

WARREN COUNTY AGRICULTURAL DEVELOPMENT BOARD
THE DEPARTMENT OF LAND PRESERVATION
500 MT PISGAH AVE, P.O. BOX 179
OXFORD, NJ 07863

RESOLUTION NO. 21-10

On motion by Mr. Bodine, and seconded by Mr. Mathez, the following resolution was adopted by the Warren County Agricultural Development Board at a meeting held October 21, 2021.

**RESOLUTION OF THE WARREN COUNTY AGRICULTURE DEVELOPMENT BOARD
DENYING COMMERCIAL FARM CERTIFICATION FOR MONTALVENA FARMS, BLOCK
5200 LOT 600, IN HOPE TOWNSHIP, WARREN COUNTY, NEW JERSEY, PURSUANT TO
N.J.S.A. 4:1C-1 ET SEQ.**

WHEREAS. Alex Montalvo and Karina Garces, the owners and operators of Montalvena Farms located at _____, Block 5200, Lot 600 (the "Property"), which consists of approximately 7.9 acres in Hope Township, (the "Applicant") appeared before the Warren County Agriculture Development Board (the "Board") seeking a determination that they operate a commercial farm; and

WHEREAS, Mr. Montalvo submitted a Commercial Farm Application on June 1, 2021 (*Exhibit-1*) which was delivered to the Warren County Department of Land Preservation (the "WCDLP") by his attorney, Mr. Kevin Benbrook; and

WHEREAS, after review of the application by WCDLP Staff, Corey Tierney, Board Administrator, requested sales receipts and/or the 2020 Schedule-F Profit/Loss form from the Applicant; and

WHEREAS, sales receipts were received by the WCDLP on June 9, 2021 and the Applicant's request for Certification as a Commercial Farm was placed on the agenda for the July 15, 2021 Board Meeting; and

WHEREAS, Mr. Montalvo submitted copies of receipts from sales of animals in 2020, which included pigs, chickens, and sheep, showing a gross income over \$2,500 from the sale of agricultural and/or horticultural products, as well as copies of receipts from the purchase of animals in 2020 (*Exhibit-2*); and

WHEREAS, at the July 15, 2021 Board Meeting, the Board requested that Mr. Montalvo provide a copy of the Applicant's filed 2020 Schedule-F Profit or Loss From Farming form and tabled the matter until the next meeting; and

WHEREAS, on August 11, 2021, the WCDLP received a copy of the Applicant's 2020 Schedule-F (*Exhibit-3*); and

WHEREAS, the August 19, 2021 Board Meeting was cancelled; and

WHEREAS, Board members Joel Schnetzer and Timothy Bodine, along with Board Administrator, Corey Tierney, visited the Applicant's Property on Tuesday, September 14, 2021 with the landowners present, at which time Mr. Tierney took photographs of the Property which were provided to the Board (*Exhibit-4*); and

WHEREAS, Mr. Montalvo and Attorney Benbrook attended the September 16, 2021 Board Meeting to answer questions and make statements in support of Mr. Montalvo's application for Certification as a Commercial Farm; and

WHEREAS, in order to be eligible for Right to Farm Act protection, a farm must meet the requirements of being a “Commercial Farm” as set forth in N.J.S.A. 4:1C-3, which includes the requirement that a farm management unit of no less than five acres must produce agricultural or horticultural products worth \$2,500 annually and satisfy the eligibility criteria for differential property taxation pursuant to the Farmland Assessment Act of 1964, P.L.1964, c.48 (C.54:4-23.1 et seq.); and

WHEREAS, in support of his application, Mr. Montalvo submitted a copy of the 2021 Application for Farmland Assessment form (2021 FA-1 Form) for the Property, signed by the owner in June 2020 and approved by the Assessor in December 2020, along with copies of the Notice of Property Assessment for 2021 from the Hope Township Assessor, mailed January 2021 (*Exhibit-1*); and

WHEREAS, Section 2 on the 2021 FA-1 Form shows 5.9 acres of land used as permanent pasture and 1.0 acre used for appurtenant woodland or wetland, for a total of 6.9 acres used for agriculture (one additional acre of land is listed in connection with the farmhouse for 7.9 acres total for all land); and

WHEREAS, Section 3 on the 2021 FA-1 Form shows 10 sheep, 10 ducks, 10 goats, 50 chickens (meat), 50 chickens (layers), and 50 turkeys; however, it does not show any swine/pigs; and

WHEREAS, in support of his application, Mr. Montalvo submitted copies of receipts from the sale and purchase of animals in 2020 (*Exhibit-2*); and

WHEREAS, some of the submitted receipts are written in Spanish so that “gallena” refers to hen, “puerco” refers to pig, and “borrego” refers to sheep; and

WHEREAS, some of the submitted receipts were cutoff, illegible, or duplicated, so the WCLPD requested clearer copies by correspondence to Attorney Benbrook on August 25th; however, these were not received prior to or during the September 16, 2021 Board meeting; and

WHEREAS, the dates of the discernable submitted sales receipts appear to range from April 2020 to July 2020 and include sales of approximately 9 to 11 pigs to Applicant’s customers with prices ranging between \$210 to \$381; and

WHEREAS, these sales receipts show total sales amounting to approximately \$4,711, including at least approximately \$2,701 in sales from 11 pigs (note: two receipts each show the sale of one pig, but do not show the price per pig), without which the remaining sales receipts would total \$2,010, less than the \$2,500 annual production threshold; and

WHEREAS, the dates of the discernable submitted purchase receipts from Applicant’s supplier appear to range from April 2020 to July 2020 (note: one receipt totaling \$880 dated April 1, 2021 appears identical to another receipt totaling \$880 dated April 1, 2020) and include purchases of approximately 57 unlabeled items, which Mr. Montalvo stated were pigs during the September 16, 2021 Board Meeting, having descriptions of 50#, 100#, 150#, 200#, and MKT, indicating the approximate weight of the pigs; and

WHEREAS, these purchase receipts show approximately 11 of the pigs were described as 50#, 13 as 100#, 10 as 150#, 13 as 200#, 10 as MKT; however, no items are described as pigs being less than 50 pounds; and

WHEREAS, although Mr. Montalvo submitted receipts showing at least 57 pigs were purchased from a supplier between April 2020 and July 2020, together with receipts showing that at least 9 to 11 pigs were sold to customers during that same time period, the 2021 FA-1 Form signed on June 2020 does not include any swine/pigs under Section 3; and

WHEREAS, during the September 16, 2021 Board Meeting, Mr. Montalvo stated that he raised 150 piglets in 2020 (compared to 250 piglets this year in 2021) and that he generally buys the pigs at 20 to 30 pounds before raising them up to 150 to 200 pounds over the course of two to three months, after which time they are sold; however, none of the submitted purchase receipts show pigs under 50 pounds; and

WHEREAS, in support of his application, Mr. Montalvo submitted a copy of the 2020 Schedule-F, which was filed as part of an amended income tax return, according to Attorney Benbrook, after the Board requested a copy at its July 15, 2021 meeting; and

WHEREAS, during the September 16, 2021 Board Meeting, Attorney Benbrook acknowledged that the receipts submitted do not necessarily match up to the Schedule-F sales because they had to recreate them, explaining that being a new farmer, Mr. Montalvo is still working to get his recordkeeping procedures in order; and

WHEREAS, on the 2020 Schedule-F, Applicant reported "Hog and Pig" as the farm's "Principal crop or activity" on Line A, and reported \$25,144 on Part 1, Line 1a under "Sale of livestock and other resale items"; however, Applicant did not report any amount under Part 1, Line 2 under "Sale of livestock, produce, grains, and other products you raised"; and

WHEREAS, on the 2020 Schedule-F, Applicant reported on Part 2, Line 32a "Animal Food" expenses of \$2,600 and "Hay" expenses of \$300; and

WHEREAS, based upon Mr. Montalvo's statements during the September 16, 2021 Board Meeting that he generally buys the piglets at 20 to 30 pounds before selling them at 150 to 200 pounds, the Board reasoned and Mr. Montalvo agreed, that he was adding approximately 130 pounds of gain to each pig; and

WHEREAS, Applicant reported feed expenses of \$2,600 on the 2020 Schedule-F and during the September 16, 2021 Board Meeting, Mr. Montalvo stated that he paid about \$250 per ton of feed which would equate to approximately 10.4 tons of feed; and

WHEREAS, for a piglet to add 130 pounds of gain, the Board estimated it would take about 300 pounds of feed per pig, which, when multiplied by the 150 piglets purportedly raised in 2020, amounts to 45,000 pounds or 22.5 tons of feed at an approximate total cost of \$5,625; more than double what is shown on the 2020 Schedule-F (for the 250 piglets purportedly raised in 2021, the amount would be 75,000 pounds or 37.5 tons at a total cost of \$9,375);

WHEREAS, during the September 16, 2021 Board Meeting, Attorney Benbrook asked Mr. Montalvo if the estimated figures that the Board came up with for feed expenses were ballpark to what he was spending to get the pigs to the weight that he was selling them at; Mr. Montalvo answered that his wife handles the accounting and that he doesn't control that aspect of the operation; and

WHEREAS, in summary, the Board finds:

- (i) The 2021 FA-1 form does not include any swine/pigs even though it was signed in June of 2020 and Mr. Montalvo stated he raised 150 pigs in 2020 (and 250 pigs in 2021);
- (ii) The 2020 sales receipts which were submitted show the sale of pigs, but do not show the production component of raising those pigs;;
- (iii) Mr. Montalvo stated that he buys the piglets at 20 to 30 pounds before raising them for two to three months prior to sale, but the 2020 purchase receipts do not show any purchases of pigs under 50 pounds;
- (iv) Mr. Montalvo stated that he usually adds 130 pounds of gain to each piglet before selling it, that he raised 150 pigs in 2020, and that he pays \$250 per ton of feed; however, to do so

would take an estimated \$5,625 in feed costs and the Applicant's 2020 Schedule-F shows only \$2,600 in feed costs;

- (v) Given the discrepancies between various documents and statements detailed above, Applicant has not demonstrated that he raises pigs producing \$2,500 worth of agricultural products per year.

