

GLOUCESTER COUNTY AGRICULTURE DEVELOPMENT BOARD

RIGHT TO FARM RESOLUTION

**REQUEST OF FRANK S. GRANT, JR. AND LORI G. WEATHERILL, D/B/A GRANT'S FARM,
FOR: (1) A DETERMINATION OF COMMERCIAL FARM ELIGIBILITY FROM THE
GLOUCESTER COUNTY AGRICULTURE DEVELOPMENT BOARD (GCADB) PURSUANT
TO N.J.S.A. 4:1C-3 AND -9 AND N.J.A.C. 2:76-2.3 ON BLOCK 41, LOTS 6.01 & 6.02,
TOWNSHIP OF WOOLWICH; AND (2) A SITE-SPECIFIC AGRICULTURAL MANAGEMENT
PRACTICE RECOMMENDATION FROM THE GCADB PURSUANT TO N.J.A.C. 2:76-2.3 ON
BLOCK 41, LOTS 6.01 & 6.02, TOWNSHIP OF WOOLWICH, RELATING TO HAY WAGONS,
A BRUSH AND COMPOST PILE, FARM TRUCKS AND OTHER ACTIVITIES RELATED TO
THE OPERATIONS OF A COMMERCIAL FARM**

DATED: February 22, 2018

WHEREAS, pursuant to the Right to Farm Act, N.J.S.A. 4:1C-1, et. seq. and the State Agriculture Development Committee regulations, N.J.A.C. 2:76-2.3, a commercial farm owner or operator may make a request to the County Agriculture Development Board (hereinafter "CADB" or "Board") to determine if his or her operation constitutes a generally accepted management practice; and

WHEREAS, Frank S. Grant, Jr. and Lori G. Weatherill, D/B/A Grant's Farm, are the owners and operators of a farm located at Block 41, lots 6.01 and 6.02, the Township of Woolwich in Gloucester County; and

WHEREAS, on December 19, 2017, the Gloucester County Agriculture Development Board (CADB) received correspondence from William L. Horner, Esq. requesting that the Board consider a Site Specific Agricultural Management Practice (SSAMP) request from Frank S. Grant, Jr. and Lori G. Weatherill, D/B/A Grant's Farm, for: (1) a Determination Of Commercial Farm Eligibility from the GCADB pursuant to N.J.S.A. 4:1c-3 and -9 and N.J.A.C. 2:76-2.3 on Block 41, Lots 6.01 & 6.02, Township of Woolwich; and (2) a Site-Specific Agricultural Management Practice Recommendation from the GCADB pursuant to N.J.A.C. 2:76-2.3 on Block 41, Lots 6.01 & 6.02, Township of Woolwich, relating to hay wagons, a brush and compost pile, farm trucks and other activities related to the operations of a Commercial Farm. According to Mr. Horner's correspondence these activities are believed to be the subject of complaints recently filed in Woolwich Township Municipal Court by Frank Grant's neighbors, David J. Lett and Susan S. Lett; and

WHEREAS, the applicant's farming operation involves selling hay that they grow and harvest on their two farmland-assessed parcels of land located on Harrisonville Road in Woolwich Township. Lori Weatherill owns and resides at one of the parcels, designated as Block 41, Lot 6.01, which consists of approximately 6.20 acres. Frank Grant owns and resides at the other parcel, designated as Block 41, Lot 6.02, which consists of approximately 6.26 acres. These two farmed parcels are located on the west side of Harrisonville Road within 300 feet of each other. This SSAMP request pertains primarily to farming activities complained of on Frank Grant's Lot 6.02; and

WHEREAS, the complainants, David and Susan Lett, own and reside at a third parcel of land, also on the west side of Harrisonville Road, designated as Woolwich Township Block 41, Lot 6.03, and consisting of approximately 8.33 acres. The Letts' Lot 6.03 is a "flag lot", and as such has only 50 feet of frontage on Harrisonville Road. The slender "flagpole" part of the Letts' Lot 6.03 borders Frank Grant's Lot 6.02 to the north, and the wider "flag" portion of the Letts' lot extends beyond and to the rear (i.e., the west) of the Grant lot; and

