

**Sussex County Agriculture Development Board**

**Right to Farm Conflict Resolution  
Findings and Recommendations**

**Leenheer Property  
Block 56, Lot 2  
Township of Frankford, Sussex County, New Jersey**

**Memorialized: May 20, 2018**

**WHEREAS**, pursuant to the Right to Farm Act, N.J.S.A. 4:1 C- 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 November 13, 2017 the Sussex County Agriculture Development Board ("SCADB") received a complaint filed by Clifford Lundin, District Manager, Sussex County Soil Conservation District against the owners of Block 56, Lot 2, Township of Frankford, identified as Mr. and Mrs. Steven and Connie Leenheer (Exhibit A-1); and

**WHEREAS**, Mr. Lundin's complaint alleging that Mr. Leenheer is in violation of the Soil Erosion and Sediment Control Act, N.J.S.A. 4:24-39, *et seq.* ("SESCA"), for soil moving and soil disturbance activities on the aforementioned property, resulting in the issuance of violation notices and stop work orders; 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 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 November 28, 2017, the SCADB, sent a certified letter, return receipt requested, to Mr. and Mrs. Leenheer asking them to provide evidence that the operation is a commercial farm (J-1); and

**WHEREAS**, the signed certified mail receipt card was received by the Leenheer' s on December 6, 2017; and

**WHEREAS**, due to lack of a response from Mr. and Mrs. Leenheer, staff verbally contacted Mr. Leenheer on December 14, 2017 and went over the Right to Farm process, the eligibility documentation to provide to the SCADB, and additional procedural information; and

**WHEREAS**, on January 2, 2018, the SCADB, received a signed Commercial Farm Certification form without the required supporting documentation from Mr. and Mrs. Leenheer (Exhibit J-2); and

**WHEREAS**, a subsequent verbal request was made to Mr. & Mrs. Leenheer, to discuss the additional documents and items still needed for a complete submittal, which Mr. Leenheer agreed to provide at the SCADB meeting on January 16, 2018; and

**WHEREAS**, at the SCADB's January 16, 2018 meeting, the Board held a preliminary review of the complaint to acquire background information, the eligibility documents required for commercial farm certification, and the jurisdictional issues pursuant to the Right to Farm Act; and

**WHEREAS**, the Soil Conservation District provided background information, discussed the Soil Erosion and Sediment Control Act violations on the subject property, and further testified that the Right to Farm Act process was initiated to remediate the violations with property owners, prior to pursuing additional legal remedies; and

**WHEREAS**, Mr. and Mrs. Leenheer testified as to the their agricultural operation, their future plans for their agricultural operation, and the activities that resulted in the SESCA violation notices; and

**WHEREAS**, Mr. and Mrs. Leenheer did not have sufficient documentation to meet the commercial farm eligibility requirements, but agreed to provide to the Board by their next meeting; and

**WHEREAS**, the SCADB carried the matter to their next meeting scheduled for February 20, 2018, provided that the required documentation for commercial farm status be provided; and

**WHEREAS**, on February 20, 2018, Mr. and Mrs. Leenheer provided the SCADB with the property's farmland assessment form and additional tax documents; and

**WHEREAS**, the SCADB determined that additional income information was needed to confirm that the property produced at least \$2,500 in annual income, which Mr. Leenheer agreed to provide; and

**WHEREAS**, the SCADB discussed whether a CADB could make a determination on the matter pursuant to N.J.A.C. 4:1C-10, but agreed to carry the matter to the SCADB meeting on March 20, 2018; and

**WHEREAS**, on March 16, 2018, the SCADB received a letter from the State Soil Conservation Committee (Exhibit J-5), which provided that the SCADB has no jurisdiction to decide the issue of whether the activities on the subject property are agricultural as the dispute involves State laws and regulations; and

**WHEREAS**, the SCADB carried the matter to their April 16, 2018 pending additional review from the County Counsel; and

**WHEREAS**, on March 26, 2018, the SADC sent electronic correspondence to the Sussex county Soil District Manager and determined that the SCADB has no authority to make dispositive decisions or to provide advisory opinions with regard to SESCO matters. The SCD may consult with the SCADB in order to engage the board's agricultural expertise, but the SCADB has no jurisdiction over SESCO matters; and


**WHEREAS**, on April 16, 2018 the SCADB, reviewed the SADC's determination, marked as Exhibit J-6.

**NOW THEREFORE BE IT RESOLVED**, after having considered exhibits J-1 thru J-4, the SCADB determines that Mr. and Mrs. Leenheer's operation does not meet the eligibility requirements for a commercial farm pursuant to N.J.A.C. 2:76-2.7(a)1 and N.J.S.A. 4:1 C- 10. 1(a); and

**BE IT FURTHER RESOLVED** that the SCADB lacks jurisdiction over Mr. and Mrs. Leenheer's operation and dismisses the complaint. The activities occurring on the Leenheer property are outside the purview of the SCADB and remain under the jurisdiction of the Soil Erosion and Sediment Control Act, N.J.S.A. 4:24-39, *et seq.* and the applicable local and state authorities; and

**BE IT FURTHER RESOLVED**, that copies of this resolution will be forwarded to the Sussex County Soil Conservation District, Mr. and Mrs. Steven and Connie Leenheer; Patricia Bussow, RMC/CMR, Municipal Clerk/Administrator, Township of Frankford; Alison Reynolds, Esq. and Brian Smith, Esq., State Agriculture Development Committee.

Certified as a true copy of the  
Resolution adopted by the Sussex  
County Agriculture Development  
Board on the 21<sup>th</sup> day of May 2018.

  
Jane Brodhecker, Chairperson  
Sussex County Agriculture Development Board

Approved: April 16, 2018  
Memorialized: May 21, 2018



A-1  
**SUSSEX COUNTY SOIL CONSERVATION DISTRICT**

186 Halsey Road, Suite 2, Newton, New Jersey 07860  
Telephone: 973-579-5074 Fax: 973-579-7846 E-Mail Address: sussex@sussexscd.org

November 9, 2017

Sussex County Agricultural Development Board  
c/o Sussex County Division of Planning and Economic Development  
1 Spring Street  
Newton, NJ 07860

NOV 13 2017

Re: Request for Formal Conflict Resolution

Gentlemen,

I enclose an original Request for Formal Conflict Resolution between the Sussex County Soil Conservation District and Steven and Connie Leenheer. The request concerns an agriculturally assessed parcel located in Frankford Township. The District is making this request pursuant to the NJ Right to Farm Law as a pre-requisite to the initiation of formal enforcement action in the Municipal Court.

I am providing a copy of this Request to Mr. and Mrs. Leenheer. The facts underlying the request are contained in the attached Complaint.

Please feel free to contact us at 973-579-5074 if you have any questions.

Very truly yours,

*Clifford R. Lundin*  
Clifford R. Lundin  
District Manager

Cc: Mr. and Mrs. Leenheer  
Mr. Frank Minch- NJDA-SSCC

WITH THE RIGHT TO OWN GOES THE DUTY TO CONSERVE

REQUEST FOR FORMAL CONFLICT RESOLUTION

NAME OF COMPLAINANT: Sussex County Soil Conservation District  
ADDRESS OF COMPLAINANT: Clifford R. Lundin, District Manager  
186 Halsey Road, Newton, NJ 07860

I hereby certify that I am (one of) the owner(s)/operator(s) of the above referenced property and request that the Sussex County Agriculture Development Board ("Board") formally resolve the following conflict:

1. Complaint:

Please explain the nature of the problem and provide the address and block and lots of property complaint is against:

See Complaint attached.