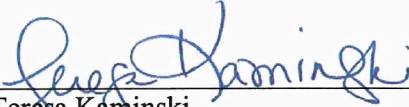
WHEREAS, based upon the documentary evidence and statements submitted by Mr. Alex Montalvo and his Attorney, the Board determined that Montalvena Farms, located at _____, Block 5200, Lot 600 in Hope Township, did not satisfy the criteria to be certified as a Commercial Farm under the Right to Farm Act because it failed to demonstrate to the satisfaction of the Board that it produces \$2,500 or more of agriculture products annually; and

NOW, THEREFORE BE IT RESOLVED, that the Warren County Agriculture Development Board finds that Montalvena Farms has not provided sufficient evidence or statements to demonstrate that it presently satisfies the commercial farm criteria pursuant to the requirements of N.J.S.A. 4:1C-1 *et seq.*, and denies the application for commercial farm certification.

Roll call: Mr. Schnetzer – yes; Mr. Bodine – yes; Mr. Hood – yes; Mr. Mathez – yes;
Mr. Menegus – abstain; Mrs. Watters & Mr. Burke – recused.

CERTIFICATION

I, Teresa Kaminski, Secretary to the Warren County Agriculture Development Board, do hereby certify the foregoing to be a true and accurate copy of a Resolution adopted by the Warren County Agriculture Development Board at a meeting of said Board held on October 21, 2021 to memorialize the Board's action on September 16, 2021 in which a motion was made by Mr. Bodine and seconded by Mr. Mathez for denial at said meeting was as follows: Mr. Schnetzer – yes; Mr. Bodine – yes; Mr. Hood - yes; Mr. Mathez – yes; Mrs. Watters – recused; Mr. Menegus – no. Mr. Burke – recused.



Teresa Kaminski
Secretary to the Board

Exhibit - 1

Warren County Agriculture Development Board

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

Request for Site Specific Agricultural Management Practice (AMP) Recommendation

Part 1 – Commercial Farm Determination Questionnaire

Date: May 4, 2021

Name of Commercial Farm: Montalvena Farms

Commercial Farm Operator: Alex Montalvo & Karina Garces

Landowner (if Different): _____

Farm Address: _____

_____, NJ 07825

Mailing Address: _____

Telephone Number(s): 973/277-7534

Email: don-miguelo25@hotmail.com

Identification of Farm Management Unit:

Municipality	Block	Lot	Acres	Agricultural Commodity Produced
Hope Township	5200	600	7.90	
Total Acreage			7.90	

Annual Gross Receipts from Farm Management Unit Operation \$ approx 15,000.00

Total agricultural production income for:

Tax Year _____ = \$ _____

(You may wish to provide or be asked to provide data for additional years)

If you operate a farm market, what is the percentage of annual gross sales generated from items produced on your farm management unit? _____

What percentage of the sales area is devoted to the sale of agricultural output of the farm? 100 %

Does the farm management unit receive differential farmland assessment taxation treatment?

☒ Yes ☐ No

If no, are you eligible? ☐ Yes ☐ No

If you are eligible, but not farmland assessed please explain:

To enable us to evaluate consistency with the municipal zoning ordinance, please list the zone or zones in which the farm management unit is located.

The farm is in LDAR Low Density Agricultural Zone, copy attached

Does this zone (s) permit agriculture? ☒ Yes ☐ No


If you are only seeking Commercial Farm certification at this time and not an SSAMP determination please explain why:

We are seeking Commercial Farm Certification and a SSAMP for the raising and slaughtering of pigs.

Please return this Request with the following documents (check as attached):

<input checked="" type="checkbox"/>	Most recently filed FA-1 farmland assessment form(s).
<input checked="" type="checkbox"/>	Site map showing location(s) of all agricultural production activities as well as ancillary and non-agriculture activities (You may use an aerial map, tax map, or existing survey as a base).
<input type="checkbox"/>	Proof of agricultural production income in the form of sales receipts, an IRS Schedule F, or similar documentation.
<input checked="" type="checkbox"/>	Proof that the farm was in operation as of July 2, 1998 OR is located in an area in which, as of December 31, 1997 or thereafter, agriculture has been permitted under the municipal zoning ordinance or is consistent with the municipal master plan.
<input checked="" type="checkbox"/>	Notarized Commercial Farm Certification Form Part #2 completed, signed and notarized.

3/31/21
Date


Applicant Signature

Warren County Agriculture Development Board

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

Request for Site Specific Agricultural Management Practice (AMP) Recommendation

Part 2 – Notarized Commercial Farm Certification Form

CERTIFICATION OF

Alex Montalvo

(NAME OF COMMERCIAL FARM OWNER/OPERATOR)

Montalvena Farms

(NAME OF COMMERCIAL FARM)

(ADDRESS OF COMMERCIAL FARM)

I, Alex Montalvo hereby certify the following:

1. I am (one of) the owner(s)/operator(s) of Montalvena Farms.
(NAME OF COMMERCIAL FARM)
2. For full SSAMP requests: I am hereby requesting the Warren County Agriculture Development Board (WCADB) to determine if my operation constitutes a generally accepted agricultural operation or practice. The nature of my operation and agricultural activities are correctly listed on the attached Commercial Farm Determination Questionnaire and/or Agricultural Management Practice Questionnaire.
3. I certify that Montalvena Farms is five acres or more, produces
(NAME OF COMMERCIAL FARM)
agricultural and/or horticultural products worth \$2,500 or more annually, and is eligible for differential property taxation pursuant to the Farmland Assessment Act of 1964. A list of agricultural/horticultural commodities produced on the commercial farm is attached. If land is farmland assessed, a copy of the filed farmland assessment form (s) is (are) attached. If land is not farmland assessed, a copy of the tax map representing the farm acreage is attached.

OR

I certify that _____ is less than five acres, produces agricultural and/or horticultural products worth \$50,000 or more annually and otherwise satisfies eligibility criteria for differential property taxation pursuant to the Farmland Assessment Act of 1964. A list of agricultural/horticultural commodities produced on the commercial farm is attached. A copy of the tax map representing the farm acreage is attached. I have attached proof of my agricultural production income.

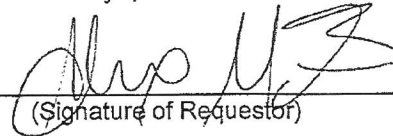
4. I have attached proof that the farm:
 - a. Is located in an area in which, as of December 31, 1997 or thereafter, agriculture has been a permitted use under the municipal zoning ordinance and is consistent with the municipal master plan,

OR

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

5. To the best of my knowledge and belief, my agricultural operation is in compliance with all relevant federal and New Jersey statutes, rules and regulations.
6. I understand that as per Right to Farm regulations, written notice of this request shall be given by the commercial farm, at its sole expense, via certified mail, return receipt requested, and/or by personal service, to: 1) the clerk and land use board secretary of the municipality in which the commercial farm is located; including any adjoining municipalities if located within 200'; 2) the owners of all real property within 200 feet in all direction of the property; 3) the SADC; 4) the county planning board if the commercial farm is located on property adjacent to a county road or county-owned property; 5) the Commissioner of the New Jersey Department of Transportation, if the commercial farm is located on a State highway; and 6) the public, by publication in the official newspaper of the municipality, if there is one or in a newspaper of general circulation in the municipality.
7. I understand that within 30 days of the WCADB's issuance of its written recommendation, it will forward the relevant resolution(s) to me, the State Agriculture Development Committee (SADC) and any other individuals or organizations deemed appropriate by the WCADB.
8. I understand that any person aggrieved by any decision of the WCADB regarding a commercial farm determination or recommendation of a site specific agricultural management practice, including myself, a 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, the board's decision is binding.

Dated: 3/3/21


(Signature of Requestor)

(INDIVIDUAL ACKNOWLEDGMENT)

STATE OF NEW JERSEY, COUNTY OF Warren SS:

I CERTIFY that on 3rd day of March, 2021, Alex Montalvo personally came before me and acknowledged under oath, to my satisfaction, that this person (or if more than one, each person):

- a) Is named in and personally signed this document; and
- b) Signed, sealed and delivered this document as his or her act and deed.



