Township Zoning Officer. Mr. Dempski asked if Mr. Anderson then became aware that Mr. Boesze became an agent for that Township and if Mr. Boesze told him verbally of his Town employment. Mr. Anderson replied that he did know, but didn't remember if he was verbally told, but his business with Mr. Boesze was really short and Mr. Boesze came to the property, Mr. Anderson filled out a form, gave Mr. Boesze money and that was it.

Mr. Baduini asked Mr. Anderson if for the two summonses he was found guilty on both accounts, why did he file an appeal by his attorney. Mr. Anderson responded that he was pro se because he thought the summonses were wrong on both accounts and the Court gave him more time to finish the building because of the weather a second time around. Mr. Anderson hired an attorney to file the appeal. Mr. Anderson feels that the one of the summons was preexisting and should have been grandfathered and the other summons was for a tractor trailer is not a tractor trailer combination, but just a trailer.

Mr. Baduini asked Mr. Gruenberg if the appeal was 45 days after the decision of the judge. Mr. Gruenberg stated that was so but depends upon if the Judge provided him with additional time, but can't surmise on what happened between October and November of last year and when the appeal was filed and what is going on in the terms of scheduling The testimony was that an appeal was filed and that the brief for the appeal was to be filed yesterday and that wasn't done. Mr. Gruenberg stated that assuming that testimony was truthful, the appeal may still be pending and not yet dismissed.

Mr. Menegus asked Mr. Anderson if there were security concerns about being so close to the Paulinskill Trail and is that why he had all his stuff in the trailer and shed. Mr. Anderson stated that the shed is within 25 feet and the trailer is within 50 feet of parkland. He has had theft before with tools and his son's dirt bike stolen.

Mr. Burke asked if the trailer and shed were locked. Mr. Anderson replied that he uses a cylinder lock on both and that private property sign is posted on parkland side, but people rip them down. Mr. Anderson is ok with fishing along side his property, but not hunting and just requests that they take their garbage with them.

Mr. Menegus asked Mr. Anderson why did he buy the property. Mr. Anderson replied that he loves history and that it had a historical building from 1671 on it and that he regrets the purchase. The cold cellar is still intact and protected by big, heavy plates.

Mr. Baduini asked Mr. Anderson if he had an appeal in effect right now and Mr. Anderson answered no that he did not renew it.

Mr. Baduini asked if we had the authority as the Board to rule over the Judge if the Judge has convicted him of the two summonses or do we have to wait until the appeal is heard and then do we have the right to hear the case. Mr. Gruenberg stated he did not have the answer to that question and that he thought it was a pending matter before a Municipal court that had not been heard and had been referred to the CADB in the interim to hear the matter. He is not sure if the Board has the right to hear this matter since an adjudication has been made by a Municipal Court Judge. Mr. Sposaro would like the opportunity to look into the issue of the appeal to find out for certain whether there is an appeal pending or not, before this Board can made a decision, and that Mr. Anderson had been found guilty of violating two municipal ordinances. Mr. Sposaro reiterated that to get the RTF protection act you need to qualify for farmland assessment, make over \$2,500 for 5 acres, operated accepted AMPS, and comply with all local and County and State law and believes that this Board has jurisdiction to hear the matter because he was certified as a commercial farm, but Mr. Anderson is not entitled to protection under the Right-to-Farm Act because he is not in compliance with municipal land use act because he has been convicted of zoning violations so he is not in compliance with municipal ordinances and state law. Mr. Gruenberg stated that it the municipal ordinances are why Mr. Anderson was here to determine whether he is entitled to protection under the Right-to-Farm act because there may be municipal ordinances that would be overridden effectively by the Right-to-Farm act. Mr. Gruenberg went on to state that the other point about the municipal court decision adjudicating him as in violating an ordinance might be something that voids the Board's ability to grant protection under the Right-to-Farm act, but that he doesn't know the answer to that question because that is not why he thought we were here tonight. Mr. Sposaro stated that the normal course is that if a complaint is filed against someone who claims to be a commercial farmer by a zoning officer or health code official, what normally happens, before it is heard in a Municipal or Superior Court, the matter is heard before the CADB if a farmer requests that, but what he has never seen is that a farmer who was found guilty in a municipal court, an appeal is taken, then go to the CADB to seek relief. Mr. Sposaro said that Mr. Anderson was found guilty and his appeal rights have lapsed that is the final decision of the Court and he is not entitled to the protection of the RTF Act.