(Please continue on additional sheet if necessary)

**ITEM 1  
COMPLAINT TO SCADB**

**THE SUSSEX COUNTY SOIL CONSERVATION DISTRICT, COMPLAINANT  
STEVEN AND CONNIE LENNHEER, RESPONDANTS.**

- 1) The Complainant is the Sussex County Soil Conservation District (hereinafter the "SCSCD" or the "District"). The District is a special purpose of unit of government and is organized pursuant to the NJ Soil Conservation Act (NJSA 4:24-1 et seq.) The District is responsible for the implementation of the New Jersey Soil Erosion and Sediment Control Act (NJSA 4:24-39 et seq.) within Sussex County.
- 2) This Complaint is against Steven and Connie Leenheer who are the owners of Block 56 lot 2 in Frankford Township, Sussex County, NJ. This property is commonly known as .
- 3) The mailing address for the property owners is P.O. Box 2192, Branchville, NJ 07825
- 4) The property consists of 52.80 acres and also includes a single family home. The property has qualified for farmland assessment per the records of the Sussex County Board of Taxation.
- 5) The Leenheers apparently received large amounts of fill material from the Branchville sewer project and essentially have altered the topography on in excess of 10 acres of the tract.
- 6) The District became aware of the soil disturbance on the property sometime in late July 2015 when it received phone complaints relative to the tracking of mud and dirt onto Kemah Lake Road, a Sussex County highway.
- 7) An initial inspection conducted by the District on July 28, 2015 confirmed that large amounts of soil had been imported to the site. A follow-up inspection on August 7, 2015 indicated that fill importation was continuing at that time. The inspection noted a large amount of material had been tracked onto Kemah Lake Road.
- 8) The District advised the Leenheers of the need for a SESC certification by letter dated August 18, 2015.
- 9) A meeting was held at the site with Mrs. Leenheer on August 27, 2015. During the meeting Mrs. Leenheer asserted that all activities were exempt because the property had qualified for farmland assessed. The District verbally advised Mrs. Leenheer that the activity was outside the agricultural exemption of the NJ Soil Erosion and Sediment Control Act.
- 10) Mrs. Leenheer was also verbally advised by the District during the meeting that assistance might be available from the USDA, Natural Resources Conservation

Service (NRCS.) The District provided Mrs. Leenheer with a form known as a Request for Conservation Assistance. To date, no such form has been submitted to either the District or to NRCS.

- 11) As a result of the meeting, the Leenheers did install a "tracking pad" near the entrance to their roadway as suggested by the District.
- 12) The District subsequently received reports that material continued to be tracked onto . . . . A site meeting was held with Mr. Leenheer on November 5, 2015. Mr. Leenheer was again advised of the need for a Soil Erosion and Sediment Control Plan. Mr. Leenheer was encouraged to stabilize the site as soon as possible.
- 13) In or about February 5, 2016, the District again received reports of additional tracking of material onto . . . . A District inspection on February 5, 2016 revealed large unstable areas on the property.
- 14) A District inspection was again conducted on March 16, 2016. This visit revealed that the area of disturbance had been expanded even further.
- 15) The District again visited the site on July 27, 2016. The report notes that part of the original area of disturbance had been stabilized but that the area of disturbance has been significantly expanded. A new roadway/driveway appeared to be under construction.
- 16) On August 2, 2016 the District issued a formal Notice of Violation for the site. This was based upon the inspection of July 27, 2016. The Notice was forwarded to the Leenheers by letter dated August 2, 2016. Although the Notice required specific actions by August 12, 2016, no such actions were taken. Mr. Leenheer telephoned the District on August 24, 2017 to again assert that the soil disturbance was exempted as agriculture.
- 17) The District again inspected the site on October 14, 2016. The report notes that earth movement was still in progress.
- 18) An additional District inspection occurred on January 15, 2017. At that time, additional work continued to be underway. At the time, the amount of material was tracked onto the roadway was so severe that it was being cleaned by the Sussex County Department of Public Works.
- 19) An additional District inspection was held on May 18, 2017. The report notes that there was still a large amount of disturbance. The importation of fill had apparently continued and that the property appeared to be being used as storage yard for a landscape supply and storage yard.
- 20) John Showler, P.E., a representative of the New Jersey Department of Agriculture (NJDA) State Soil Conservation Committee (SSCC) inspected the site at the request



of the District and in the company of the District Manager on May 26, 2017. Mr. Showler issued a letter to the District dated June 16, 2017. In his letter, Mr. Showler indicated that the disturbance was not subject to the agricultural exemption and that a soil erosion and sediment control certification should be required.

- 21) The District issued a Stop Work Order for the site on June 12, 2017. The Leenheers were served with a copy of the Order by certified and regular mail. The certified mail receipt card was received by the Leenheers on June 17, 2017.
- 22) Mr. Leenheer subsequently contacted the District on June 16, 2017. In his conversation he indicated that he would stop work on the site other than to stabilize the existing disturbed area.
- 23) A follow-up District inspection was held on October 6, 2017. The inspection notes that the disturbed area continued to be expanded in violation of the Stop Work Order.
- 24) .This Complaint has been authorized by the District Board of Supervisors at its meeting of November 1, 2017.

2. Please explain the resolution you are seeking through this application:

See attached sheet.

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(Please continue on additional sheet if necessary)

3. Procedural History:

Has this matter been heard by any other agency, municipality, or court?  Yes  No if yes, please indicate before which body it was heard and on what date:

All prior actions to date have been administrative in nature within the District.

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(Please continue on additional sheet if necessary)

**Item 2**  
**DISTRICT REQUESTS**

The Sussex County Soil Conservation District requests that the Sussex County Agriculture Development Board consider the matter and adopt a resolution that includes:

- 1) A finding by the SCADB that the ongoing soil disturbance at the Leenheer property is not a protected activity under the NJ Right to Farm Act. .
- 2) A finding by the SCADB that the ongoing soil disturbance at the Leenheer property is subject to the requirements of the NJ Soil Erosion and Sediment Control Law, N.J.S.A. 4:24-39 et seq.
- 3) A recommendation by the Board that the property owner, pursuant to the New Jersey Soil Erosion and Sediment Control Act, should arrange for a licensed professional to prepare a Soil Erosion and Sediment Control Plan and submit the same to the District for approval. Said Soil Erosion and Sediment Control plan must be prepared by a NJ Licensed engineer and demonstrate how the site will be stabilized.
- 4) A finding allowing the District to proceed to municipal or state court to seek penalties against the property owners for: a) failure to obtain a soil erosion and sediment control certification (NJSA 4:24-43) and b) for failure to comply with a District Stop Work Order (NJSA 4:24-46
- 5) A recommendation that the property owner arrange for the immediate installation of erosion controls to avoid further discharges of eroded materials from the property.

This application to the SCADB is intended to comply with the NJ Right to Farm Law. The Board of Supervisors wishes to avoid the need to seek formal judicial relief. .

The District Board of Supervisors authorized this action at its meeting of November 1, 2017.

What was the outcome of these hearings?

NA

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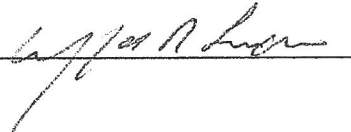
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(Please continue on additional sheet if necessary)

Pursuant to the New Jersey Right to Farm Act, N.J.S.A. 4:1C-1 et seq, the Sussex County Agriculture Development Board (SCADB) can hold public hearings and issue findings and recommendations on disputes between commercial farm operators and persons who are aggrieved by farm operations.

DATED: 11/9/2017

SIGNATURE OF REQUESTOR: 

Upon Completion, Mail this Application to:

Sussex County Agriculture Development Board C/O  
Division of Planning & Economic Development  
One Spring Street  
Newton, NJ 07860  
Ph. (973) 579-0500 x 1336  
Fx. (973) 579-0513

## Exhibits

- J-1: Letter to Mr. & Mrs. Leenheer, dated November 28, 2017, prepared by CADB Administrator
- J-2: Commercial Farm Certification Form, prepared & signed by Mr. Leenheer, & dated December 28, 2017
- J-3: Sec. 2:90-1.8 of the Soil Erosion & Sediment Control Act
- J-4: Block 56 Lotz Property Assessment Card & tax bill (3 pages)
- J-5: Letter from Frank Minch, dated March 16, 2018
- J-6: Email correspondence from Alison Reynolds, (STOC) to Cliff Underm, dated March 26, 2018.