WHEREAS, the Lett and Grant lots were created in their current configurations by a 1995 minor subdivision. One of the conditions of the subdivision approval requires both lots to gain access to Harrisonville Road by a single driveway located on the slender "flagpole" part of the Letts' lot. Frank Grant purchased his Lot 6.02 on September 25, 2000; he began construction on his home there in the spring of 2002, and has lived there since January 2003. The Letts purchased Lot 6.03 on December 4, 2001. The applicants believe the Letts began constructing their home on Lot 6.03 sometime in late 2002 or early 2003, although several years passed before the final certificate of occupancy was issued in 2010; meanwhile, Frank Grant began raising hay

at Lot 6.02 (by himself) in 2002. He and Lori Weatherill have raised hay together at Lots 6.01 and 6.02 since 2005; and

WHEREAS, for at least the past five years the applicants have parked two hay wagons along the westerly (rear) line of Lot 6.02, which bounds the Letts' lot to the east. The Letts' house is approximately 35 feet from this lot line, as measured from its closest point. Until recently the Letts have not complained about the hay wagon; and

WHEREAS, the application states for at least the past seven years the applicants have maintained a brush and compost pile at the southernmost rear corner of Frank Grant's Lot 6.02 where it forms a point bounded by the Letts' lot to the west and adjoining Block 41, Lot 6 to the south. Lot 6 is owned by another neighbor who is not involved in this matter. The pile consists of organic material from Lots 6.01 and 6.02, and the resulting compost is used to improve farm soils at both lots. The Letts' house is approximately 137 feet from the brush and compost pile. Until recently the Letts have not complained about the brush and compost pile; and

WHEREAS, the applicant states Frank Grant owns two pickup trucks that he keeps parked outdoors near the barn at his Lot 6.02. One of these pickup trucks is currently utilized only on the farm for farm purposes. The other was used for farm purposes in the past but is now for sale. The Letts' house is approximately 512 feet from Frank Grant's barn. Until recently the Letts have not complained about the pickup trucks; and

WHEREAS, the applicant states that sometime in June 2017, while Frank Grant was sitting on the patio behind his house, Susan Lett walked onto the rear of his property, hailed him from a distance, and demanded that he move the hay wagons. Frank Grant refused. In July 2017 an attorney representing the Letts wrote a letter requesting Frank Grant to move his "machinery, trailers and equipment" from the Lett/Grant property line in order to help the Letts sell their property. Frank Grant did not respond to the letter. In October 2017 David and Susan Lett each filed an identical set of 10 complaints against Frank Grant, for a total of 20 complaints. Two of the 20 complaints allege harassment and the others pertain to specific activities allegedly taking place on the property; and

WHEREAS, the applicant states at Frank Grant's request, and in order for this matter to be considered first by the GCADB as required by the Right to Farm Act (RTFA), the Woolwich Municipal Court has adjourned the case to January 17, 2018 for a municipal mediation session that must be conducted prior to any municipal court trial. No municipal court trial date has been scheduled; and

WHEREAS, the applicants request the GCADB to determine whether what they believe to be the complained-of activities constitute generally accepted agricultural operations or practices for which site-specific agricultural management practices should be recommended. The applicants understand that any complained-of activities that do not qualify for SSAMP approval or do not otherwise comply with approved agricultural management practices will be subject to Woolwich Municipal Court jurisdiction; and

WHEREAS, the applicant states the property meets the eligibility criteria to be recognized as a commercial farm under the New Jersey Right to Farm Act and satisfies all jurisdictional requirements for farm acreage, farmland assessment, and farm income as set forth in the applicants Certification of 2016 Farm Income that has been filed separately with CADB. In addition, according to Mr. Horner's correspondence all of the lands involved in this dispute are located in Woolwich Township's R-1 Residential District where "agriculture and horticulture" are permitted uses. The correspondence also confirms that Woolwich Township has enacted its own Municipal Right to Farm Ordinance, which permits agriculture in all municipal zoning districts. According to Mr. Horner's correspondence, the applicant also indicates that no new development or use is being proposed in connection with this SSAMP request. Mr. Horner's correspondence also included a copy of the GCADB's SSAMP checklist which has been marked to indicate items submitted and waivers requested; and

WHEREAS, the application also includes a detailed analysis on the following activities and/or matters, and how they do or do not apply to the applicant's commercial farming operations in relation to the Right-to-Farm Act and Woolwich Township's zoning regulations.