(Print name and title below signature)

KEVIN P. BENBROOK
Attorney at Law in the
State of New Jersey

HOPE TOWNSHIP TAX ASSESSOR
407 HOPE-GREAT MEADOW
PO BOX 284
HOPE NJ 07844

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

HOPE TWP
WARREN

51511074

NOTICE OF PROPERTY ASSESSMENT FOR: 2021 DATE MAILED: 01/29/2021
(N.J.S.A. 54:4-38.1)

BLOCK: 5200 LOT: 600 QUAL.:

CLASS: 3A

PROPERTY LOCATION:

2021 LAND: 45,500 BUILDING: 172,400 TOTAL: 217,900

NET TAXES BILLED FOR 2020
WERE: \$7,366.79

2020 ASSESSMENT: 230,200

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

MONTAÑO ALEX M GARCES, KARINA
NJ 07825



HOPE TOWNSHIP TAX ASSESSOR
407 HOPE-GREAT MEADOW
PO BOX 284
HOPE NJ 07844

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

HOPE TWP
WARREN

51511073

NOTICE OF PROPERTY ASSESSMENT FOR: 2021 DATE MAILED: 01/29/2021
(N.J.S.A. 54:4-38.1)

BLOCK: 5200 LOT: 600 QUAL.: QFARM

CLASS: 3B

PROPERTY LOCATION:

2021 LAND: 1,800 BUILDING: 0 TOTAL: 1,800

NET TAXES BILLED FOR 2020
WERE: \$.00

2020 ASSESSMENT: 0

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

MONTAÑO ALEX M GARCES, KARINA
NJ 07825



APPLICATION FOR FARMLAND ASSESSMENT

N.J.S.A. 54:4-23.1 et seq.; N.J.A.C. 18:15-1.1 et seq. SEE INSTRUCTIONS

FILE ANNUALLY BY AUGUST 1 OF THE PRE-TAX YEAR

COUNTY Warren MUNICIPALITY Hope Twp TAX YEAR 20/21

Check if ALL farmland assessed acres are woodlands under a: ☐ Woodland Management Plan
☒ NJ Forest Stewardship Plan (Effective 2019)
(DO NOT CHECK IF MIX USE)

SECTION 1 – IDENTIFICATION INFORMATION (Please print or type all information)

(1) Owner's Name Alex Montalvo (9) Farm operator(s) other than owner:
 (a1) Name Varina Garces
 (2) Mailing Address Hope Twp NJ 07825 (b1) Address Hope Twp NJ 07825
 (3) Telephone 973 277 7534 (c1) Telephone 862 944 0775
 (4) Email Address don-miguelo25@hotmail.com (a2) Name Kevin A Rosales
 (5) Land Location Hope Twp NJ 07825 (b2) Address Hope Twp NJ 07825
 (6) Block(s), Lot(s), Qual. No. Block: 5200 LOT: 600 (c2) Telephone 973 454 9767
 (7) The land is ☒ farmed solely by owner
☐ rented to farmer
☐ farmed by owner and tenant
 (8) Is farm deed restricted to agriculture? Yes ☐ No ☒ # of Acres 6.9

SECTION 2 – BREAKDOWN OF LAND USE CLASSES (All entries and totals must be accurate)

Insert the current year's acreage in the appropriate land use class. Indicate acres to the nearest 100th— DO NOT USE DIMENSIONS

REFER TO DEFINITIONS OF LAND USE CLASSES UNDER INSTRUCTIONS		Acreage
ACTIVELY DEVOTED LAND	LAND NOT ACTIVELY DEVOTED	
(1) Cropland harvested	(9) Land under and land used in connection with farmhouse.	(9) <u>1</u>
(2) Cropland pastured (Don't include acreage in #5)	(10) All other land not devoted to agricultural / horticultural use	(10) <u>1</u>
(3) Permanent pasture	(11) Total NOT devoted to agricultural or horticultural use (Sum of lines 9 & 10)	(11) <u>1</u>
(4) Non-appurtenant woodland (See instructions before making entry)	(12) TOTAL ACREAGE OF ALL LAND (Sum of lines 8 & 11)	(12) <u>7.9</u>
(5) Appurtenant woodland or wetland (See instructions before making entry)	*If fewer than five acres are located in this municipality, list the municipality, block(s) & lot(s) of contiguous acreage	
(6) Acres used for: (don't include pastured acres) (a) <u>boarding</u> (b) <u>rehabilitating</u> (c) <u>trekking</u>	(13) Is there a claim for land under: • Seasonal farm markets? Yes <input type="checkbox"/> No <input type="checkbox"/> • Seasonal agricultural labor housing? Yes <input type="checkbox"/> No <input type="checkbox"/>	
(7) Acres used for renewable energy	(14) Is there a claim for land under: • solar <input type="checkbox"/> wind <input type="checkbox"/> biomass <input type="checkbox"/>	
(8) Total ACRES to Agricultural OR Horticultural use (Sum of lines 1 to 7)		

二

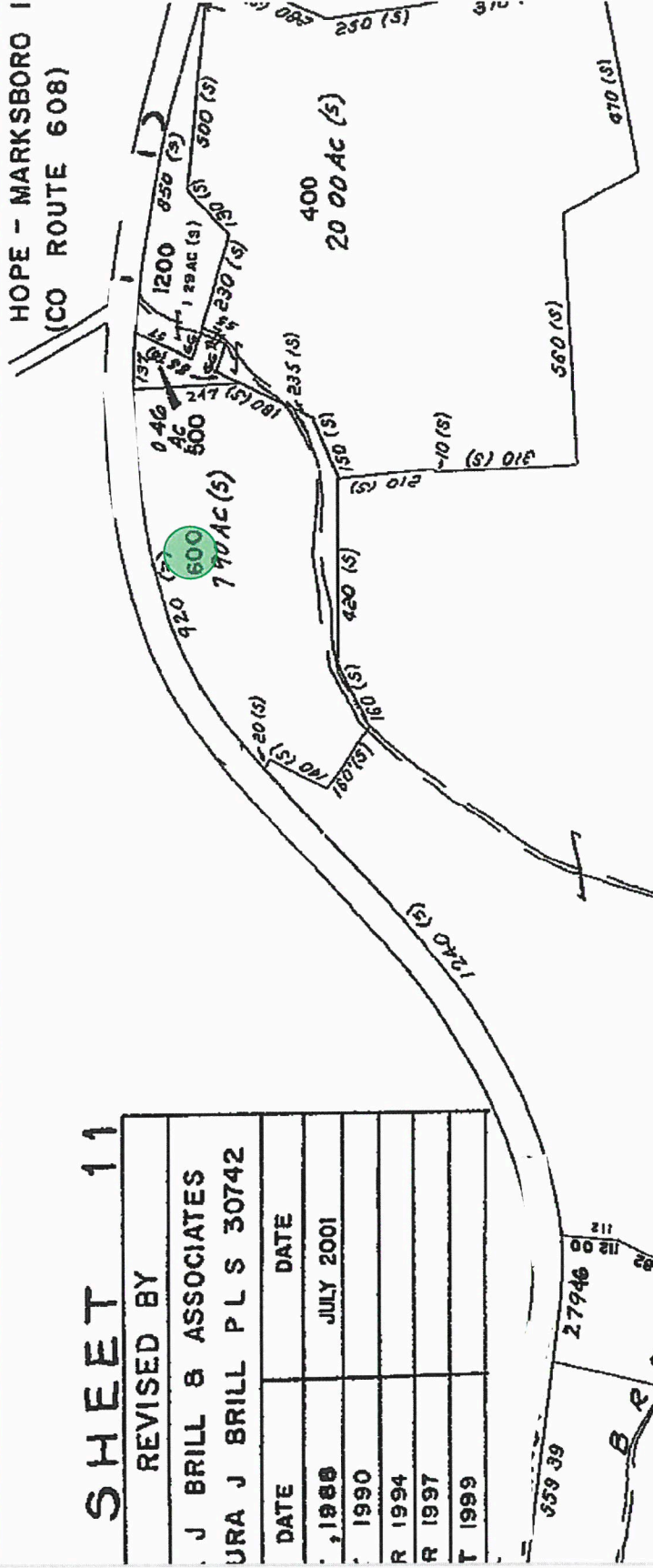
REVISÉ BY

J BRILL & ASSOCIATES

URA J BRILL P L S 30742

DATE	DATE
1988	JULY 2001
1990	
R 1994	
R 1997	
T 1999	

HOPE - MARKSBORO I
(CO ROUTE 608)



SECTION 3 – CURRENT YEAR FARMING ACTIVITY – *Indicate acres to nearest 10th. Include Double Cropping. For example, two plantings on 50 acres should be reported as 100 acres.*