DEPARTMENT OF ENGINEERING AND PLANNING  
Division of Planning and Economic Development  
Sussex County Administrative Center  
One Spring Street  
Newton, N.J. 07860  
Tel. 973-579-0500  
FAX 973- 579-0513

## County of Sussex

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November 28, 2017

Mr. and Mrs. Leenheer  
P.O. Box 2192  
Branchville, New Jersey 07826

Subject: Right to Farm Complaint  
Block 56 Lot 2  
Township of Frankford

Dear Mr. and Mrs. Leenheer,

The purpose of the Right to Farm Act is to protect responsible commercial farmers from public and private nuisance actions and certain local regulations. Under the Right to Farm Act (Act), the Sussex County Agriculture Development Board has primary jurisdiction to review and decide agriculture-related disputes. Consequently, anyone aggrieved by the operation of a commercial farm, is required to file a complaint with the County Agriculture Development Board rather than filing an action in court.

The Board is in receipt of a potential Right to Farm complaint made by the Sussex County Soil Conservation District relative to certain soil moving practices you are employing on the aforementioned property. For the Board to address this action under the Act, it must first establish whether your farming operation meets the minimum eligibility criteria. Attached to this letter, is an application you are required to fill out (with accompanying detailed information) and submit to the:

Sussex County Agriculture Development Board  
Division of Planning and Economic Development  
1 Spring Street  
Newton, New Jersey 07860

This information must be received in this office no later than Friday, December 15th, 4:30 pm to be part of the Board's December 18<sup>th</sup> agenda.

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County of Sussex is an Equal Opportunity Employer

J-I

You are welcome to attend the December 18<sup>th</sup> meeting where the Board will evaluate the submitted information to determine whether you qualify for Right to Farm protections and discuss conflict resolution alternatives, if applicable. Please call my office (973-579-0500, ext. 1336) for meeting details and any questions.

Enclosed, you'll also find the following guidebooks:

1. Application for Commercial Farm Certification
2. Right to Farm Agricultural Mediation

Thank you for your assistance in this matter.

Sincerely,

Autumn Sylvester, Principal Planner  
Sussex County Division of Planning

CC: John Williams, Esq., County Counsel (via email, without attachments)  
Sussex County Soil Conservation District (via regular mail, with attachments)  
William J. Koppenaar, P.E., County Engineer (via email, without attachments)

**COMMERCIAL FARM CERTIFICATION**

CERTIFICATION OF: Steve Leenheer  
(NAME OF COMMERCIAL FARM OWNER/OPERATOR)

Bonna brew farms  
(NAME OF COMMERCIAL FARM)

1 Frankford N507826  
(ADDRESS OF COMMERCIAL FARM)

**1. I hereby certify the following:**

I am (one of) the owner(s)/operator(s) of Bonna Brew Farms  
(NAME OF COMMERCIAL FARM)

Block(s) 56 Lot(s) 2

located at \_\_\_\_\_  
(ADDRESS OF COMMERCIAL FARM)

in the Municipality of Frankford Twp, in the County of Sussex

**2. I hereby certify that the above referenced farm is EITHER:**

- a. Five (5) acres or more; AND
- b. Annually produces agricultural and/or horticultural products worth \$2,500 or more; and
- c. Is eligible for differential property taxation pursuant to the Farmland Assessment Act of 1964.

**OR**

- a. Five (5) acres or less; AND
- b. Annually produces agricultural and/or horticultural products worth \$50,000 or more; and
- c. Is eligible for differential property taxation pursuant to the Farmland Assessment Act of 1964.

- If your farm is farmland assessed, please attach a copy of the filed Farmland Assessment Form for each tax lot.
- If land is not farmland assessed, please attach a copy of the tax map representing the farm acreage.

J-d (2 pages Total)



3. I hereby certify that the above referenced farm is:

a. 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.

OR

b. Was in operation as of July 2, 1998.

Please provide proof that:

- The land is currently, and has been for at least two(2) successive years, actively devoted to agricultural or horticultural use; AND
- Proof that the land was in operation as of July 2, 1998; OR
- Agriculture is a permitted use under the municipal zoning ordinance.


4. To the best of my knowledge and belief, my agricultural operation is in compliance will all relevant federal and State statutes, rules and regulations.

5. I understand that within 30 days of the Board's issuance of its written recommendation, the site specific AMP will be forwarded to me, the State Agricultural Development Committee (SADC) and any other individuals or organizations deemed appropriate by the Board.

6. I understand that any person aggrieved by any decision of the Board regarding the recommendation of this site specific AMP, including myself, may appeal the decision to the SADC in accordance with the provisions of the Administrative Procedure Act, N.J.S.A. 52:14b-1 et seq., and the Uniform Administrative Procedure Rules, N.J.A.C.1:1, within 45 days from receipt of the Board's final determination.

The decision of the SADC shall be considered a final administrative agency decision. If the Board's decision is not appealed within 45 days, the Board's decision is binding.

Dated: 12/28/17

  
\_\_\_\_\_  
(SIGNATURE OF REQUESTOR)

NSAC

2:90-1.8 Clearing or grading of land

- (a) Except as provided in (b) and (c) below, a person proposing to engage in or who is engaging in clearing or grading of more than 5,000 square feet of land shall be subject to the act unless such land disturbance is for agricultural or horticultural purposes. To demonstrate to the district that such activity is related to proposed agricultural or horticultural activities, the owner shall provide proof that the land is enrolled in a farmland preservation program, eligible for farmland assessment, qualifies for right-to-farm protections, or possesses a farm conservation plan or forest management plan, timber harvest sale contract or other proofs deemed appropriate by the district. The district shall determine if the proofs demonstrate an agricultural or horticultural activity or is subject to the act and this subchapter.
- (b) Certification of a soil erosion and sediment control plan shall be required for the construction of agricultural structures, involving the disturbance of greater than 5,000 square feet of land unless the disturbance is incorporated into a farm conservation plan approved by the district as conforming to the United States Department of Agriculture, June 1, 2005 Field Office Technical Guide, which is hereby adopted and incorporated by reference, as amended and supplemented.
1. Copies of the New Jersey Field Office Technical Guide are available from the NRCS Field Offices and the State Office at 220 Davidson Ave., 4th Floor, Somerset, NJ 088873.
  2. An electronic copy of the New Jersey Field Office Technical Guide is available at <http://www.nrcs.usda.gov/technical/efotg/>.
  3. A copy of this document is on file in the NJDA Office of the Director, Division of Agricultural and Natural Resources, Health and Agriculture Building, Market and Warren Streets, Trenton, NJ 08625.
- (c) Disturbances on agricultural land greater than 5,000 square feet in size other than for agricultural or horticultural purposes, may be subject to the act and this subchapter or may be incorporated into the farm conservation plan when so determined by the district.