The full text and analysis of these items is included in Mr. Horner's correspondence which will be included as Attachment 1 to the official record:

- Hay Wagons and Other Farm Equipment
- Brush and Compost Pile
- Pickup Trucks
- "Noxious Weeds"
- "Landscaping"

WHEREAS, Mr. Horner's correspondence indicates that if the GCADB determines that the applicant's activities constitute generally accepted agricultural operations or practices that comply with applicable federal or State statutes or rules and regulations, and do not pose a threat to public health and safety, then the applicable Woolwich Township requirements cannot be enforced against these activities, and they cannot be deemed a nuisance or an invasion or interference with the Letts' use and enjoyment of their property. Mr. Horner's correspondence indicates that the applicants believe such a determination would eliminate the grounds for most, if not all, of the allegations set forth in the Letts' municipal court complaints; and

WHEREAS, Mr. Horner's correspondence also indicates that it is possible there are other activities being conducted on the applicant's farm properties that the Letts find objectionable, for which they have attempted to seek relief via their municipal court complaints, and for which they may still seek relief even if this SSAMP application is approved. In such event, and if the GCADB determines that applicants do meet the definition of a "commercial farm" under the Act, the Letts or any other person aggrieved by the operation of the applicant's commercial farm should, pursuant to the Act, file a complaint with the GCADB prior to filing any action in court.

WHEREAS, In conclusion, Mr. Horner's correspondence indicates that for the above reasons the applicants request the GCADB to determine that their farm operation qualifies as a commercial farm for purposes of the RTFA, and that the activities as indicated in this correspondence constitute generally accepted agricultural operations or practices for which site-specific agricultural management practices should be recommended. Accordingly, the applicant requests the following:

1. *A determination that the applicants meet the commercial farm eligibility criteria of N.J.S.A. 4:1C-3 and -9, and N.J.A.C. 2:76-2.3.*
2. *A determination that the parking of hay wagons, trailers, and other farm equipment, regardless of age or condition, or with or without license plates, on all areas of Frank Grant's property designated as Woolwich Township Block 41, Lot 6.02, including but not limited to areas located along boundaries with adjoining residential properties (a) conforms with applicable Right to Farm Act regulations; (b) constitutes a generally accepted agricultural operation or practice; (c) does not violate any federal or state law or regulation; (d) does not pose a threat to public health and safety; and (e) may therefore occur at the property pursuant to N.J.S.A. 4:1C-9 notwithstanding the provisions of any municipal or county ordinance, resolution, or regulation to the contrary.*
3. *A determination that the parking of pickup trucks, regardless of age or condition, and regardless of whether operable or inoperable, or with or without license plates, anywhere on the paved or graveled areas surrounding Frank Grant's barn on Woolwich Township Block 41, Lot 6.02 (a) conforms with applicable Right to Farm Act regulations; (b) constitutes a generally accepted agricultural operation or practice; (c) does not violate any federal or state law or regulation; (d) does not pose a threat to public health and safety; and (e) may therefore occur at the property pursuant to N.J.S.A. 4:1C-9 notwithstanding the provisions of any municipal or county ordinance, resolution, or regulation to the contrary.*
4. *A determination that the applicant's maintenance of a brush and compost pile in the southernmost corner of Frank Grant's property designated as Woolwich Township Block 41, Lot 6.02, and the applicant's composting of the pile in conformance with the guidelines set forth in Rutgers Fact Sheets FS074 "Backyard Leaf Composting" and FS0811 "Home Composting" (a) conform with applicable Right to Farm Act regulations; (b) constitute generally accepted agricultural operations or practices; (c) do not violate any federal or state law or regulation; (d) do not pose a threat to public health and safety; and (e) may therefore occur at the property pursuant to N.J.S.A. 4:1C-9 notwithstanding the provisions of any municipal or county ordinance, resolution, or regulation to the contrary.*
5. *A determination that the growth, past, present and future, of the types and heights of plants (weeds and otherwise) that are currently or customarily grown or permitted to grow at Frank Grant's property designated as Woolwich Township Block 41, Lot 6.02, all of which are typical and acceptable for a New Jersey farm, and none of which are "noxious" as defined by applicable*