INSERT CURRENT YEAR HARVESTED OR TO BE HARVESTED ACRES FOR LAND ONLY IN SECTION 2

A. FIELD CROPS (Harvested Acres)	Acres	C. ORNAMENTAL CROPS	Acres	E. VEGETABLE CROPS (Harvested Acres)	Acres	G. ANNUAL HARVEST OF WOODLAND PRODUCTS	Cords, Board Feet etc.
Irrigated Acres _____ (80)		Irrigated Acres _____ (82)		Irrigated Acres _____ (83)		Fuelwood (cords) _____ (57)	
Barley (grain) _____ (11)		Bedding plants _____ (28)		Asparagus _____ (46)		Pulpwood (cords) _____ (68)	
Corn for grain _____ (12)		Flowers (cut) _____ (29)		Beans, lima _____ (47)		Timber (Bd. Ft.) _____ (69)	
Corn for silage _____ (13)		Trees & shrubs (nursery) _____ (30)		Beans, snap _____ (48)		Other: _____	
Hay (alfalfa) _____ (15)		Sod (cultivated) _____ (31)		Cabbage _____ (49)		(specify) _____	
Hay (other excluding salt hay) _____ (16)		Christmas trees _____ (32)		Carrots _____ (50)			
Oats (grain) _____ (17)		Other: _____		Corn, sweet _____ (51)			
Rye (grain) _____ (18)		(specify) _____		Cucumbers _____ (52)		H. LAND IN FEDERAL GOVERNMENT PROGRAM	
Sorghum _____ (19)				Eggplant _____ (53)		Name of Program _____	
Soybeans _____ (20)		D. LIVESTOCK		Lettuce _____ (54)		Program Number _____	
Wheat _____ (21)			Avg. # of Livestock	Onions _____ (55)		Acres in Program _____ (70)	
Cover Crops Planted: (specify) _____		All beef cattle _____ (33)		Peas _____ (56)			
Other Field Crops: (specify) _____		Dairy _____ (34)		Peppers (bell) _____ (57)		I. RENEWABLE ENERGY	Acres
		Dairy (young) _____ (35)		Potatoes (white) _____ (58)		Solar _____ (71)	
		Horses & ponies _____ (36)		Potatoes (sweet) _____ (59)		Wind _____ (72)	
		Sheep _____ (37)	10	Pumpkins _____ (60)		Biomass _____ (73)	
B. FRUIT CROPS (Bearing Acres)	Acres	Swine _____ (38)		Spinach _____ (61)			
		Bees (Hives) _____ (39)		Squash _____ (62)			
Irrigated Acres _____ (81)		Ducks _____ (40)	10	Tomatoes _____ (63)		J. NJ FOREST STEWARDSHIP	Acres
Apples _____ (22)		Fur animals _____ (41)		Melons _____ (64)		Forested Woodland/Wetland _____ (74)	
Blueberries _____ (23)		Goats _____ (42)	10	Mixed & other vegetable _____ (65)			
Cranberries _____ (24)		Chickens (meat) _____ (43)	50	Other: _____			
Grapes _____ (25)		Chickens (layers) _____ (44)	50	(specify) _____			
Nectanines _____ (86)		Turkeys _____ (45)	50				
Peaches _____ (26)		Other: _____		F. AQUACULTURE	Acres		
Strawberries _____ (27)		(specify) _____					
Other fruit crops: (specify) _____				Fresh water, food fish or plants for harvest or sale _____ (66)			
Non-bearing fruit (specify) _____				Other: (specify) _____			

SECTION 4 – SIGNATURE & VERIFICATION OF OWNER(S)

The undersigned declares that this form, including any accompanying schedules and statements, has been examined by him (her) and to the best of his (her) knowledge and belief is true and correct. Filing of this form is also a representation that the land will continue to be devoted to an agricultural or horticultural use during the year for which farmland assessment is requested. Under N.J.S.A. 54:4-23.14(b), this certification shall be considered as if made under oath and is subject to the same penalties as provided by law for perjury. In addition, for a gross and intentional misrepresentation on this form, the landowner shall be subject to a civil penalty of up to \$5,000.

Signature of Individual Owner or Co-owner 6/1/2008 OR 6/1/2008 Date Signature of Corporate Officer _____ Date Corporate Name _____

RESERVED FOR OFFICIAL USE	
This application is:	() APPROVED () DISAPPROVED
Date	12/30/20 ASSESSOR

FILE THIS FA-1 APPLICATION IN DUPLICATE AND ONE SUPPLEMENTAL FA-1 GROSS SALES FORM WITH YOUR ASSESSOR.
TAXPAYER SHOULD RETAIN COPIES FOR OWN RECORDS.
(IF ENTRY MADE IN SECTION 2, LINE 4, FILE A COPY OF FA-1, AWD-1 FORM, AND AN ACTIVITY MAP
WITH THE NJ DEPARTMENT OF ENVIRONMENTAL PROTECTION.)



Township of Hope, NJ
Wednesday, March 3, 2021

Chapter 20. Zoning

§ 20-6. LDAR LOW DENSITY AGRICULTURAL RESIDENTIAL DISTRICT AND LDAR-H LOW DENSITY AGRICULTURAL RESIDENTIAL-HISTORIC DISTRICT.

[1] *Editor's Note: Prior ordinance history includes 1978 Code § 12-406 and Ordinance No. 12/4/85, 95-03.*

§ 20-6.1. Principal Uses.

[Ord. #97-13, § 3]

The following principal uses shall be permitted in the LDAR and LDAR-H zones:

- a. Single-family detached dwellings.
- b. Agriculture.
- c. Forest management programs.

§ 20-6.2. Permitted Accessory Uses.

[Ord. #97-13, § 3]

The following accessory uses shall be permitted in the LDAR and LDAR-H zones:

- a. Private garages.
- b. Home occupations and home professional offices.
- c. Taking in of not more than two roomers or boarders.
- d. Private tennis courts and swimming pools.
- e. Signs as regulated.
- f. Any use or structure found to be customarily incidental to a principal use.

§ 20-6.3. Conditionally Permitted Uses.

[Ord. #97-13, § 3]

The following uses are permitted in the LDAR and LDAR-H zones only after review and approval by the Planning Board to assure compliance with the standards and criteria set forth in this Chapter:

- a. Churches.
- b. Group homes.

- c. Public utility structures or uses as regulated in this Chapter.
- d. Elder Cottage Housing.

§ 20-6.4. Bulk Requirements and Other Conditions.

[Ord. #97-13, § 3; Ord. #2001-05, § 1; Ord. #05-04; Ord. #07-03, § II]

The following requirements are applicable in the Low Density Agricultural Residential District and the Low Density Agricultural Residential-Historic District:

- a. Maximum gross tract density shall not exceed one unit or building per five acres. No rounding shall be permitted. Remainder lots shall count as a building lot, provided they meet the current density standards.
- b. Minimum lot area: two acres.
 - 1. All residential building lots shall include at least one contiguous acre which does not include critical areas as defined in this chapter.
 - 2. The noncritical portion of the lot shall be of sufficient size to completely encapsulate the circle with a one hundred fifty (150') foot diameter.
- c. Minimum building envelope, width and depth: one hundred fifty (150') feet.
- d. Maximum lot coverage: 15% or 20,000 square feet, whichever is less.
- e. Minimum front yard setback (excluding common drives as permitted otherwise in this chapter): one hundred (100') feet.
- f. Minimum rear yard setback: seventy-five (75') feet.
- g. Minimum side yard setback: fifty (50') feet.
- h. Maximum building height: principal structure thirty-five (35') feet or two and one-half (2-1/2) stories, whichever is less.
- i. Accessory structure: one and one-half (1 1/2) stories or twenty-one (21') feet, whichever is less.
- j. Accessory structure: Accessory structures shall be located at least thirty (30') feet from any side or rear property line.
- k. Accessory structures are prohibited in front yard areas except as specifically permitted in this Chapter.

§ 20-6.5. Off-Street Parking.

[Ord. #97-13, § 3]

As required by this Chapter.

§ 20-6.6. Design Standards for the Low Density Agricultural Residential Zone and Low Density Agricultural Residential-Historic Zones.

[Ord. #97-13, § 3; Ord. #07-03, §§ III—VII]

- a. Lot Frontage. Where a lot abuts an off-site public street, the minimum road frontage shall be two hundred fifty (250') feet. Lots legally in existence prior to the adoption of this provision with at least fifty (50') feet of frontage may continue to be developed without the need for variance relief provided that all other standards of this chapter are met.
- b. Lots utilizing common driveway for access shall not be required to have frontage on a public street.
- c. Locating Building Envelopes. These standards aim to ensure that the disturbed areas of any parcel are to be hidden, not visible, from public roads, to the maximum extent practical. They are to be situated so as to minimize the impact of construction on the sensitive environment and to protect the rural character of the area. The standards are as follows:
 1. Building envelope shall avoid open fields.
 2. Building envelope shall be located at the edges of fields and in wooded areas to minimize the visual impact of development.
 3. Building envelopes shall not include critical areas or minimum yard requirements. Building envelopes shall not include areas with steep slopes in excess of 20%. With the exception of driveway improvements, no structure shall be located within seventy-five (75') feet of a 25% slope.
 4. Building envelope shall not include areas with slopes in excess of 30%.
 5. Wooded lots shall retain a minimum treed buffer of thirty (30') feet between the building envelope and any street line.
 6. No lot disturbance shall be permitted within one hundred (100') feet of the top of the bank of any watercourse.
 7. All potable wells and septic systems shall be located within the building envelope.
- d. Design Standards for Public Roads:
 1. Right-of-way widths: fifty (50') feet.
 2. Cartway width: twenty-four (24') feet.
 3. Maximum number of units per dead-end street: twenty-five (25') feet.
 4. Minimum distance between access points on off-site public roadways: two hundred (200') feet.
 5. Access point shall include individual and common driveways and on-site public roadways.
- e. Driveways. It is the intent of this section to utilize private drives for access to residential lots providing the following standards are satisfied:
 1. The number of driveways accessing off-site public streets shall be kept to a minimum.
 2. The appropriate use of common driveway is encouraged. Where lots will access an off-site public street, common driveways may be used, where appropriate, to minimize the number of curb cuts required.
 3. The maximum number of units served by a common driveway shall be four.
 4. Minimum common driveway width: twelve (12') feet paved with two (2') foot graded and stoned shoulders.