4/3

US22X

2131915

NOTICE OF PROPERTY ASSESSMENT FOR 2015 DATE MAILED: 01/30/2015  
(N.J.S.A. 54:4-38.1)

LOCK: 56 LOT: 2 QUAL.: QFARM  
PROPERTY LOCATION: CLASS: 3B

015 LAND: 33,800 BUILDING: 0 TOTAL: 33,800

NET TAXES BILLED FOR 2014 2014 ASSESSMENT: 33,800  
TAXES: \$886.24

THIS IS NOT A BILL. LEENHEER, STEVEN & CONNIE  
SEE REVERSE FOR PO BOX 2192  
APPEAL INFORMATION. BRANCHVILLE NJ 07826-2192



RANKFORD TOWNSHIP  
TAX ASSESSOR  
51 US HWY 206  
JGUSTA NJ 07822

FIRST CLASS MAIL  
PRESORTED  
U.S. POSTAGE PAID  
TRENTON, NJ  
PERMIT NO. 41

RANKFORD TWP  
JSEX

2131930

NOTICE OF PROPERTY ASSESSMENT FOR: 2014 DATE MAILED: 01/31/2014  
(N.J.S.A. 54:4-38.1)

LOCK: 56 LOT: 2 QUAL.: QFARM  
PROPERTY LOCATION: CLASS: 3B

014 LAND: 33,800 BUILDING: 0 TOTAL: 33,800

NET TAXES BILLED FOR 2013 2013 ASSESSMENT: 9,300  
TAXES: \$235.01

THIS IS NOT A BILL. LEENHEER, STEVEN & CONNIE  
SEE REVERSE FOR PO BOX 2192  
APPEAL INFORMATION. BRANCHVILLE NJ 07826-2192



J-4 (3 pages total)

ISSEX

2121885

NOTICE OF PROPERTY ASSESSMENT FOR: 2017 DATE MAILED: 01/30/2017  
(N.J.S.A. 54:4-38.1)

BLOCK: 56 LOT: 2 QUAL.: QFARM  
PROPERTY LOCATION: CLASS: 3B

2017 LAND: 34,800 BUILDING: 0 TOTAL: 34,800

NET TAXES BILLED FOR 2016 2016 ASSESSMENT: 33,800  
AMOUNT: \$870.69

THIS IS NOT A BILL.  
PLEASE REVERSE FOR  
APPEAL INFORMATION.

LEENHEER, STEVEN & CONNIE  
PO BOX 2192  
BRANCHVILLE NJ 07826-2192



ANKFORD TOWNSHIP  
TAX ASSESSOR  
1 US HWY 206  
GUSTA NJ 07822

FIRST CLASS MAIL  
PRESORTED  
U.S. POSTAGE PAID  
TRENTON, NJ  
PERMIT NO. 41

ANKFORD TWP  
ISSEX

2131903

NOTICE OF PROPERTY ASSESSMENT FOR: 2016 DATE MAILED: 01/31/2016  
(N.J.S.A. 54:4-38.1)

BLOCK: 56 LOT: 2 QUAL.: QFARM  
PROPERTY LOCATION: CLASS: 3B

2016 LAND: 33,800 BUILDING: 0 TOTAL: 33,800

NET TAXES BILLED FOR 2015 2015 ASSESSMENT: 33,800  
AMOUNT: \$866.29

THIS IS NOT A BILL.  
PLEASE REVERSE FOR  
APPEAL INFORMATION.

LEENHEER, STEVEN & CONNIE  
PO BOX 2192  
BRANCHVILLE NJ 07826-2192



ADDITIONAL LOT NUMBERS	52.80 ACS		
LAND DIMENSION	52.80 ACS		
TAX AMOUNT BILLED	2017 4TH QUARTER DUE NOV. 1, 2017	2017 3RD QUARTER DUE AUG. 1, 2017	
TAX DUE	224.98	224.98	
INTEREST			
TAX ACCOUNT NUMBER	BANK CODE	MORTGAGE ACCOUNT NO.	TAX BILL NUMBER
16956			
LEENHEER, STEVEN & CONNIE PO BOX 2192 BRANCHVILLE, NJ 07826			

REGIONAL SCHOOL TAX	0.17%	0.330	114.84
MUNICIPAL TAX	12.97%	0.330	114.84
MUNICIPAL OPEN SPACE	0.39%	0.010	3.48
ASSESSED VALUATION		TOTAL TAX	2.544
LAND	34,800	LESS DEDUCTION FOR	0.00
IMPROVEMENTS	0		
LESS EXEMPTION		2017 NET TAX	885.31
NET TAXABLE VALUE	34,800	LESS 1st HALF 2017 TAX PREVIOUSLY BILLED	435.35
		BAL. OF 2017 TAX	449.96

## 2018 PRELIMINARY TAX BILL

PROPERTY IDENTIFICATION	BLOCK NUMBER	LOT NUMBER	QUALIFICATION
	56	2	QFARM
PROPERTY LOCATION	ADDITIONAL LOT NUMBERS		
LAND DIMENSION	52.80 ACS		
TAX AMOUNT BILLED	2018 2ND QUARTER DUE MAY 1, 2018	2018 1ST QUARTER DUE FEB. 1, 2018	
TAX DUE	221.33	221.33	
INTEREST			
TAX ACCOUNT NUMBER	BANK CODE	MORTGAGE ACCOUNT NO.	TAX BILL NUMBER
16956			
LEENHEER, STEVEN & CONNIE PO BOX 2192 BRANCHVILLE, NJ 07826			

## TOWNSHIP OF FRANKFORD

151 U.S. HIGHWAY 206, AUGUSTA, N.J. 07822  
(973) 948-4621

### EXPLANATION OF TAX

PRELIMINARY TAX IS EQUAL TO ONE  
HALF OF 2017 TOTAL NET TAX

### 2018 PRELIMINARY TAX IS:

442.66

**STATE AID USED TO OFFSET LOCAL PROPERTY TAXES:** The budgets of the government agencies funded by this tax bill include State aid used to reduce property taxes. State aid offset information for current year municipal tax bills will start becoming available at the end of July. Access the Division of Local Government Services' website at [http://www.nj.gov/dca/divisions/dlgs/resources/property\\_tax.html](http://www.nj.gov/dca/divisions/dlgs/resources/property_tax.html) to find (based on the assessed value of this parcel) the amount of state aid used to offset property taxes on this parcel.

10 DAY GRACE PERIOD EVERY QUARTER.  
SAVE TIME, PAY THIS BILL ON-LINE.  
GO TO QUICK LINKS FOR INSTRUCTIONS  
AT FRANKFORDTOWNSHIP.ORG

## TOWNSHIP OF FRANKFORD

TAX COLLECTOR'S STUB - DETACH AND RETURN WITH PAYMENT  
2018 2ND QUARTER TAX DUE MAY 1, 2018

18-2

BLOCK NUMBER	LOT NUMBER	QUALIFICATION	BANK CODE
56	2	QFARM	
TAX ACCOUNT NUMBER	TAX BILL NUMBER	TAX AMOUNT BILLED	DATE
16956		221.33	DUE MAY 1, 2018
ADJUSTMENT			
INTEREST			
TOTAL			

LEENHEER, STEVEN & CONNIE



MAY 2018



State of New Jersey

DEPARTMENT OF AGRICULTURE  
HEALTH / AGRICULTURE BUILDING  
PO Box 330  
TRENTON NJ 08625-0330

PHILIP D. MURPHY  
Governor

SHEILA Y. OLIVER  
Lt. Governor

DOUGLAS H. FISHER  
Secretary

State Soil Conservation  
Committee

March 16, 2018

Frank Minch  
Executive Secretary  
TEL (609) 292-5540  
FAX (609) 633-7229

Sussex County Agriculture Development Board  
One Spring Street  
Newton, NJ 07840

Members

Douglas H. Fisher  
Chairman  
Catherine McCabe  
Robert Goodman  
Larry Katz  
John Kocubinski  
Carrie Lindig  
Raymond J. Cywinski  
Michael Rigolizzo  
Sylvia Kovacs  
Anthony DiLodovico  
Joseph Lomax  
Charles S. Buscaglia  
Cristin Mustilio  
Deputy Attorney General

Dear Board Members:

The Soil Erosion and Sediment Control Act, N.J.S.A. 4:24-39 et seq. establishes that land disturbance activities greater than 5,000 square feet, with certain exceptions, are required to comply with the provisions of the Act and promulgated regulations (N.J.A.C. 2:90-1.0 et seq.). Soil Conservation Districts, as established in the enabling legislation, are the units of government responsible for proper implementation of the Act and State regulations.

In the matter of \_\_\_\_\_, Frankford Township, Block 56, Lot 2, the ongoing land disturbance activities have been deemed by the Sussex County Soil Conservation District to constitute a "project" as defined in N.J.S.A. 4:24-41 (g). All land disturbance activities related to the importation of soil and the construction of water impoundments are subject to the Act. Accordingly, the Soil Erosion and Sediment Control Plan Certification must be secured by the landowner in conformance with the Standards for Soil Erosion and Sediment Control in New Jersey.