- New Jersey regulations (a) conforms with applicable Right to Farm Act regulations; (b) constitutes a generally accepted agricultural operation or practice; (c) does not violate any federal or state law or regulation; (d) does not pose a threat to public health and safety; and (e) may therefore occur at the property pursuant to N.J.S.A. 4:1C-9 notwithstanding the provisions of any municipal or county ordinance, resolution, or regulation to the contrary.*
6. *A determination that the absence of landscaping and other property maintenance measures as specified in Woolwich Township Code §143.4.1.B.(5) at the farmed areas and farm boundary areas of Frank Grant's property designated as Woolwich Township Block 41, Lot 6.02 (a) conforms with applicable Right to Farm Act regulations; (b) constitutes a generally accepted agricultural operation or practice; (c) does not violate any federal or state law or regulation; (d) does not pose a threat to public health and safety; and (e) may therefore continue at the property pursuant to N.J.S.A. 4:1C-9 notwithstanding the provisions of any municipal or county ordinance, resolution, or regulation to the contrary.*
 7. *A recommendation of all of the aforesaid activities as site-specific agricultural management practices as to which municipal and county ordinances, resolutions or regulations are preempted pursuant to N.J.S.A. 4:1C-9.*
 8. *A determination that, based on the foregoing determinations and recommendations, and as provided in N.J.S.A. 4:1C-9, Woolwich Township Code §125-12, §125-18, and §143-4.1.B (1), (2) (3) and (5) may not be enforced against the aforesaid operations and activities.*
 9. *A determination that, based on the foregoing determinations and recommendations, and as provided in N.J.S.A. 4:1C-10, an irrebuttable presumption exists that the aforesaid operations and activities do not constitute a public or private nuisance, nor can they be deemed to otherwise invade or interfere with the use and enjoyment of any other land or property.*
 10. *A determination that, based on all of the above, and given the particular facts and circumstances of this case, and acknowledging the need to provide a proper balance among the varied and sometimes conflicting interests of all lawful activities in New Jersey as expressed in Twp. of Franklin v. den Hollander, 172 N.J. 147, 153 (2002), this GCADB decision properly upholds the express intentions of the RTFA and promotes the policies of this State to the extent that it protects the applicants' commercial farm operations and recognized methods and techniques of agricultural production from municipal court actions.*
 11. *A determination that the GCADB will retain jurisdiction over this matter and the applicant's commercial farm activities, and that any claims or allegations remaining under the Letts' present municipal court complaints that are not sufficiently addressed by the applicant's requested SSAMP approval, and any future complaints against the applicant's commercial farm activities by the Letts or any other aggrieved person, should be filed with the GCADB pursuant to N.J.A.C. 2:76-2.7 and N.J.S.A. 4:1C-10, as required by Curzi v. Raub, 415 N.J.Super. 1 (A.D. 2010) and Borough of Closter v. Abram Demaree Homestead, Inc., 365 N.J.Super. 338 (A.D. 2004), before a complaint is filed in any court.; and*

WHEREAS, a request to notice the public hearing to be held by the CADB on January 10, 2018, where this SSAMP is scheduled to be heard, was forwarded to the South Jersey Times and advertised on December 23, 2017. Notification as to the hearing was also provided to the applicants, Mr. Horner, the Township of Woolwich Administrator, the Township of Woolwich Solicitor, the Township of Woolwich Official Code Enforcement Official, and the SADC on December 20, 2017 through certified mail. Mr. Horner also provided confirmation through a Proof of Notice that all property owners within 200-foot of the applicant's farm were notified of the public hearing through certified mail; and

WHEREAS, on January 9, 2018, CADB Secretary Ken Atkinson received correspondence from Matt Blake, Director of Community Development, Woolwich Township, wherein Mr. Blake indicated that he was direct liaison to the municipal governing body, and had discussed the SSAMP request with the Township Administrator and Zoning Officer. Due to its late submission Mr. Blake's January 9, 2018 correspondence will be read into the record at the January 10, 2018 CADB public hearing so that all Board members are aware of and can consider its contents. Mr. Blake's 2018 correspondence, as well as six (6) photographs that were also provided, will also be added to the official record as Attachment 5. Mr. Blake indicated to Secretary Atkinson via e-mail that the photographs were taken by the Township zoning officer; and

WHEREAS, due to the Board not being previously provided with the January 9, 2018 correspondence from Matt Blake, Director of Community Development, Woolwich Township, Secretary Atkinson read the letter aloud for the Board's information. The remainder of Secretary Atkinson's narrative as provided to the Board is included for the record as follows:

Included with this narrative are the following attachments/exhibits provided by the applicant and/or other parties relative to this case.