Chairman Schnetzer stated that this was the first time an applicant has come to Board for a RTF Hearing where a Municipal Court made a decision.

Mr. Sposaro asked that one of the Board members inspect the property at 9 am the following morning with their own eyes to see what is in that trailer and shed as to whether Mr. Anderson's testimony is accurate and truthful.

Mr. Gruenberg stated that we needed Mr. Anderson's attorney to provide us and himself with a docket# and the status of the appeal.

Mr. Baduini made a motion to continue meeting to next CADB meeting date until the status of the appeal can be provided to the Board by the applicant. Mr. Dempski seconded the motion.

Mr. Menegus asked if it was okay if anyone wanted to do a site visit. Mr. Anderson replied that his brother died three days ago and has a problem with it tomorrow morning. Mr. Anderson stated whenever it was convenient, but not tomorrow.

Roll Call: Mr. Schnetzer – yes; Mr. Baduini – yes; Mr. Dempski – yes; Mr. Burke – yes; Mr. Menegus – yes.
Motion carries.

Mr. Gruenberg stated that the hearing has been continued to July 19, 2018 at 7:30 pm and no further notification will be given.

Mr. Sposaro would like to have a municipal official on site for the inspection. Chairman Schnetzer stated that a Board member and Mr. Tierney would inspect the property.

CPIG Applications for CADB Approval for SADC Greenlight

Route 57 Partnership, BL 1 L 6, Franklin Township, 71.97 acres

This application meets the minimum eligibility criteria of 25 tillable acres or 50% of the land whichever is less and has a County rank score of 53.41. There are a total of approximately 71.97 gross acres, 26.44 tillable acres used for grain, 41.70 acres woodland. There are 6.99 acres of Prime soil and 28.29 acres of Statewide soils. There are no structures on the premises to be preserved. There is a two acre non-severable exception area on the property for future single family residence. It currently is being leased to the Woolf Farms, LLC. The application is located in the Southeast Project Area and the Highlands Preservation Area. Mr. Baduini made a motion to approve the application as presented and to send to the SADC for Green Light Approval. Mr. Burke seconded the motion.

Roll Call: Mr. Schnetzer – yes; Mr. Baduini – yes; Mr. Dempski – yes; Mr. Burke – yes; Mr. Menegus – yes.
Motion carries.

Beatty North Farm, BL 26 L 31 & 40, BL 27 L 2, Greenwich Township, 87.1 acres

This application meets the minimum eligibility criteria of 25 tillable acres or 50% of the land whichever is less and has a County rank score of 67.71. There are a total of approximately 87.1 gross acres, 80.43 tillable acres used for soybean, 3.61 acres woodland. There are 70.55 acres of Prime soil and 10.80 acres of Statewide soils. There are no structures on the premises to be preserved. There is a one acre non-severable exception area on the property for future single family residence. It currently is being leased to the Bob Santini. The application is located in the South Project Area and the Highlands Planning Area.

Beatty South Farm, BL 34 L 11, Greenwich Township, 58.4 acres

This application meets the minimum eligibility criteria of 25 tillable acres or 50% of the land whichever is less and has a County rank score of 59.13. There are a total of approximately 58.4 gross acres, 34.77 tillable acres used for soybean, 16.11 acres woodland. There are 35.90 acres of Prime soil. There are no structures on the premises to be preserved. There is a one acre non-severable exception area on the property for future single family residence. It currently is being leased to the Bob Santini. The application is located in the South Project Area and the Highlands Planning Area.

Mr. Baduini made a motion to approve these two applications as presented and to send them to the SADC for Green Light Approval. Mr. Dempski seconded the motion.