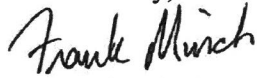
It is our understanding that the Sussex County Soil Conservation District filed a Request for Formal Conflict Resolution, November 9, 2017. This request was erroneously submitted as this matter is not a Right to Farm (N.J.S.A. 4:1C-1 et seq.) issue. While there are exclusions for land disturbances associated with agricultural or horticultural purposes (N.J.A.C. 2:90-1.8 (a)), the landowner has not demonstrated that the importation of soil, in the manner observed, bears any association with agricultural or horticultural use. Furthermore, the landowner has not demonstrated that the pond constructed on the property is associated with agricultural or horticultural use.

In any event, the Sussex County Agriculture Development Board has no jurisdiction to decide the issue of whether the activities on the subject property are agricultural, as the dispute involves State laws and regulations.

Exhibit J-5

Based on this determination, it is our position that the above matter is not under the jurisdiction of the Sussex CADB and request that the case be dismissed.

Sincerely,

A handwritten signature in black ink that reads "Frank Minch". The signature is written in a cursive style with a large initial 'F' and 'M'.

Frank Minch  
Executive Secretary

**Sylvester, Autumn**

---

**From:** Reynolds, Alison <Alison.Reynolds@ag.nj.gov>  
**Sent:** Monday, March 26, 2018 4:05 PM  
**To:** cliff-lundin@sussexscd.org  
**Cc:** Payne, Susan; Smith,Brian; Purcell, Monique; Minch, Frank; Sylvester, Autumn  
**Subject:** Sussex SCD - Right to Farm

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

Mr. Lundin,

This email is in response to your inquiry this morning involving the application of the Right to Farm Act (RTFA), N.J.S.A. 4:1C-1, et seq., to a matter before the Sussex Soil Conservation District that appears to involve issues implicated by the Soil Erosion and Sediment Control Act, N.J.S.A. 4:24-39, et seq. (SESCA). Although we are not aware of all of the facts in this matter, SESCO is a state law under the local enforcement jurisdiction of county soil conservation districts. Since N.J.S.A. 4:1C-9 and -10 require that a commercial agricultural operation, activity or practice must be in compliance with relevant state laws as a condition of RTFA eligibility, the Act does not apply to SESCO enforcement. As a result, the Sussex County Agriculture Development Board (SCADB) has no authority to make dispositive decisions or to provide advisory opinions with regard to SESCO matters. The SCD may consult with the SCADB in order to engage the board's agricultural expertise, but the SCADB has no jurisdiction over SESCO matters.

Please let me know if you have further questions.

Alison

Alison Reynolds, Esq.  
Legal Specialist  
NJ State Agriculture Development Committee  
My new email address is: [Alison.Reynolds@ag.nj.gov](mailto:Alison.Reynolds@ag.nj.gov)  
Phone: 609-984-2504  
Fax: 609-633-2004

CONFIDENTIALITY NOTICE: The information contained in this communication from New Jersey Department of Agriculture is privileged and confidential and is intended for the sole use of the persons or entities who are the addressees. If you are not an intended recipient of this email, the dissemination, distribution, copying or use of the information it contains is strictly prohibited. If you have received this communication in error, please immediately contact the Department of Agriculture at (609) 292-3976 to arrange for the return of this information.

Exhibit H6



Supplemental documents, prepared  
by CADB staff.

- tax card-property details
- zoning map
- zoning regulations ~~map~~
  - permitted uses
- aerial images (2)

[New Search](#) [Assessment Postcard](#)

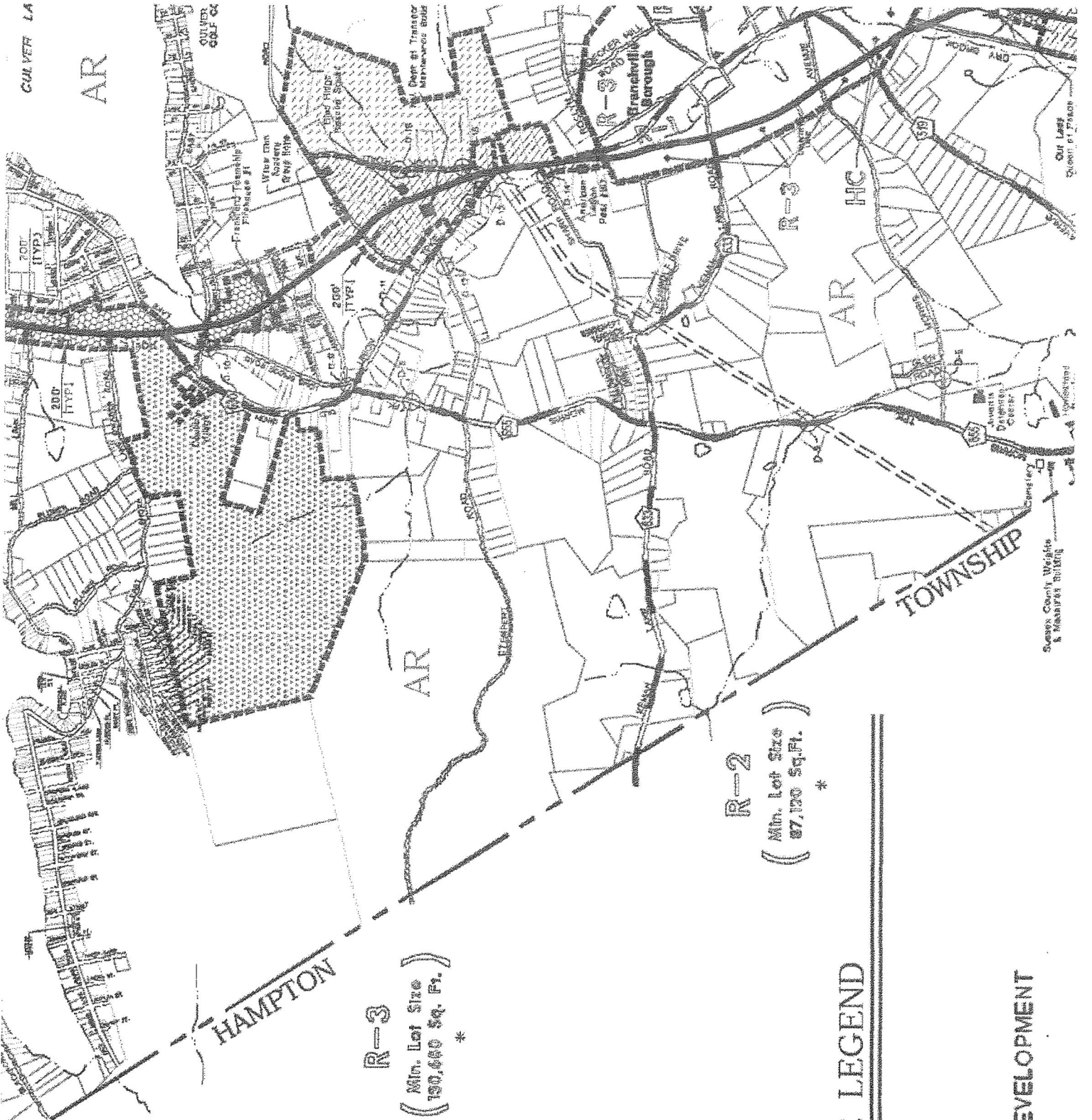
Block: 56	Prop Loc:	Owner: LEENHEER, STEVEN & CONNIE	Square Ft: 0
Lot: 2	District: 1905 FRANKFORD	Street: PO BOX 2192	Year Built:
Qual: QFARM	Class: 3B	City State: BRANCHVILLE, NJ 07826	Style:
Additional Information			
Prior Block:	Acct Num:	Add Lots:	EPL Code: 0 0 0
Prior Lot:	Mtg Acct:	Land Desc: 52.80 ACS	Statute:
Prior Qual:	Bank Code: 0	Bldg Desc:	Initial: 000000 Further: 000000
Updated: 07/29/13	Tax Codes:	Class4Cd: 0	Desc:
Zone: AR	Map Page: 14	Acreage: 52.8	Taxes: 885.31 / 0.00
Sale Information			
Sale Date: 08/06/12	Book: 3295 Page: 657	Price: 300000 NU#: 1	
Sr1a	Date	Book	Page
		Price	NU#
		Ratio	Grantee