1. *Attachment 1 – December 19, 2017 correspondence from William L Horner, Esq. (SSAMP request), with the following Exhibits:*
 - a. *A copy of Woolwich Tax Map Sheet 9*
 - b. *A copy of a Google Map showing the distance from the east corner of the Lett home to the Grant property line*
 - c. *A copy of a Google Map showing the distance from the south corner of the Lett home to the Grant compost pile*
 - d. *A copy of a Google Map showing the distance from the east corner of the Lett home to the Grant barn*
 - e. *Copies of the Municipal complaints filed against Frank Grant*
 - f. *Copies of Woolwich Code 125-12, Code 125-18, and Code 143-4.1*
 - g. *A copy of N.J.S.A. 2C:33-4*
 - h. *A copy of the Rutgers Cooperative Extension Fact Sheet on Backyard Leaf Composting.*
 - i. *A copy of the Rutgers Cooperative Extension Fact Sheet on Home Composting.*
 - j. *A copy of the 2009 International Property Maintenance Code*
 - k. *A copy of N.J.S.A. 2:21-4.1, 2:21-4.2, and 2:21-4.3*
2. *Attachment 2 – Certification of 2016 Farm Income signed by Frank S. Grant, Jr. and Lori G. Weatherill.*
3. *Attachment 3 – A copy of the GCADB's SSAMP checklist which has been marked to indicate items submitted and waivers requested.*
4. *Attachment 4 – A copy of the Proof of Notice confirming that all property owners within 200-foot of the applicant's farm were notified of the public hearing through certified mail.*
5. *Attachment 5 – A copy of January 9, 2018, correspondence from Matt Blake, Director of Community Development, Woolwich Township, including six (6) photographs; and*

WHEREAS, Solicitor Campo stated that the Board needed to make a threshold determination that it has jurisdiction in this matter and that the applicant meets the eligibility criteria to be recognized as a “commercial farm” under the Right-to-Farm Act. Mr. Horner then introduced his clients, Frank S. Grant, Jr. and Lori G. Weatherill, who were sworn in by Solicitor Campo. Under questioning from Mr. Horner, Mr. Grant and Ms. Weatherill testified that their two respective farm properties, which both presently have farmland assessment status, are farmed as a single agricultural operation. Mr. Grant and Ms. Weatherill then testified that all of the information as indicated in their signed “Certification of 2016 Farm Income Form” as previously provided to the Board is accurate and that they both signed the document. Mr. Horner then reviewed the qualifications for “commercial farm” eligibility as per the Right-to-Farm Act, and stated that his clients meet all criteria. Chairman Kandle asked for a motion from the Board on the following:

- *A determination that the applicants meet the commercial farm eligibility criteria of N.J.S.A. 4:1C-3 and -9, and N.J.A.C. 2:76-2.3. Mr. Dean made a motion to approve the determination. Mr. Curtis seconded the motion. The motion was approved unanimously by the Board in a roll call vote with none opposed and no abstentions.*
1. *There are credible exhibits that establish that the commercial farm is no less than five (5) acres;*
 2. *The commercial farm produces agricultural/horticultural products worth at least \$2,500 per year;*
 3. *The farm is eligible for differential property taxation pursuant to the Farmland Assessment Act of 1964;*
 4. *Agriculture is a permitted use under the municipal zoning ordinance and is consistent with the municipal master plan;*

Where all of the criteria above having been satisfied, the Board finds and determines that the applicants meet the eligibility criteria of the Right to Farm Act as a commercial farm pursuant to N.J.S.A. 4:1C-9; and

WHEREAS, in accordance with the procedure set forth in N.J.A.C. 2:76-2.8, a public hearing was held on January 10, 2018, when Mr. Grant and Ms. Weatherill presented their case through their attorney, William L. Horner, Esquire; and

WHEREAS, Secretary Atkinson indicated that Mr. Horner had provided the required proof of notice that all residents within a 200-foot radius of Block 41, Lots 6.01 & 6.02, Township of

Woolwich, and that all other required interested parties pursuant to N.J.A.C. 2:76-2.8(c), were provided with notification as to this public hearing.

