

**MORRIS COUNTY AGRICULTURE DEVELOPMENT BOARD
RESOLUTION 2017-07**

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

**WILLIAM J. LAWSON, JR.
BLOCK 56, LOT 12
TOWNSHIP OF HARDING, MORRIS COUNTY, NEW JERSEY**

WHEREAS, pursuant to the Right to Farm Act, N.J.S.A. 4:1C-10.1(a) and the State Agriculture Development Committee's Right to Farm Rules, N.J.A.C. 2:76-2.7(a), any person aggrieved by the operation of a commercial farm shall first file a complaint in writing, with the applicable county agriculture development board or the State Agriculture Development Committee ("SADC") in counties where no county board exists, prior to filing an action in court; and,

WHEREAS, on June 5, 2017, the Morris County Agriculture Development Board ("Morris CADB") received a complaint filed by Ms. Amina Webb against Mr. William J. Lawson, Jr. (C-1); and

WHEREAS, Ms. Webb's complaint alleges that Mr. Lawson conducts a commercial business from his property including the use of tri axle trucks, tandem axle trucks, commercial equipment, vehicles and containers for commercial solid waste disposal; and

WHEREAS, pursuant to N.J.A.C. 2:76-2.7(e), if the complaint concerns activities that are not addressed by an agricultural management practice recommended by the SADC or a site specific agricultural management practice adopted by the CADB, the CADB shall contact the farm owner to provide evidence that the operation is a commercial farm pursuant to N.J.A.C. 4:1C-3; and

WHEREAS, pursuant to N.J.A.C. 2:76-2.7(e)1, the CADB shall determine whether the dispute involves agricultural activity(ies) that is or are included in one or more of the permitted activities set forth in N.J.S.A. 4:1C-9; and

WHEREAS, pursuant to N.J.A.C. 2:76-2.7(a)1, the CADB shall determine whether the commercial farm meets the eligibility criteria pursuant to N.J.S.A. 4:1C-9; and

WHEREAS, if the CADB determines that the operation is a commercial farm, that the dispute involves agricultural activity(ies) that is or are included in one or more of the permitted activities set forth in the RTF Act, and that the commercial farm meets the eligibility criteria of the Act, then the CADB shall forward the complaint to the SADC requesting the SADC's determination of whether the disputed agricultural operation constitutes a generally accepted operation or practice; and

WHEREAS, if the CADB determines that the dispute does not involve a commercial farm, and/or agricultural activity(ies) included in one or more of the permitted activities set forth in the RTF Act, and/or the commercial farm does not meet the eligibility criteria of the Act, then the CADB shall dismiss the complaint; and

WHEREAS, on June 8, 2017, the Morris CADB contacted Mr. Lawson asking him to provide

evidence that his operation is a commercial farm (B-1); and

WHEREAS, pursuant to N.J.A.C. 2:76-2.8(d), the SADC and the Township of Harding were notified regarding the complaint via the same letter; and

WHEREAS, due to lack of a response from Mr. Lawson, a subsequent request was mailed on July 3, 2017 (B-2); and

WHEREAS, on July 18, 2017, the Morris CADB received an e-mail from Mr. Lawson, in which he stated that his operation is not a commercial farm (F-1); and

INDEX OF EXHIBITS

Exhibits from Amina Webb:

June 5, 2017 complaintC-1

Exhibits from William Lawson:

July 18, 2017 emailF-1

Exhibits from the Morris CADB:

June 8, 2017 Morris CADB request for Commercial Farm CertificationB-1

July 3, 2017 Morris CADB request for Commercial Farm CertificationB-2

NOW THEREFORE BE IT RESOLVED, after having considered exhibits C-1, F-1, B-1 and B-2, the Morris CADB determines that Mr. Lawson’s operation is not a commercial farm.

BE IT FURTHER RESOLVED, that the CADB determines that the dispute does not involve an agricultural activity(ies) included in one or more of the permitted activities set forth in the RFT Act.

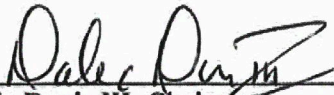
BE IT FURTHER RESOLVED, that the Morris CADB lacks jurisdiction over Mr. Lawson’s operation and dismisses the complaint. The activities occurring on the Lawson property are outside the purview of the Morris CADB and remain under the jurisdiction of applicable local, state and federal authorities.

BE IT FURTHER RESOLVED that pursuant to N.J.A.C. 2:76-2.7(g), certified copies of this resolution will be forwarded to the following individuals and agencies:

- Amina Webb
- William J. Lawson
- Robert Falzarano, Harding Township Administrator
- George Byrnes, Harding Township Zoning Officer
- State Agriculture Development Committee
- Morris County Board of Chosen Freeholders

BE IT FURTHER RESOLVED that pursuant to N.J.A.C. 2:76-2.7(k), any person aggrieved by the Morris CADB's decision may appeal the decision to the SADC within 10 days from the receipt of the CADB's decision. The SADC shall schedule a hearing and make a determination within 90 days of the receipt of the petition for review.