TAX-LIST-HISTORY

Year	Owner Information	Land/Imp/Tot	Exemption	Assessed	Property Class
<u>2018</u>	LEENHEER, STEVEN & CONNIE PO BOX 2192 BRANCHVILLE, NJ 07826	34800 0 34800	0	34800	3B
<u>2017</u>	LEENHEER, STEVEN & CONNIE PO BOX 2192 BRANCHVILLE, NJ 07826	34800 0 34800	0	34800	3B
<u>2016</u>	LEENHEER, STEVEN & CONNIE PO BOX 2192 BRANCHVILLE, NJ 07826	33800 0 33800	0	33800	3B
2015	LEENHEER, STEVEN & CONNIE PO BOX 2192 BRANCHVILLE, NJ 07826	33800 0 33800	0	33800	3B

\*Click on Underlined Year for Tax List Page

[\\*Click Here for More History](#)



**R-3**  
 (Min. Lot Size  
 130,460 Sq. Ft.)  
 \*

**R-2**  
 (Min. Lot Size  
 87,120 Sq. Ft.)  
 \*

**N CENTER ZONE LEGEND**

**CENTER CORE**

**CENTER ECONOMIC DEVELOPMENT**

Swanton County Website  
 & MAPS/PLANNING

**SCHEDULE A PERMITTED, CONDITIONAL AND ACCESSORY USES AND STRUCTURES**  
 (Subsection 30-1003.2 and Section 30-1006)

Permitted (P), Conditional (C) and Accessory (A) Uses and Structures  
 Township of Frankford, Sussex County, New Jersey

USES	AR	C-1	C-2	FCC	FCNS	C-3	* CR	† FCR	LI	FCED	AP	*** CED-1	*** CED-2	RRU
Accessory uses; customary	A	A	A	A	A	A	A	A	A	A	A	A	A	A
Agriculture/Farm****	P	P	P	P	P	P	P		P	P	P	P	P	
Antique Shop		P	P	P	P		P					P	P	
Athletic Events (Typical school athletic field and similar activities are permitted in all zones)	C							P						
Automobile Service Station		C							P			C	C	
Banks, Savings and Financial Offices		P	P	P	P	P						P	P	
Bed and Breakfast	C													
Boarding Stable	P		P				C				C		P	
Business Services		P	P	P	P	P			P	P		P	P	
Campgrounds	C													
Child Care Center	P	P	P	P	P	P		P	P	P		P	P	
Church	C	C	C	C	C	C	C		C	C	C	C	C	
Clubhouse	C			P	P		P		C	C			P	
Colleges and Private Schools for Academic Instruction	C			P	P			P						
Community Residences for the Developmentally Disabled Over 15 persons	P C			P	P			P						
Community Shelters for Victims of Domestic Violence	P			P	P									
Concerts and Entertainment								P						
Country Club	C			C	C		P		C		P		P	
Craft and Hobby	C			P	P							P	P	
Demolition Derbies	C													
Docks	A													
Drive-thru facilities		P	P	P	P							P	P	
Dwellings, Single Family	P	A	A	P	P		P		A			A	A	
Dwellings, Attached Townhouses				P	P									
Duplexes, Triplexes, Quadraplexes Live Work Units & Mixed with Office & Retail Use				P	P									
ECHO Housing	A			P	P									
Essential Services/Public Utilities	C	C	C	C	C	C	C	C	C	C	C	C	C	C

Festivals such as Music, Arts and Crafts, and Food, and Seasonal Events				P				P					
Family Day Care Home	P			P	P		P						
Farmstand/Produce	A	P	P	P	P	A	P	P	A	A	A	P	P
Funeral Home		P	P	P	P	P						P	P
Galleries		P	P	P	P	P	P					P	P
Garage, Repair		C							C	C		C	C
General Development Plan													
Golf Courses	C						C		C		C		C
Growth Share Housing	P	C	C	C	C	C	C		C	C	C	C	C
Health Care Facility		P	P	P	P				P	P		P	P
Health Club		P	P	P	P		P	P	P	P	P	P	P
Health Services		P	P	P	P	P			P	P		P	P
Home Occupation	C	C	C	C	C	C	C					C	C
Home Professional Office	C	C	C	C	C	C						C	C
Horse Shows/Farm Shows (See Section 1027.2.1.)	C												
Hotel/Motel			P	P	P		C		C	C			P
Institutional Uses (hospitals, etc.), excluding Places of Worship	C	C	C	C	C	C	C		C	C	C	C	C
Light Industry									P	P			
Lodge							P						
Motor Vehicles Facilities/Car Wash		P	P	P	P							P	P
Multi-family units & mixed with office & retail uses			P	P	P								
Nursery (agricultural)	P	P	P	P	P	P						P	P
Office		P	P	P	P	P			P	P		P	P
Open Air Cineraa in Stadium								P					
Outdoor Recreation	P						P	P			P		
Personal Service Estab.		P	P	P	P		P					P	P
Places of Worship	C	C	C	C	C	C	C		C	C	C	C	C
Planned Adult Community	P				P								
Private Lake Community	P												
Professional Office		P	P	P	P	P			P	P		P	P
Public Parks	P				P	P				P			
Public Utilities	C	C	C	C	C	C	C	C	C	C	C	C	C
Recreation Facility, commercial		P	P	P	P		C	P	P	P	P	P	P
Recreation Facility, private		P	P	P	P				P	P	P	P	P
Research Labs									P	P			
Residential, Single Family	P	A	A	P	P		P		A			A	A
Restaurant		P	P	P	P	C	C	P	C	C		P	P
Resort Oriented Housing							C						
Retail Sales and Service		P	P	P	P		A	A				P	P
Retail/Shopping Center			P	P	P							P**	P**

Riding Academy/ Stables	P		P				C					C		P
Rodeos (in the Stadium in the FCR zone)	C							P						
Shows and Expos such as Motor and Recreational Vehicles, Outdoor, Pets, and Boats, Hunting, Fishing, Sports, Collectors, Car/Truck/Motorecycle, Trade, Fireworks Displays	C							P						
Stadium				P				P						
Studio		P	P	P	P		A					P	P	
Supermarket		P	P	P	P							P	P	
Swimming Pools -- Private	A							C						
Swimming Pools -- Public	C	C	C	C	C	C	C	C	C	C	C	C	C	C
Telecommunications Towers	C	C	C	C	C	C	C	C	C	C	C	C	C	C
Theater		P	P	P	P	P	C	P	C	C		P	P	
Veterinary Hospital		P	P	P	P	P						P	P	
Wedding Receptions	C		P	P	P			P						P

\*All uses permitted in the AR zone are likewise permitted in the CR zone.

\*\*In this zone, shopping centers shall not be larger than 16,000 square feet on any individual lot and as otherwise permitted by law.