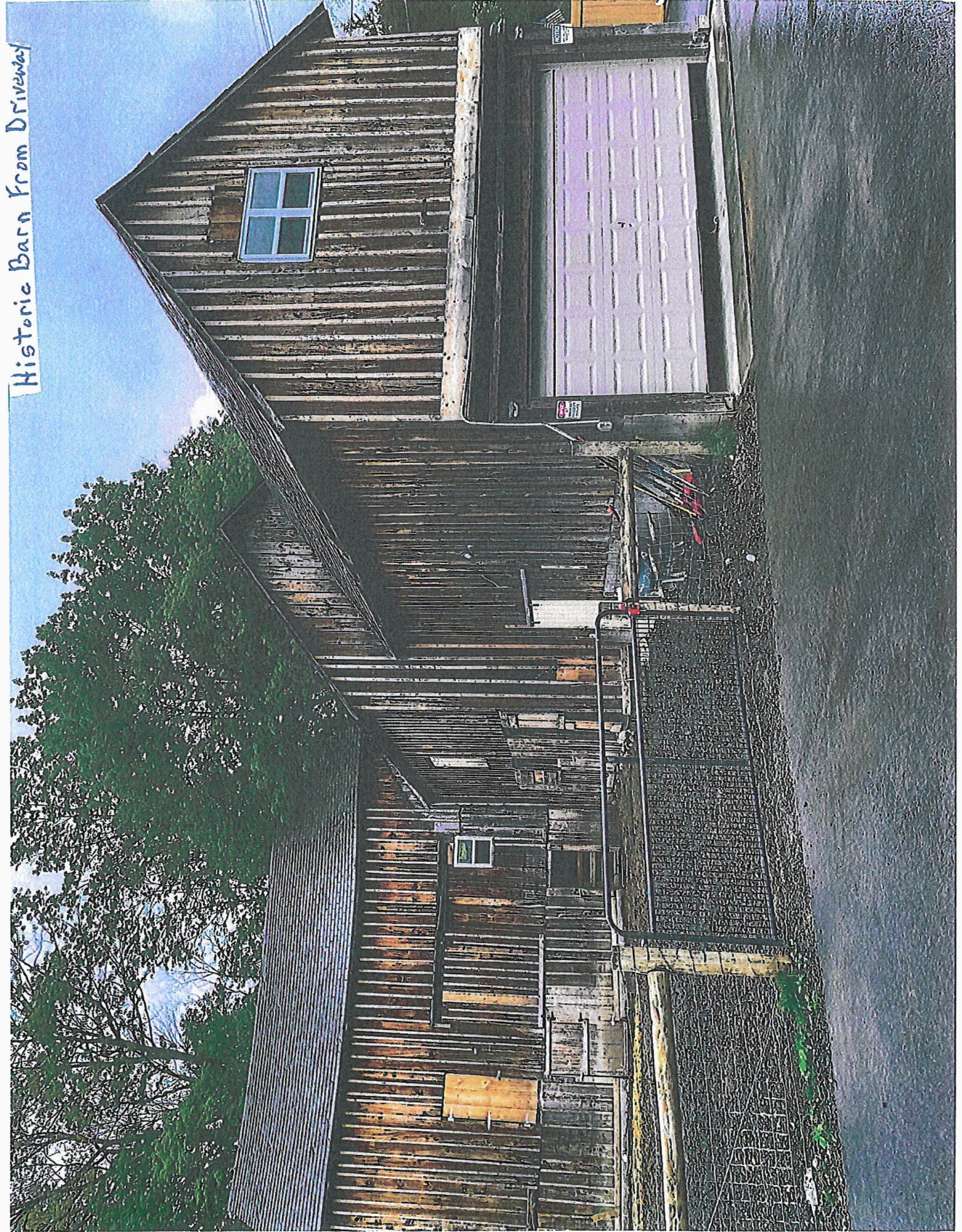
5. Paving shall be required on individual driveways where driveway grades are in excess of 6%.
 6. Maximum length of common driveway: one thousand (1,000') feet. This distance shall be measured as the length of the common portion of any driveway. Additional individual driveway lengths are not included.
 7. Maximum driveway grade for common or individual driveways shall be 12%.
 8. All driveways in excess of five hundred (500') feet shall provide a 10-30 turnout.
 9. All lots using common driveways shall provide a driveway maintenance agreement to be reviewed and approved by the Board's professionals. The maintenance agreement shall include an escrow fund to ensure that the driveway will be maintained. It shall be created by the developer who will determine the amount.
- f. Deed Restrictions.
1. Conservation easement/deed restrictions. Conservation easements shall be required for all wetlands areas and required transition areas.
 2. Sensitive areas located outside of building envelopes shall contain conservation easements. These include slopes in excess of 25%, flood plains, wetlands, wetlands transition areas, and open water bodies.
 3. The maximum tract density of the original tract shall not be exceeded. If lots are created which are 10 or more acres in size, and tract density has been fully utilized, these lots shall include a deed restriction against further subdivision.
- g. Retaining Walls.
1. Maximum retaining wall height: five (5') feet.
 2. No retaining wall shall be located closer than twenty-five (25') feet to any other retaining wall.

§ 20-6.7. Additional Design Standards for the Low Density Agricultural Residential Historic District.

[Ord. #97-13, § 3]

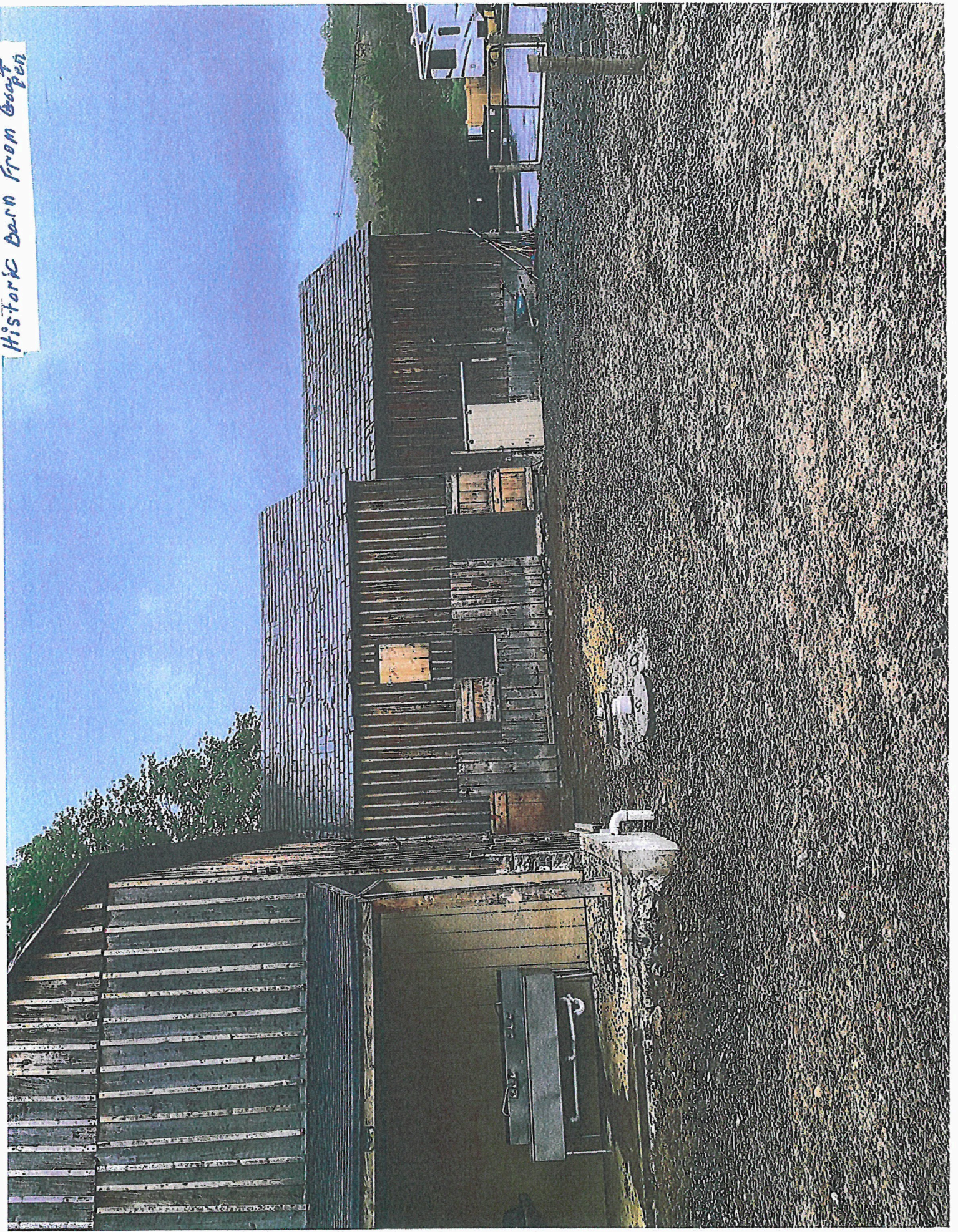
In the LDAR-H Zone every effort shall be made to conceal new development from the road.

- a. Buildings shall be located in wooded field edges as opposed to open fields.
- b. Driveways and roadways should follow existing linear features on the site such as tree lines and stone rows.
- c. In the event that site conditions would preclude the substantial screening of new development, as would be the case for level, open fields; new development shall be required to consider the recommendations of the Historic District Commission.