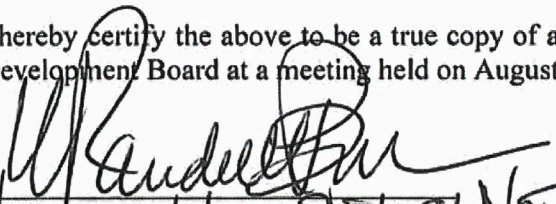
1. The decision of the SADC shall be binding, subject to the right of appeal to the Appellate Division of the Superior Court.
2. Any decision of the Morris CADB that is not appealed shall be binding.


 Dale Davis III, Chairman
 Morris CADB

8/10/17
 Date

	Yes	No	Abstain	Absent
Ms. Ashley Myers	✓			
Mr. Davis			✓	
Mr. Desiderio				✓
Ms. Hammond	✓			
Mr. Keller				✓
Mr. Ort	✓			
Mr. Thomson	✓			

I hereby certify the above to be a true copy of a resolution adopted by the Morris County Agriculture Development Board at a meeting held on August 10, 2017.


 Attorney at Law State of New Jersey

Coyle, Katherine

From: A Webb <aminawebb@gmail.com>
Sent: Monday, June 05, 2017 12:12 PM
To: Coyle, Katherine
Subject: Lawson Trucking Complaint, New Vernon NJ
Attachments: HT Resolution April 20th 2017.pdf; HT 1 Violation Dec 17th 2015.pdf; HT 2 Violation July 28th 2016.pdf; HT 3. October 3rd letter (no violation).pdf; BOA Appeal Letter with signatures.pdf; IMG_0055.JPG; IMG_0054.JPG; HT Tax Assessor OPRA request Jan 11th 2017.pdf

Dear Mrs. Coyle

Please accept this email as a formal complaint with regard to our Neighbor William James Lawson Jr. of New Vernon NJ 07976.

Mr. Lawson continues to use his guise as a "farm" to conduct his commercial business, WJ Lawson Trucking and Excavating LLC. On April 20th 2017 the Board of Adjustment ruled he was conducting a non permitted business on his residential zoned property. He still runs his commercial business from the residential property to this day, operating tri axle truck, tandem axle trucks, smaller commercial vehicles and 22 containers for commercial solid waste disposal as well as commercial equipment moving on and off the property.

Mr. Lawson (on file with the tax assessor) claims to sell eggs and fruit, however there appear to be no chickens, and very few fruit trees and the bulk of his farm land appears to be dedicated to commercial use. Mr. Lawson stated in January 2017 at the Board of Adjustment meeting that he was in fact a wood farm, however he had no woodland management plan on file nor a Forrester on file, by the February BOA meeting he was once again claiming to sell eggs and fruit as a hobby farm.

The town had denied seeing a commercial business operating from the above address (despite 2 violation letters) however a group of neighbors appealed the zoning officers decision (a letter dated Oct 3rd 2017) which seemed to dismiss the previous violations (Dec 2015 and July 2016) that were never enforced. We overturned the Oct 3rd decision-resolution attached.

We do not think Mr. Lawson should be able to continue to run his Commercial Trucking Business while reaping the rewards of a fake farm.

It is our understanding that non of the vehicles in the photos can be classed as farm vehicles. Can you please confirm.

While we understand the "right to farm" and enjoy our local neighborhood farms we do not believe Mr. Lawson should be granted farm status. Mr. Lawson is clearly abusing the "right to farm".

Mr. Lawson is also in violation with the DEP. Violation notice attached.

Please review the information we have attached and please can we request a written response as to Mr. Lawson's status of "Right to Farm" and if any of the vehicles in the photos can be classed as "farm vehicles".

Please contact me if you require further information or photos. We have many.

We look forward to hearing from you

Sincerely
Amina Webb



MORRIS COUNTY AGRICULTURE DEVELOPMENT BOARD

B-1

P.O. Box 900 Morristown, NJ 07963-0900

(973) 829-8120 • FAX (973) 326-9025 • Website: <http://planning.morriscountynj.gov/>

Office located at: 30 Schuyler Place, Morristown, NJ

June 8, 2017

Mr. William J. Lawson Jr.

New Vernon, NJ 07976

Via Certified Mail Return Receipt

Re: Right to Farm Act Complaint
Block 56, Lot 12, Harding Township

Dear Mr. Lawson:

The Morris County Agriculture Development Board (Morris CADB) received a complaint filed by Ms. Amina Webb against your operation at _____ in Harding Township. Enclosed please find a copy of the complaint.