(Ord. No. 2010-08)

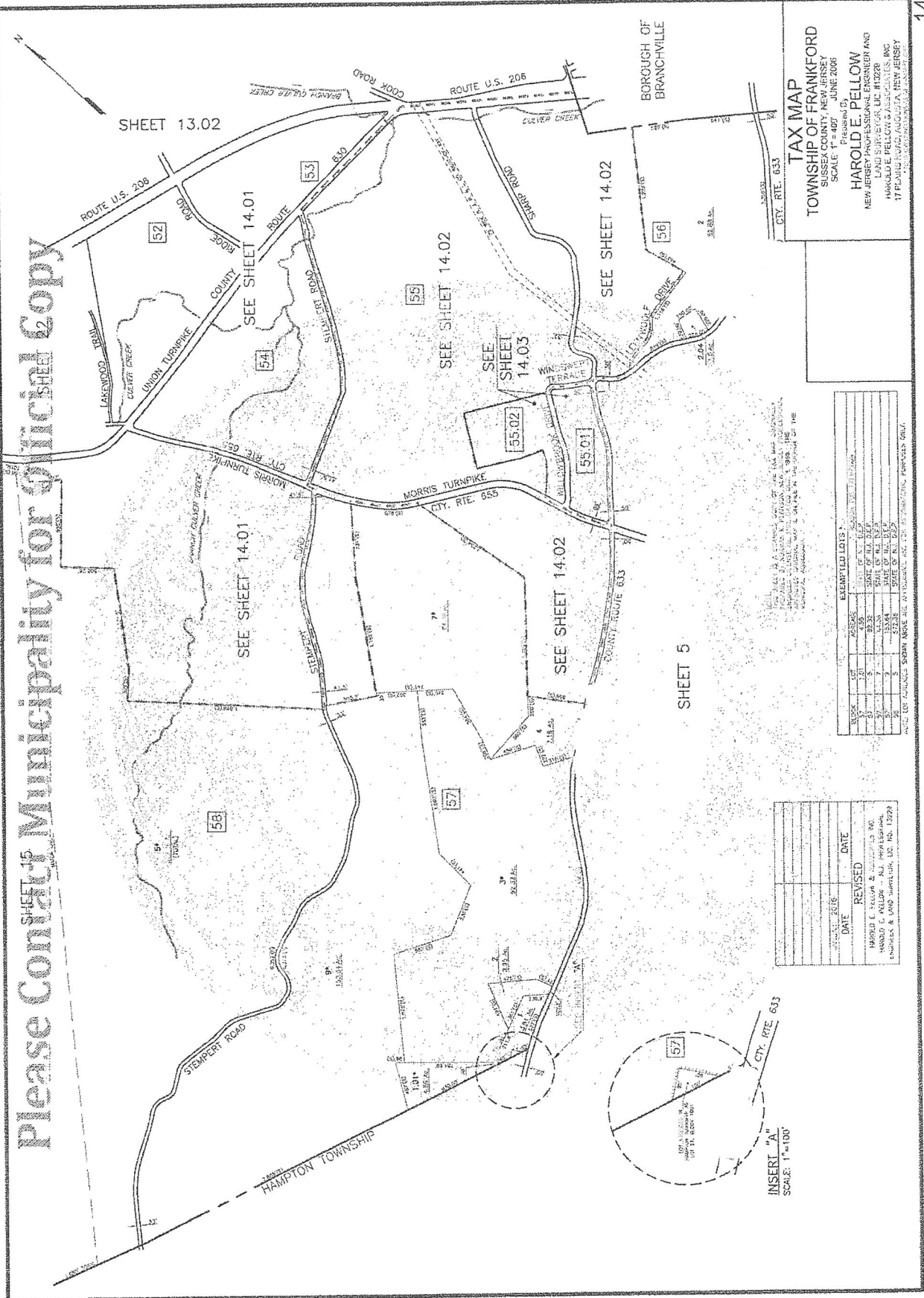
\*\*\*The following uses are specifically prohibited uses in the CED-1 and CED-2: Any retail establishments selling publications, paraphernalia and other materials of a sexual nature, fortune telling, tattoo parlors, card reading, adult movie theaters, strip clubs, juice bars, palm reading and crystal therapy shops. (Ord. No. 2010-08)

\*\*\*\*Lots with two (2) or more acres with or without a residence may maintain horses as part of their agricultural use.

†Subject to Site Plan review and approval and demonstration of compliance with and compliance with the New Jersey Department of Environmental Protection (NJDEP) Noise Control Regulations, NJAC 7:29-1.1 et seq.

(Ord. No. 2007-04; Ord. No. 2010-08; Ord. No. 2011-07 § 17; Ord. No. 2011-08; Ord. No. 2011-09 § 2; Ord. No. 2014-01 § 5)

Please Contact Municipality for Official Copy



**TAX MAP**  
 TOWNSHIP OF FRANKFORD  
 SUSSEX COUNTY, NEW JERSEY  
 SCALE: 1" = 400' JUNE 2006  
 PREPARED BY  
**HAROLD E. PELLOW**  
 NEW JERSEY PROFESSIONAL ENGINEER AND  
 LAND SURVEYOR, LIC. #12228  
 HAROLD E. PELLOW & ASSOCIATES, INC.  
 17 PINE ST. FRANKFORD, NJ 07001

LOT 1  
 2.04 AC.  
 2  
 38.88 AC.

LOT 1  
 2.04 AC.  
 2  
 38.88 AC.

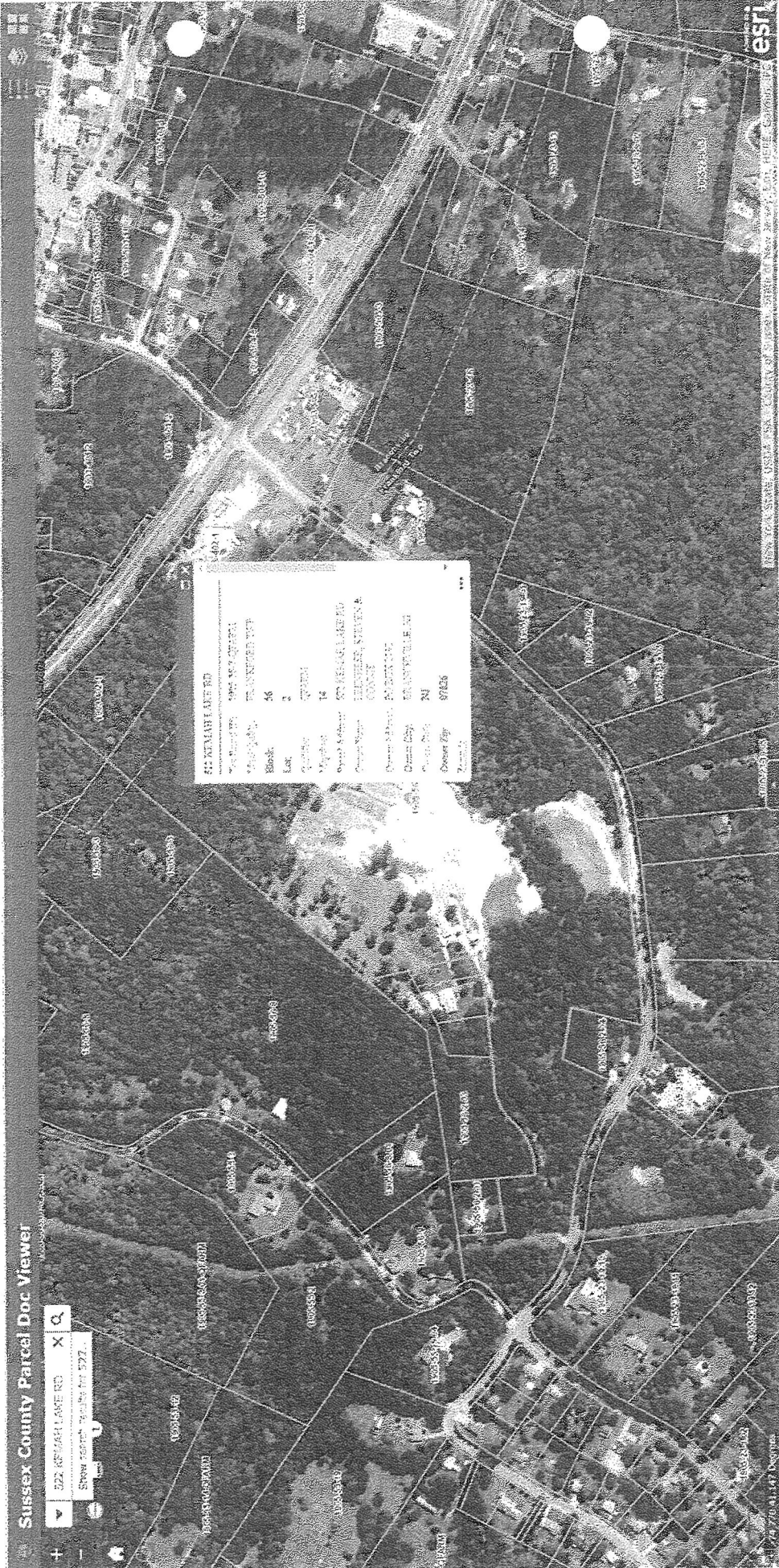
EXAMPLED LOTS

BLK	LOT	ACRES	DATE
1	1	2.04	06/01/06
1	2	38.88	06/01/06
2	1	2.04	06/01/06
2	2	38.88	06/01/06
3	1	2.04	06/01/06
3	2	38.88	06/01/06
4	1	2.04	06/01/06
4	2	38.88	06/01/06