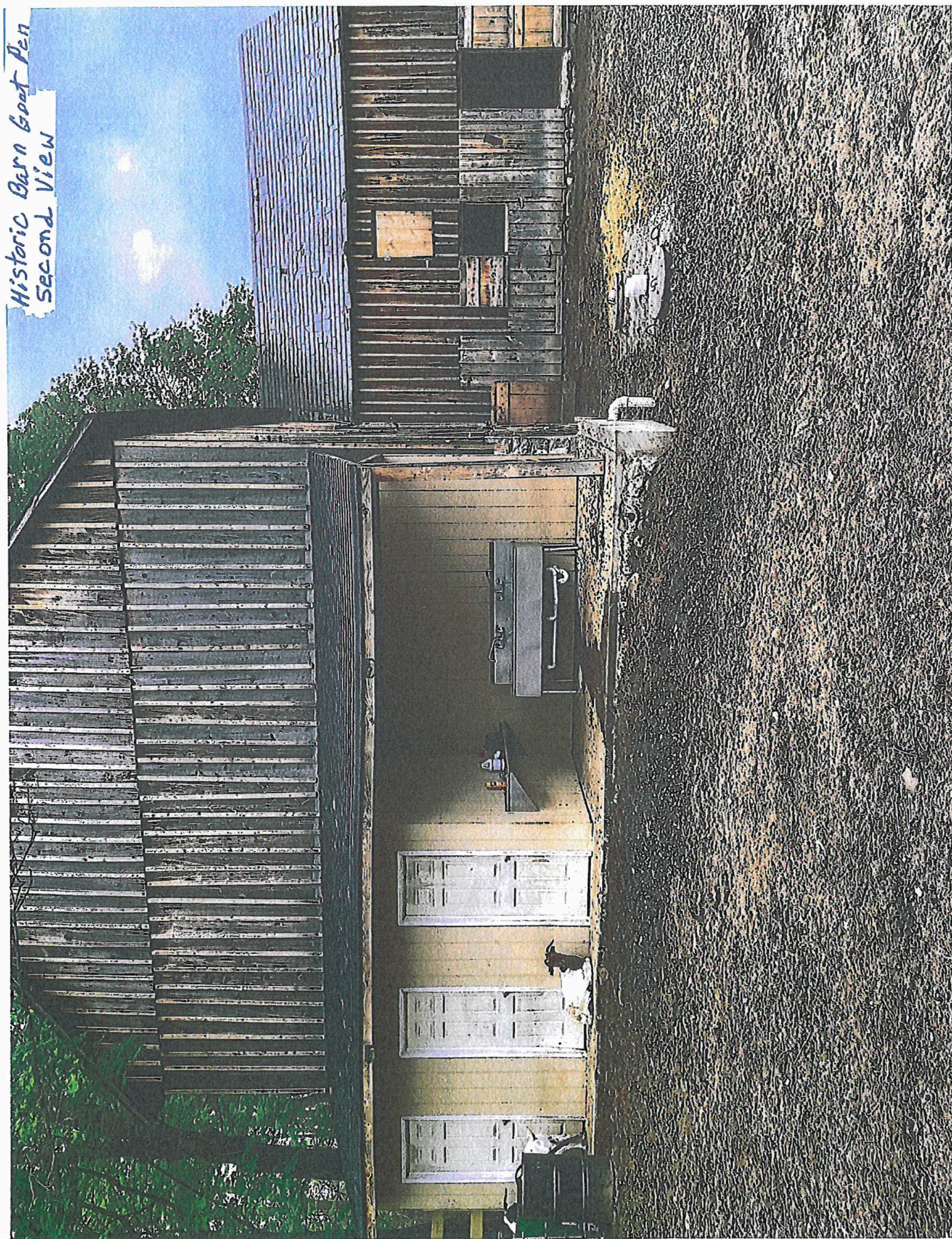


Historic Barn From Driveway

Historic Barn from Boat



Historic Barn Goat Pen
Second View



Historic Barn Side View



Pig Barn Exterior



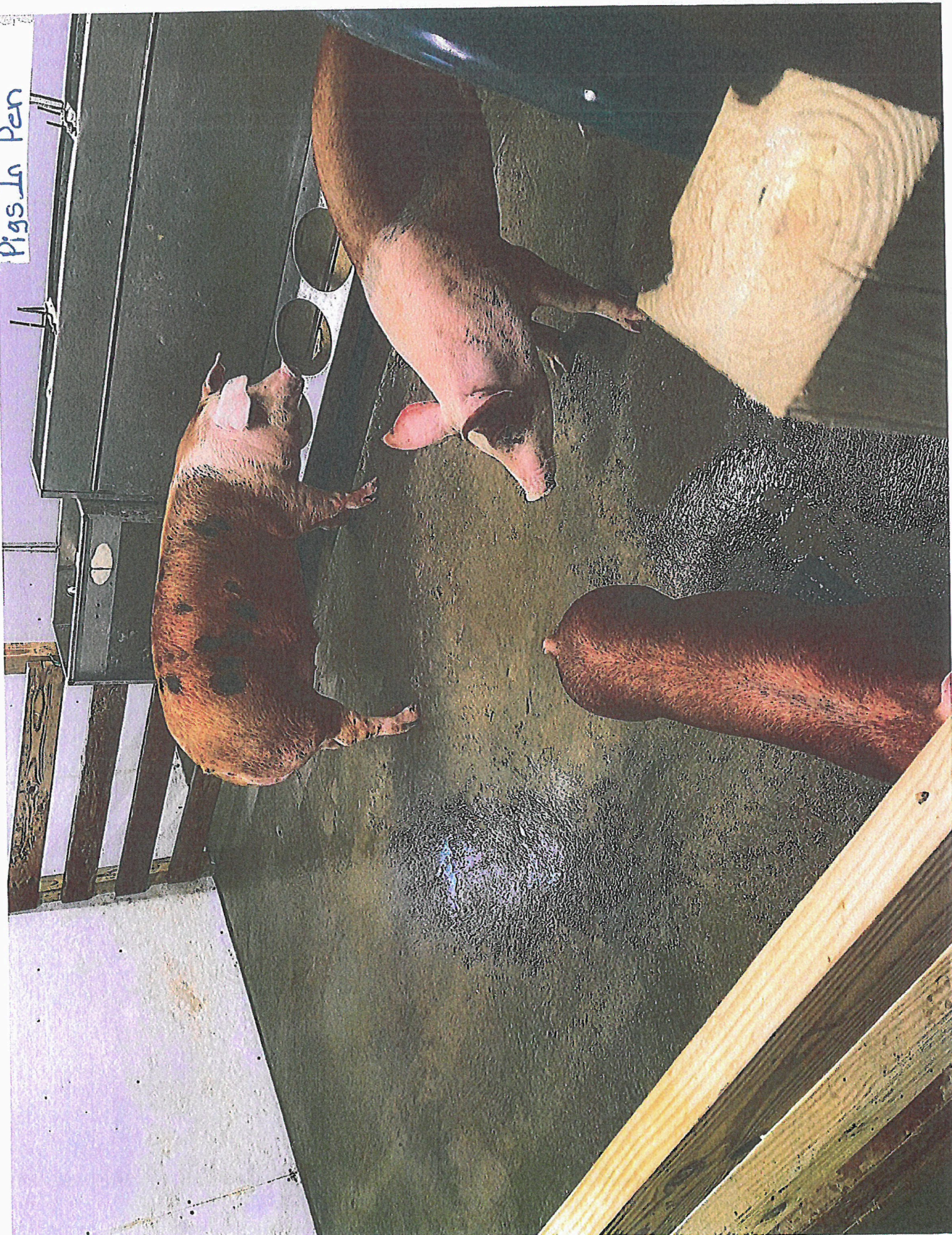
Pig Barn Butchering Area



Pig Barn Pig Pens



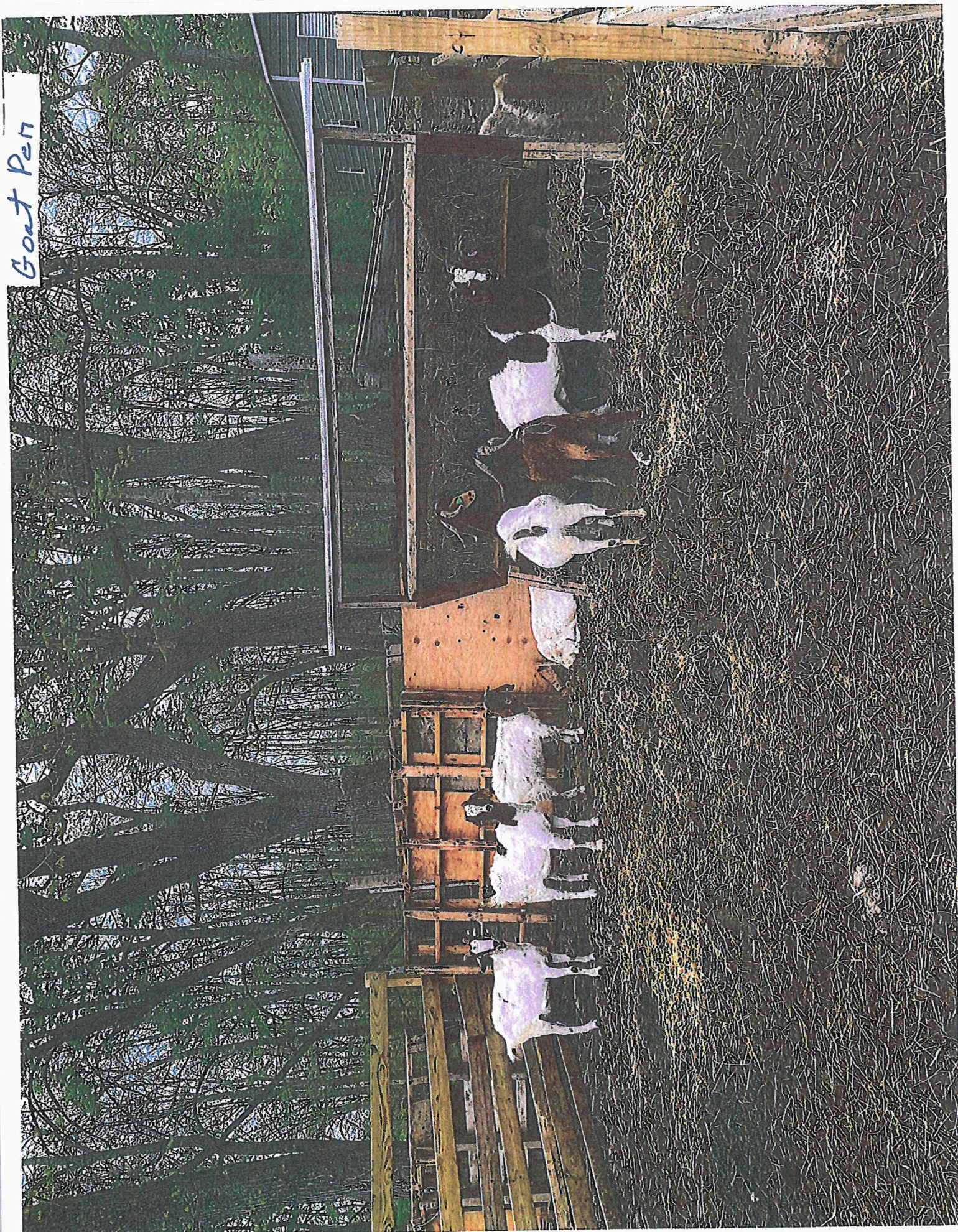
Pigs In Pen



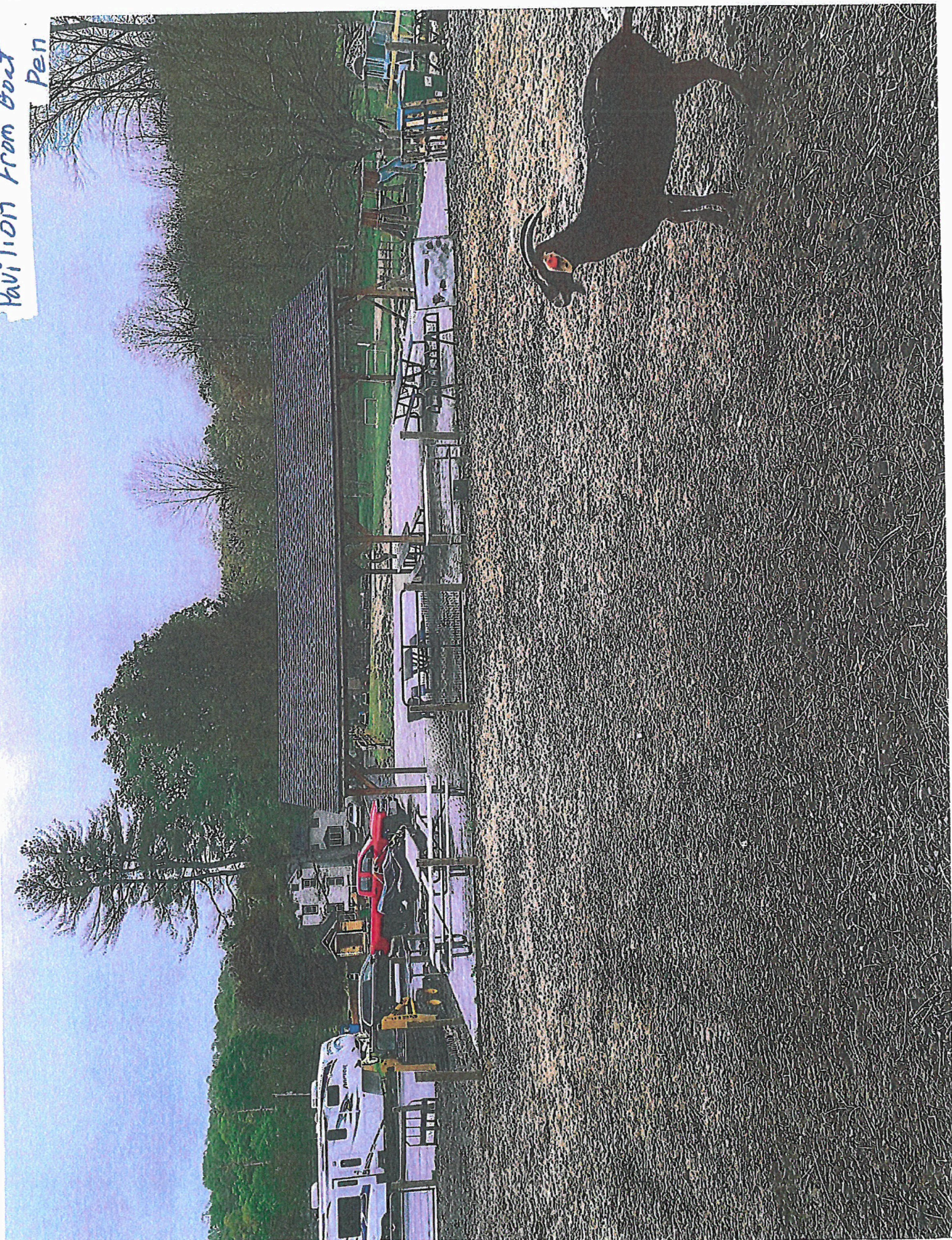
Holding Tank For Pig
Manure/Waste



Goat Pen



Pavilion From Goat Pen



Chicken Coop



Farmhouse Existing



Exhibit - 2

CUSTOMER'S ORDER NO.		DEPARTMENT		DATE	
NAME		ADDRESS		CITY, STATE, ZIP	
SOLD BY		CASH	C.O.D.	CHARGE	ON ACCT.
QUANTITY		DESCRIPTION			PRICE
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3					
4					
5					
6					
7					
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10					
11					
12					
13					
14					
15					
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17					
18					
RECEIVED BY					

KEEP THIS SLIP FOR REFERENCE

A-585
T-4620/4630

CUSTOMER'S ORDER NO.		DEPARTMENT		DATE	
NAME		ADDRESS		CITY, STATE, ZIP	
SOLD BY		CASH	C.O.D.	CHARGE	ON ACCT.
QUANTITY		DESCRIPTION			PRICE
1					
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18					
RECEIVED BY					

KEEP THIS SLIP FOR REFERENCE

A-585
T-4620/4630

494956

CUSTOMER'S ORDER NO.		DEPARTMENT		DATE 7/14/20	
NAME Maria					
ADDRESS					
CITY, STATE, ZIP					
SOLD BY		CASH	C.O.D.	CHARGE	ON ACCT.
		MOSE. RETD.		PAID OUT	