The complaint alleges that you conduct a commercial business from your property including the use of tri axle trucks, tandem axle trucks, commercial equipment, vehicles and containers for commercial solid waste disposal. The complaint also states that the NJDEP has issued a Notice of Violation to you for violations of the Freshwater Wetlands Protection Act and regulations and the Flood Hazard Area Control Act and regulations.

The complaint was filed pursuant to the Right to Farm Act (RTFA), N.J.S.A. 4:1C-1 et seq. In order to be eligible for RTFA protection, a farm operation must be a "commercial farm" as defined in the Act and must meet the eligibility criteria of the Act. In addition, the activity in question must be included in one or more of the permitted activities set forth in N.J.S.A. 4:1C-9.

Enclosed please find a Commercial Farm Certification Form, which I ask that you complete and send back to me by June 30, 2017. The Morris CADB will then determine whether your operation qualifies as a commercial farm and whether the dispute involves an agricultural activity that is included in one or more of the permitted activities set forth in the RTFA.

Please provide detailed information about farming operation and activities and about the status of the NJDEP violation.

OFFICERS: Dale Davis III, *Chairman* • Aimee Ashley Myers, *Vice Chairman* • Gregory Keller, *Secretary*

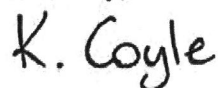
MEMBERS: Rick Desiderio • Kathy Hammond • Harvey Ort, Jr. • Jay Thomson

STAFF: Katherine Coyle, *Director*

For your information, I am enclosing a copy of the RTFA and the SADC's Right to Farm Rules. The rules, at N.J.A.C. 2:76-2.7, outline the process of conflict resolution between any person aggrieved by the operation of a commercial farm and a farm operator. I have highlighted the relevant sections of the rules for your convenience.

If you have any questions or require any additional information, please contact me.

Sincerely,

Handwritten signature of Katherine Coyle in black ink.

Katherine Coyle
Director

Enclosures

cc: Amina Webb
Frank Bastone, Harding Township Administrator
George Byrnes, Harding Township Zoning Officer
Susan Payne, Executive Director, SADC
Christine Marion, Director, Morris County Division of Planning and Preservation
W. Randall Bush, Esq., First Assistant County Counsel



MORRIS COUNTY AGRICULTURE DEVELOPMENT BOARD

B-2

P.O. Box 900 Morristown, NJ 07963-0900

(973) 829-8120 • FAX (973) 326-9025 • Website: <http://planning.morriscountynj.gov/>

Office located at: 30 Schuyler Place, Morristown, NJ

Mr. William J. Lawson Jr,

July 3, 2017

New Vernon, NJ 07976

Via UPS

Re: Right to Farm Act Complaint
Block 56, Lot 12, Harding Township

Dear Mr. Lawson:

As you know, the Morris County Agriculture Development Board (Morris CADB) received a complaint filed by Ms. Amina Webb regarding activities on your land. The first step in the processing of this complaint is to determine whether your operation qualifies as a "commercial farm" under N.J.S.A. 4:1C-3.

On June 8, 2017, the Morris CADB sent a letter to you advising you regarding the complaint and requesting that you submit a completed Commercial Farm Certification Form and provide requested proofs so that the Morris CADB can determine whether your operation is a commercial farm. As of today, we have not received the requested information.

Please submit the completed Commercial Farm Certification Form (copy enclosed) and requested proofs by July 14, 2017 so that we can expeditiously determine whether you operate a "commercial farm". If you do not submit the requested information by July 14, 2017, your operation will be deemed ineligible for the protection of the Right to Farm Act.

If you have any questions or require any additional information, please contact me.

Sincerely,

K. Coyle

Katherine Coyle, Director

Enclosures

cc: Amina Webb
Frank Bastone, Harding Township Administrator
George Byrnes, Harding Township Zoning Officer
Susan Payne, Executive Director, SADC
Christine Marion, Director, Morris County Division of Planning and Preservation
W. Randall Bush, Esq., First Assistant County Counsel

OFFICERS: Dale Davis III, *Chairman* • Aimee Ashley Myers, *Vice Chairman* • Gregory Keller, *Secretary*

MEMBERS: Rick Desiderio • Kathy Hammond • Harvey Ort, Jr. • Jay Thomson

STAFF: Katherine Coyle, *Director*

Coyle, Katherine

From: wjlawson.te@gmail.com
Sent: Tuesday, July 18, 2017 1:30 PM
To: Coyle, Katherine
Subject: New Vernon

Hi Kathleen

Thank you for speaking with me yesterday.

Per our conversation, I'm not a commercial farm nor do I want to become one.

This is just another attempt by my neighbors to harass me and my wife.

Thanks,

Sent from my iPhone