Roll Call: Mr. Schnetzer – yes; Mr. Baduini – yes; Mr. Dempski – yes; Mr. Burke – yes; Mr. Menegus – yes.
Motion carries.

SADC Update

Ms. Miller stated that the SADC is still working on changing the MUNI PIG Application rules to include a competitive program akin to the CPIG program.

Administrator's Report: Mr. Tierney went over the report.

New Applications:*County Applications*

- **Beatty North** – Greenwich (Approx. 86 ac.) On CADB Agenda for approval.
 - **Beatty South** – Greenwich (Approx. 57 ac.) On CADB Agenda for approval.
 - **Noel** – Franklin Township (Approx. 44 ac.) On hold pending SADC PVCA review. Submitted application to Highlands Open Space Grant Program.
 - **Pear Tree Realty** – Franklin Township (Approx. 62 ac.) On hold pending SADC PVCA review. Submitted application to Highlands Open Space Grant Program.
 - **Pereira** – Franklin Township (Approx. 30 ac.) On hold pending SADC PVCA review. Submitted application to Highlands Open Space Grant Program.
 - **Route 57 Partnership** – Franklin Township (Approx. 70 ac.) On CADB Agenda for Approval.
- Total Applications: 6 Total Acres: 279**

Municipal Applications

Total Applications: 0 Total Acres: 0

Non-Profit Applications

Total Applications: 0 Total Acres: 0

Awaiting Green Light Approval:*County Applications*

Total Applications: 0 Total Acres: 0

Received Green Light Approval:*County Applications*

- **Anema, Kris** – Washington (Approx. 20 ac.) RFP's request to attorney on 5/18/18.
 - **Dykstra** – Mansfield Township (Approx. 209 ac.) Send to SADC for CMV.
 - **Haydu** – Harmony Township (Approx. 46 ac.) Sent to SADC for CMV.
 - **LaBarre Family Limited Partnership** – Knowlton & Hope Townships (Approx. 107 ac.) Sent to SADC for CMV.
 - **Hoffman-LaRoche** – White (Approx. 93 ac.) RFP's request to attorney on 5/18/18.
- Total Applications: 5 Total Acres: 475**

Municipal Applications

Total Applications: 0 Total Acres: 0

Non-Profit Applications

- **Heeres** – Harmony Twp. (Approx. 67 ac.) CMV expected at SADC July meeting.
- **Hensler** – White Twp. (Approx. 40 ac.) Appraisals sent to SADC for CMV.
- **Total Applications: 2 Total Acres: 107**

State Applications

- **Anema, Ralph** – Washington (Approx. 115 ac.)
- **Total Applications: 1 Total Acres: 115**

Received CMV & Offer Made:*County Applications*

- **Shandor** – Harmony Township (Approx. 100 ac.) CMV \$3,100.
- **Total Applications: 1 Total Acres: 100**

Municipal Applications

- **Mazza** – Knowlton (Approx. 21 ac.) CMV \$4,850.
- **Total Applications: 1 Total Acres: 21**

Non-Profit Applications

Total Applications: 0 Total Acres: 0

Under Contract (Title Search & Survey):*County Applications*

- **Smith, John & Jean #1** – Harmony/White Twp. (Approx. 82 ac.) CMV \$4,600. Subdivision resolution received. Inspection performed. Highlands Application has been submitted.
- **Smith, John & Jean #2** – Harmony (Approx. 36 ac.) CMV \$6,000. Subdivision resolution received. Highlands Council has issue with exemption on this property, trying to get a waiver for the HPAA permits. Inspection performed. Highlands Application has been submitted.
- **Total Applications: 2 Total Acres: 118**

Municipal Applications

- **Nonnenmacher #1** – Blairstown (Approx. 106 ac.) CMV \$3,100. Survey underway. Ordered Title Search.
- **Nonnenmacher #2** – Blairstown (Approx. 17 ac.) CMV \$5,000. Survey underway. Ordered Title Search.
- **Total Applications: 2 Total Acres: 123**