DATE	REVISION	DATE
06/01/06	ISSUED	06/01/06

HAROLD E. PELLOW & ASSOCIATES, INC.  
 HAROLD E. PELLOW - NJ PROFESSIONAL  
 ENGINEER & LAND SURVEYOR, LIC. NO. 12228

INSERT "A"  
 SCALE: 1" = 100'



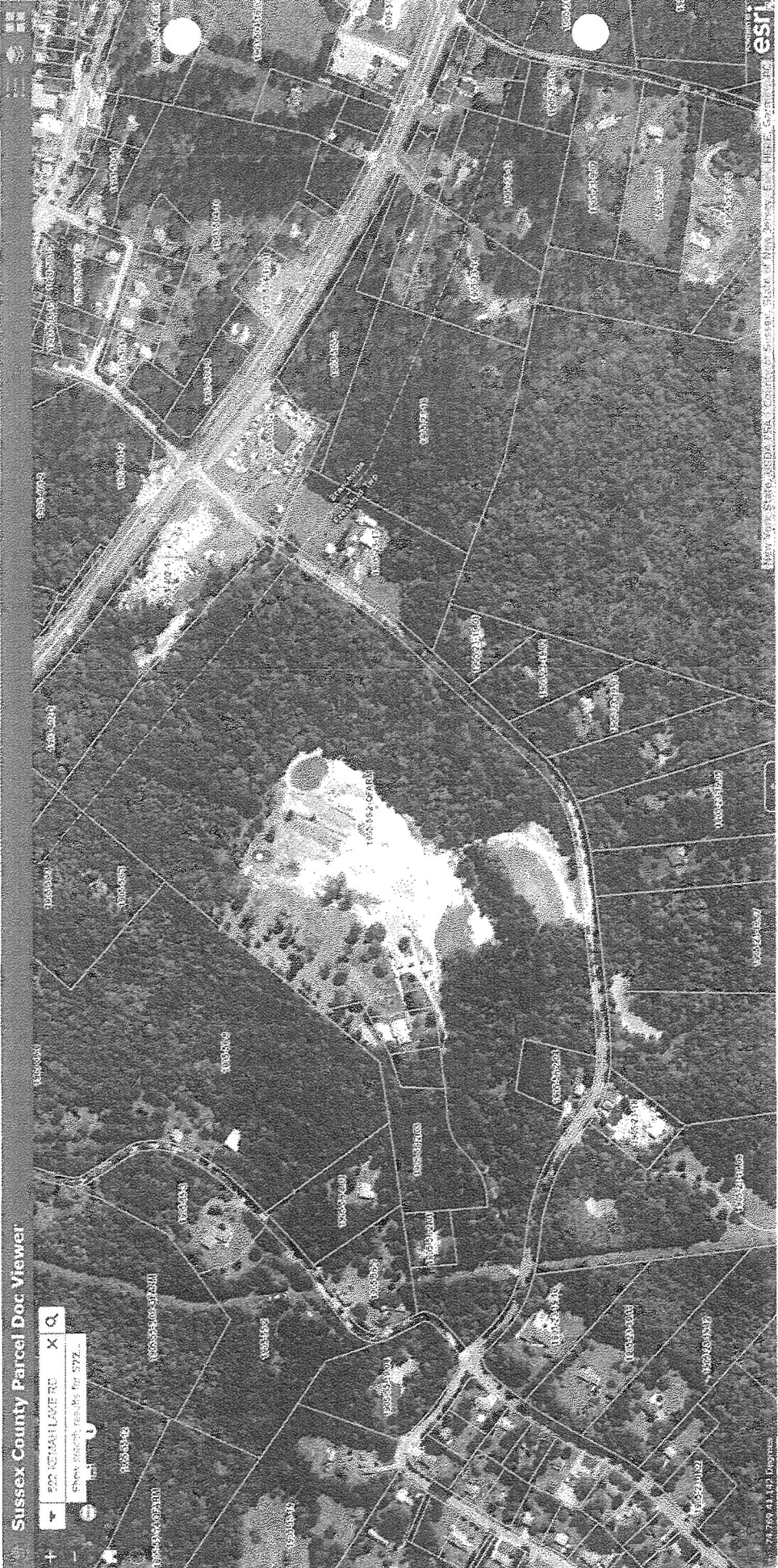
Sussex County Parcel Doc Viewer

522 KEARSLAKE RD X Q  
Show results for parcel 522

<b>522 KEARSLAKE RD</b>	
Parcel ID:	00536402
Parcel Area:	0.5240 AC
Block:	26
Lot:	3
County:	DELRWARE
Municipality:	LAUREL
Owner Name:	00536402 KEARSLAKE RD
Owner Address:	522 KEARSLAKE RD
County:	DELRWARE
City:	LAUREL
State:	DE
Zip:	19805

esri





Sussex County Parcel Doc Viewer

222 ACRES LAYERS X Q  
Show Search for 372

esri.com

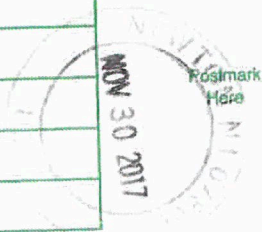
7/7/2014 1:12 PM

7005 2570 0001 6227 3672

U.S. Postal Service™  
**CERTIFIED MAIL™ RECEIPT**  
(Domestic Mail Only; No Insurance Coverage Provided)

For delivery information visit our website at [www.usps.com](http://www.usps.com)

**OFFICIAL USE**

Postage	\$	
Certified Fee		
Return Receipt Fee (Endorsement Required)		
Restricted Delivery Fee (Endorsement Required)		
Total Postage & Fees	\$	

Sent To Mr & Mrs Steven Leanneer  
 Street, Apt. No.,  
 or PO Box No. P.O. Box 2192  
 City, State, ZIP+4 Branchville, NJ 07826

**SENDER: COMPLETE THIS SECTION**

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Mrs Steven Leentzer  
P.O. Box 2192  
Branchville, NJ 07824

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature

Agent  
 Address



B. Received by (Printed Name)

C. Date of Delivery

D. Is delivery address different from item 1?  Yes  
If YES, enter delivery address below:  No

3. Service Type

Certified Mail  Express Mail  
 Registered  Return Receipt for Merchandise  
 Insured Mail  C.O.D.

4. Restricted Delivery? (Extra Fee)  Yes

2. Article Number

(Transfer from service label)

7005 2570 0001 6227 3672

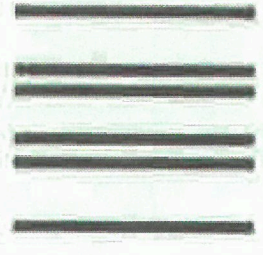
PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M

UNITED STATES POSTAL SERVICE  
MI070

06 DEC 17



First-Class Mail  
Postage & Fees Paid  
USPS  
Permit No. G-10

• Sender: Please print your name, address, and ZIP+4 in this box •

Division of Planning  
Sussex County Administrative Center  
One Spring Street  
Newton NJ 07860

207001