WHEREAS, Mr. Horner began his presentation and stated that he had a number of additional exhibits for the Board's information, and Secretary Atkinson handed copies of the new exhibits out to the Board. These included twelve (12) photographs (Attachment 6, Exhibits L through W), to which Mr. Grant testified that he himself recently took. The exhibits also included a copy of a Google Map (Exhibit X) showing the length of the driveway shared by the Mr. Grant and the Lett's. Mr. Horner then reviewed some of the exhibits in Attachment 1 as follows:

- Exhibit A: Mr. Horner stated this is a copy of the tax map that shows the orientation of the Grant, Weatherill, and Lett properties. Mr. Horner stated that when these properties were created as per a subdivision, the Woolwich Township Planning Board required that the driveway be on the Lett property, and that it serve both the Lett and the Grant properties along the flagpole portion.
- Exhibit X: Mr. Horner said that the purpose of this Exhibit was to show the 632-foot shared portion of the driveway from Harrisonville Road to the end of the shared portion; and

WHEREAS, Mr. George Singley, Esq., introduced himself as the legal representative for the Lett's, and stated that he had no objections to the exhibits provided by Mr. Horner; and

WHEREAS, Mr. Horner then provided the following statement of the background:

- Mr. Horner stated that the matters before the Board this evening will primarily center on activities associated with Mr. Grant's property.
- Mr. Horner stated that Mr. Grant purchased his property (Block 41, Lot 6.02) in 2001, built his house soon after, and has lived there and farmed the land since.
- Mr. Horner stated that the Letts purchased their property (Block 41, Lot 6.03) soon after Mr. Grant purchased his, and started building their home soon after; however it may have been as late as 2013 before they began living in the house.
- Mr. Horner stated that Mr. Grant began farming his sister's (Lori Weatherill) property (Block 41, Lot 6.01) in 2005, in conjunction with his and other area landowners including Mr. Richard Gardler, a neighboring landowner. During that time the hay wagons used for the farming operations were stored along a wooded hedgerow on Mr. Gardler's property.
- Mr. Horner stated that approximately 5 years ago, and after Mr. Gardler's passing, Mr. Grant began storing the hay wagons in their current location on his property. This was due to the fact that this was a higher area, had greater sunlight, and helped to preserve the integrity of the hay wagons. The new area was also in close proximity to the shared driveway, making it easier for transportation purposes.
- Mr. Horner stated that there is a dispute as to when Mr. Grant began parking the hay wagons at their current location; however under the Right-to-Farm Act it is irrelevant as to when this started.
- Mr. Horner reviewed Attachment 1, Exhibit B, which he stated showed the current distance between the hay wagon in its current location and the Lett's house.
- Mr. Horner then reviewed Attachment 1, Exhibit C, which he stated showed the current distance between a brush/compost pile in its current location and the Lett's house.
- Mr. Horner stated that over the past few years there has been a deterioration in the relationship between the Mr. Grant and the Lett's.
- Mr. Horner stated that an incident occurred where one of the Lett's accosted one of Mr. Grant's farm workers, where Mr. Lett stated that they could not use the driveway for the tractor.
- Mr. Horner stated that there was no further interaction between Mr. Grant and the Lett's until recently, when the Lett's began marketing their home and their realtor asked Maryanne Grant, Mr. Grant's wife, to move the hay wagons away from the property line. Mr. Grant did not respond to this request.
- Mr. Horner stated that the next communication occurred in July 2016, when Ms. Lett approached Mr. Grant on his back porch and asked him to move the hay wagons. Mr. Horner stated that Mr. Grant refused.
- Mr. Horner stated that Mr. Grant then received correspondence from Mr. Singley, again asking that Mr. Grant remove the hay wagons. Mr. Horner stated that Mr. Grant did not respond the letter.