Non-Profit Applications

- **Murlan Farm** – Frelinghuysen Twp. (Approx. 251 ac.) CMV \$4,000. Survey underway.
- **Shoemaker I** – White Twp. (Approx. 115 ac.) CMV rcvd (\$5,650) Survey underway.
- **Shoemaker II** - White Twp. (Approx. 12 ac.) CMV \$5,000. Survey underway.
- **Tjalma II** – Harmony Twp. (Approx. 61 ac.) CMV rcvd (\$4,900) Survey underway. Engineering department reviewing survey.
- **Total Applications: 4 Total Acres: 439**

Waiting to Close (Final Legal Review):*County Applications*

- **Apple Mountain**– White Twp. (Approx. 65 ac.) CMV \$3,900/\$2,000. Tim Matthews purchased property. Need new deed.
- **Unangst** – White Twp. (Approx. 85 ac.) CMV \$3,625. Inspection performed. Estate issues being worked out.
- **Total Applications: 2 Total Acres: 150**

Municipal Applications

- **Conti** – Knowlton (Approx. 280 ac.) CMV \$3,750. Grant Agreement sent to SADC; ready to set closing date.
- **DeBoer** – White Twp. (Approx. 56 ac.) CMV \$5,100. Grant Agreement received; can set closing date soon.
- **Pittenger (Dark Moon)** – Frelinghuysen (Approx. 92 ac.) CMV \$3,700. Received Highlands Grant. Received final survey. Engineering department reviewing survey.
- **Total Applications: 3 Total Acres: 428**

Recent Closings:

None.

Pohatcong Contamination Area Projects:SADC restrictions and conditions for appraisals:

- **Hart Farm #1** – Franklin Twp. (Approx. 113 acres) Landowner stated revised SADC value not enough, but is reviewing options. Awaiting valuation analysis. Federal Appraisal of \$2,325/ac. being reviewed.

- **Hart Farm #2** – Franklin Twp. (Approx. 267 acres) Landowner stated revised SADC value not enough, but is reviewing options. Awaiting valuation analysis. Federal Appraisal of \$3,750/ac. being reviewed.
- **Myers/Toretta #1**– Franklin Township (Approx. 38 acres) Applicant wants to do an agricultural lot line adjustment and submit the portion of the parcel that is not in the PVCA for preservation. Submitted application to Highlands Open Space Grant Program.
- **Myers/Toretta #2** – Franklin Township (Approx. 48 acres) Submitted application to Highlands Open Space Grant Program.
- **Tasevski** – Franklin Twp. (Approx. 87 ac.) Submitted application to Highlands Open Space Grant Program.

Received CMV & Offer Made:

- **Crouse, Jennie** – Washington Twp. (Approx. 90 ac.) Awaiting valuation analysis. Federal Appraisal of \$4,200/ac. being reviewed. Landowner accepted offer of \$4,700 for development easement and Highlands Open Space Grant is matching up to 50%. Survey should be underway.

Under Contract (Title Search & Survey):

- **Smith, Skip #2** – Franklin Twp. (Approx. 22 ac.) CMV \$5,500. Awaiting valuation analysis. Federal Appraisal of \$4,500/ac. being reviewed. Landowner accepted Highlands Open Space Grant matching up to 50%. Received updated signed contract. Trying to coordinate documents for closing.

Total Applications: 7 Total Acres: 665

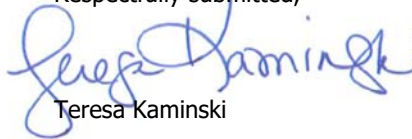
2018 Closings YTD: 5 farms totaling 443.5205 acres

Program Totals: 280 farms totaling 24,861 acres

Public Comment – Chairman Schnetzer noted that no one was in the audience to open it up for public comment.

Adjournment: A motion for adjournment was made by Mr. Baduini and seconded by Mr. Burke. Motion carries. Chairman Schnetzer adjourned the meeting at 10:00 pm.

Respectfully submitted,



Teresa Kaminski