QUANTITY	DESCRIPTION			PRICE	AMOUNT
1					480
2	20	Gallinas			
3					
4					
5					
6	1	Puerco			210
7					
8					
9					
10					
11		total: 480			690
12		210			
13		690			
14					
15					
16					
17					
18					
RECEIVED BY					

KEEP THIS SLIP FOR REFERENCE

A-5805
T-46320/46390

01-11

U13

FOR

STYLE 1805

NAME THOMAS DATE 4/12

ADDRESS

914/382-5247

SOLD BY

CASH C.O.D. CHARGE PAID ON ACCT. MDSE RET. PAID OUT

QUAN.

DESCRIPTION PRICE AMT

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CUSTOMER'S ORDER NO.

RECEIVED BY:

0132203

STYLE 1805

FORM NO. 897

NAME Betty DATE 4/4/20

ADDRESS

10

SOLD BY

CASH C.O.D. CHARGE PAID ON ACCT. MDSE RET. PAID OUT

QUAN.

DESCRIPTION PRICE AMOUNT

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3																						
4																						
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21																						
22																						

CUSTOMER'S ORDER NO.

RECEIVED BY:



Hand

Tel: 484-955-2608

Feeders, Roasters, Market Hogs

THANK YOU



Home Grain Park

part

534

Tel: 484-955-2608

Feeders, Roasters, Market Hogs

THANK YOU

6132224

STYLE 1805

FORM NO. 937

NAME Rosario DATE 4/18/20

ADDRESS

SOLD BY CASH C.O.D. CHARGE PAID ON ACCT MDSE. RET. PAID OUT

QUAN. DESCRIPTION PRICE AMOUNT

1			
2			
3			
4	<u>Puerto</u>		<u>260⁰⁰</u>
5			
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22			

CUSTOMER'S ORDER NO.

RECEIVED BY:

260⁰⁰

RECEIPT

DATE 5/9/20 No. 785448

RECEIVED FROM Carmen Silva \$ 360 DOLLARS

Puerto Rico & Borinquen

☐ FOR RENT
☐ FOR

ACCOUNT			<input type="radio"/> CASH	FROM	TO
PAYMENT			<input type="radio"/> CHECK		
BAL. DUE			<input type="radio"/> MONEY ORDER	BY	

1182

RECEIPT

DATE 5/9/20 No. 785549

RECEIVED FROM Geovanny \$ 285 DOLLARS

Puerto Rico

☐ FOR RENT
☐ FOR

ACCOUNT			<input type="radio"/> CASH	FROM	TO
PAYMENT			<input type="radio"/> CHECK		
BAL. DUE			<input type="radio"/> MONEY ORDER	BY	

1182

RECEIPT

DATE 5/19/20 No. 785593

RECEIVED FROM Jorge Bando \$381

Borero DOLLARS

☐ FOR RENT
☐ FOR

ACCOUNT			<input checked="" type="radio"/> CASH	FROM	TO
PAYMENT			<input type="radio"/> CHECK		
BAL. DUE			<input type="radio"/> MONEY ORDER	BY	

1182

RECEIPT

DATE 5/23/20 No. 785481

RECEIVED FROM Luis Poir \$281

Poir DOLLARS

☐ FOR RENT
☐ FOR

ACCOUNT			<input checked="" type="radio"/> CASH	FROM	TO
PAYMENT			<input type="radio"/> CHECK		
BAL. DUE			<input type="radio"/> MONEY ORDER	BY	

1182

RECEIPT

DATE 5/23/20 No. 785501

RECEIVED FROM Marco \$310

Rock DOLLARS

☐ FOR RENT
☐ FOR

ACCOUNT			<input checked="" type="radio"/> CASH	FROM	TO
PAYMENT			<input type="radio"/> CHECK		
BAL. DUE			<input type="radio"/> MONEY ORDER	BY	

1182

STYLE 1805

FORM NO. 937

NAME		DATE				
ADDRESS						
SOLD BY	CASH	C. O. D.	CHARGE	PAID ON ACCT	MO SER RET.	PAID OUT
QUAN	DESCRIPTION				PRICE	AMOUNT
1	Carmen -				5/9/20	
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3						
4						
5						
6	100 yco				290	
7						
8						
9	Borrego				310	
10						
11						
12						
13						
14						
15						
16						
17						
18						
19						
20						
21						
22						
CUSTOMER'S ORDER NO				RECEIVED BY:		



'Hillside Acres' Feeder, Roaster, Market Hogs

Tel: 484-955-2608

Feeder, Roaster, Market Hogs

NAME
Majel

DATE
5/8/2020

ADDRESS

PHONE

☐ Cash ☐ Check ☐ C.O.D. ☐ Charge

☐ CC#

Exp _____ CVV _____

1	100#	100#	100#	100#
4	100#	100#	100#	100#

1	100#	100#	100#	100#
	200#	200#	200#	200#

TOTAL 100#

THANK YOU

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Hillside Acres

'Hillside Acres' Feeder, Roaster, Market Hogs

Feeder, Roaster, Market Hogs

BILL TO
Majel

DATE
5/20/2020

ADDRESS

PHONE

Email:

☐ Cash ☐ Check ☐ C.O.D. ☐ Charge

QTY	ITEM OR PART DESCRIPTION	PRICE	AMOUNT
2	50#	75	150

2	100#	100	200
2	150#	130	260

2	200#	140	280

	TAX	
	TOTAL	980

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Tel: 484-955-2608

Feeders, Roasters, Market Hogs

all:

☐ Cash ☐ Check ☐ C.O.D. ☐ Charge

CC#

Exp _____ CVV _____

QTY	ITEM OR PART DESCRIPTION	PRICE	AMOUNT
2	Mkt 520 # 260 ave	.65	338 -
3	200 #	140	420 -
3	100 #	100	300 -
2	50 #	75	150 -
		TAX	
		TOTAL	1208 -

THANK YOU

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Hillside Acres

Tel: 484-955-2608

Feeders, Roasters, Market Hogs

Email: _____☐ Cash ☐ Check ☐ C.O.D. ☐ Charge

☐ CC// _____

Exp CWV

QTY	ITEM OR PART DESCRIPTION	PRICE	AMOUNT
2	50#	75	150 -
2	160#	100	200 -
2	150 #	130	260 -
2	200#	140	280 -
		TAX	
		TOTAL	880 -

THANK YOU

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'Home Grown Pork'

Hillside Acres

3000 Road

PA 19534

Tel: 484-955-2608

Feeders, Roasters, Market Hogs

BILL TO <i>Magel</i>		DATE <i>12-3-20</i>	
ADDRESS		PHONE	
Email:			
<input type="checkbox"/> Cash <input type="checkbox"/> Check <input type="checkbox"/> C.O.D. <input type="checkbox"/> Charge			
<input type="checkbox"/> CC#			
Exp _____ OVW _____			
QTY	ITEM OR PART DESCRIPTION	PRICE	AMOUNT
<i>2</i>	<i>Mkt</i> <i>800</i>	<i>.60</i>	<i>360 -</i>
	<i>300ave</i>		
<i>2</i>	<i>200#</i>	<i>140</i>	<i>280 -</i>
<i>2</i>	<i>100#</i>	<i>100</i>	<i>200 -</i>
<i>2</i>	<i>50#</i>	<i>75</i>	<i>150 -</i>
			<i>990 -</i>
	<i>Balance</i>		<i>25 -</i>
		TAX	
		TOTAL	<i>1015 -</i>

THANK YOU

Exhibit - 3

SCHEDULE F (Form 1040)

Department of the Treasury
Internal Revenue Service (99)

Profit or Loss From Farming

▶ Attach to Form 1040, Form 1040-SR, Form 1040-NR, Form 1041, or Form 1065.
▶ Go to www.irs.gov/ScheduleF for instructions and the latest information.

OMB No. 1545-0074

2020

Attachment
Sequence No. **14**

Name of proprietor

ALEX M MONTALVO BRITO

3

Social security number (SSN)

-1612

A Principal crop or activity

HOG AND PIG

B Enter code from Part IV

▶ 112210

C Accounting method:

☒ Cash ☐ Accrual

D Employer ID number (EIN) (see instr.)

E Did you "materially participate" in the operation of this business during 2020? If "No," see instructions for limit on passive losses ☒ Yes ☐ No

F Did you make any payments in 2020 that would require you to file Form(s) 1099? See instructions ☐ Yes ☒ No

G If "Yes," did you or will you file required Form(s) 1099? ☐ Yes ☐ No

Part I Farm Income—Cash Method. Complete Parts I and II. (Accrual method. Complete Parts II and III, and Part I, line 9.)

1a	Sales of livestock and other resale items (see instructions)	1a	25144	
b	Cost or other basis of livestock or other items reported on line 1a	1b	18498	
c	Subtract line 1b from line 1a	1c		6646
2	Sales of livestock, produce, grains, and other products you raised	2		
3a	Cooperative distributions (Form(s) 1099-PATR)	3a		
3b	Taxable amount	3b		
4a	Agricultural program payments (see instructions)	4a		
4b	Taxable amount	4b		
5a	Commodity Credit Corporation (CCC) loans reported under election	5a		
b	CCC loans forfeited	5b		
5c	Taxable amount	5c		
6	Crop insurance proceeds and federal crop disaster payments (see instructions):			
a	Amount received in 2020	6a		
b	Taxable amount	6b		
c	If election to defer to 2021 is attached, check here <input type="checkbox"/>	6d		
6d	Amount deferred from 2019	6d		
7	Custom hire (machine work) income	7		
8	Other income, including federal and state gasoline or fuel tax credit or refund (see instructions)	8		
9	Gross income. Add amounts in the right column (lines 1c, 2, 3b, 4b, 5a, 5c, 6b, 6d, 7, and 8). If you use the accrual method, enter the amount from Part III, line 50. See instructions	9		6646

Part II Farm Expenses—Cash and Accrual Method. Do not include personal or living expenses. See instructions.

10	Car and truck expenses (see instructions). Also attach Form 4562	10		
11	Chemicals	11		
12	Conservation expenses (see instructions)	12		
13	Custom hire (machine work)	13		
14	Depreciation and section 179 expense (see instructions)	14		
15	Employee benefit programs other than on line 23	15		
16	Feed	16		
17	Fertilizers and lime	17		
18	Freight and trucking	18		
19	Gasoline, fuel, and oil	19		
20	Insurance (other than health)	20		
21	Interest (see instructions):			
a	Mortgage (paid to banks, etc.)	21a		
b	Other	21b		
22	Labor hired (less employment credits)	22		
23	Pension and profit-sharing plans	23		
24	Rent or lease (see instructions):			
a	Vehicles, machinery, equipment	24a		
b	Other (land, animals, etc.)	24b		
25	Repairs and maintenance	25		
26	Seeds and plants	26		
27	Storage and warehousing	27		
28	Supplies	28		
29	Taxes	29		
30	Utilities	30		1075
31	Veterinary, breeding, and medicine	31		
32	Other expenses (specify):			
a	ANIMAL FOOD	32a		2600
b	HAY	32b		300
c		32c		
d		32d		
e		32e		
f		32f		
33	Total expenses. Add lines 10 through 32f. If line 32f is negative, see instructions	33		3975
34	Net farm profit or (loss). Subtract line 33 from line 9	34		2671

If a profit, stop here and see instructions for where to report. If a loss, complete lines 35 and 36.

35 Reserved for future use.

36 Check the box that describes your investment in this activity and see instructions for where to report your loss:

a ☐ All investment is at risk. b ☐ Some investment is not at risk.

For Paperwork Reduction Act Notice, see the separate instructions.

Schedule F (Form 1040) 2020

QNA

Exhibit – 4

Site Photos from Farm visit 9/14/21







