- Mr. Horner stated that Mr. Grant then received a number of phone messages from Mr. Lett, again asking that the hay wagons be moved. Mr. Horner stated that Mr. Grant spoke to Mr. Lett and told him that he didn't have time to discuss it.
- Mr. Horner stated that in October 2017 Mr. Grant received 20 summons from the Woolwich Municipal Court, with 10 coming from Mr. Lett and 10 from Mrs. Lett (Attachment 1, Exhibit E). Mr. Horner stated that the complaints focus mainly on property issues.
- Mr. Horner stated that upon his initial consultation with Mr. Grant he asked why he didn't move the trailers, and Mr. Grant stated that he felt the need to protect his right to place the hay wagons in the area best suited for his farming purposes. Mr. Horner said that Mr. Grant felt that if he moved the hay wagons in this instance it could lead to further complaints regarding any other aspect of his farming operations.
- Mr. Horner stated that this SSAMP request was two-fold: to confirm commercial farm eligibility, and to address the complaints raised by the Lett's that pertain to Mr. Grant farming operations.
- Mr. Horner stated that municipal court mediation has been scheduled regarding the 20 summons; however that has been postponed to allow the CADB to hear this SSAMP request.
- Mr. Horner stated that the Right-to-Farm Act states that so long as a farming activity is deemed as a generally accepted agricultural management practice, poses no threat to public health or safety, and does not violate any Federal or State laws, municipal ordinance requirements are pre-empted and there is an irrebuttable presumption against public or private nuisance complaints. Mr. Horner stated that the matters before the Board meet those conditions.
- Mr. Horner stated that Woolwich Township's own Right-to-Farm ordinance permits the activities indicated in the SSAMP request before the CADB. Mr. Horner also referred to a notice requirement as indicated in Woolwich Township's Right-to-Farm ordinance that requires disclosure to all buyers of land next to established commercial farms that farming is a protected activity. Mr. Horner stated that this further demonstrates that Mr. Grant should not have to hide his hay wagons from prospective buyers of the Lett's property. Mr. Horner stated that the letter received from Matt Blake, Community Development Director, Woolwich Township, did not come from the Municipal Solicitor and it does not cite any support from the municipal governing body. Mr. Horner stated that the letter runs contrary to Woolwich Township's own Municipal Right-to-Farm ordinance, and the municipal disclosure requirement. The following attachments/exhibits provided by the applicant and/or other parties relative to this case.

WHEREAS, Mr. Horner then began his questioning of Mr. Grant, who indicated the following:

- Mr. Grant stated that his family has a long history of farming.
- Mr. Grant stated that he was farming his land before he built his house.
- Mr. Grant stated the when he bought his land he also inquired with his neighbor of that time about purchasing the land that is now the Lett's property.
- Mr. Grant reiterated that the land where his hay wagons are currently stored is the best spot on his property in terms of access, elevation, and for maintenance reasons.
- Mr. Grant stated that his issues with the Lett's escalated when two of his farm employees were confronted in 2012 by Mr. Lett and told they could not drive his tractor on the common access driveway.
- Mr. Grant stated that in July 2016 Mrs. Lett entered his property and confronted him about the location of the wagons. Mr. Grant stated that he informed Mrs. Lett that since the wagons were on his property he was not going to move them.
- Mr. Grant stated that the wagons are often moved and parked in different areas of his property, and that currently there is only one wagon on the property line.
- Mr. Grant reiterated that he received correspondence from Mr. Singley asking that Mr. Grant remove the hay wagons, and that he did not respond the letter.
- Mr. Grant reiterated that in August 2017 he received a number of phone messages from Mr. Lett again asking that the hay wagons be moved. Mr. Grant stated that he spoke to Mr. Lett and told him that he didn't have time to discuss it.

WHEREAS, Mr. Horner then began reviewing the exhibits that he entered into testimony. During this review Mr. Grant testified to the following:

- Mr. Grant stated that at the beginning of the last growing season, the decking on his smallest wagon failed and that he left wagon, along with the material that he planned to use to repair it, on the property line until his farm work was done for the season. Mr. Grant stated that it has since been moved to his garage area to be repaired. Mr. Grant stated that the material that was being used for the wagon repair, and has since been removed from the property line, included old wooden posts and the frame of an old swing set.
- Mr. Grant stated that since 2012-2013 he has been parking his equipment on the property line.
- Mr. Grant stated that in his opinion it is common for other farmers to store their equipment in a similar manner, and that he has seen examples of this.
- Mr. Grant stated that he has 2 tractors and other farm equipment in his barn, which is why the hay wagons are parked outside. Mr. Grant stated that the wagons are 12 feet high and wouldn't fit in his barn.
- Mr. Grant testified as to how the various lots were subdivided from the original Gardler property.
- Mr. Grant stated that the placement of the current shared driveway was designed to facilitate the agricultural operations of his and the neighboring farm properties.
- Mr. Grant stated that 1/3 of his garage is used for the storage of farm equipment, 1/3 of it is used for the maintenance of the farm equipment, and 1/3 is used for his personal car and motorcycle collection. Mr. Grant stated that collecting cars and motorcycles is his hobby and is not a business.
- Mr. Grant stated that exhibits showing the area of his brush/compost pile were accurate in the indicated distance between the pile and Lett's home.
- Mr. Grant stated that his compost pile is made up of leaves, hay, and grass clippings from his farm operation and does not include any construction debris, or any material from outside sources.
- Mr. Grant stated that the compost pile gets moved and has not always been in the same location.
- Mr. Grant stated that he tries to regularly stir the pile, and he uses the finished compost to fill in low areas of the farm.
- Mr. Grant testified that due to the smaller size of the compost pile it was his opinion it did not meet the definitions as indicated in the adopted AMP for composting operations on commercial farms, and that he confirmed this with the NRCS. Mr. Grant testified that he was adhering to backyard composting practices as defined by Rutgers Cooperative Extension.
- Mr. Grant stated that he had 4 pick-up trucks for farm use: one currently for sale, two for use on the farm; and one used for parts. Mr. Grant stated that the trucks are always parked at the barn.
- Mr. Grant stated that depending on the farm activities he may occasionally have other farm equipment parked on the property line, but the farm wagons are the only equipment parked on the line for extended periods.
- Mr. Grant stated that he knew of no noxious weeds or plants that were growing on his farm.
- Mr. Grant stated that in his opinion none of the matters previously discussed impose any threat to the health or safety of the public, nor do they break any State or Federal laws.

WHEREAS, Mr. Horner then questioned Ms. Weatherill and asked her if all the information previously presented was true and accurate. Ms. Weatherill indicated that it was.

WHEREAS, Solicitor Campo then swore in Anthony Musumeci and Wesley DeVoy. Under questioning from Mr. Horner, Mr. Musumeci indicated that he owned the neighboring property on the other side of the common driveway. Mr. Musumeci indicated he has seen Mr. Grant's farm equipment all over Mr. Grant's property, including on the property line by the Lett's home. Mr. Singley interjected, stating that it seemed like Mr. Horner was attempting to lead Mr. Musumeci in his questioning. Mr. Horner then asked Mr. Musumeci for how many years has he seen Mr. Grant park his hay wagons on the property line, and Mr. Musumeci replied for 5-7 years. Mr. Musumeci also stated that the wagons had been parked along the property line longer than since June 2017.

WHEREAS, Mr. Singley began his presentation. Solicitor Campo then swore in David J. Lett and Susan S. Lett. During his presentation Mr. Singley stated the following:

- Mr. Singley stated that the Lett's had attempted repeatedly to work with Mr. Grant as to these issues to no avail, and that it was not their intention to be before the Board this evening.
- Mr. Singley stated that the powers of the CADB are to balance the interests of all parties.
- Mr. Singley stated that in his experience, farmers help out their neighbors and work cooperatively with them.
- Mr. Singley stated that in his opinion Mr. Grant is using the CADB to circumvent the municipal court mediation session scheduled for next week, in addition to not being a good neighbor.

WHEREAS, Mr. Singley then distributed to the Board a package that he prepared that was entered into evidence as Attachment "7". Mr. Singley then reviewed with Mr. Lett the items in this package. During this review Mr. Lett stated the following:

- Mr. Lett confirmed where his home was in relation to Mr. Grant's and the neighboring properties.
- Mr. Lett stated that it was a lengthy process to build his house after the property was purchased, as he completed the majority of work himself.
- Mr. Lett stated that he and his wife initially attempted to be cordial with the Mr. Grant, but on several instances Mr. Grant displayed aggressive tendencies. Mr. Lett stated that these incidents included Mr. Grant accosting a sales representative visiting the Lett's home and an incident where Mr. Grant plowed snow across the Lett's driveway which resulted in police action.
- Mr. Lett testified in regards to the previously mentioned time when he confronted Mr. DeVoy in his driveway. Mr. Lett stated that at the time it was coming up the driveway there were two young people hanging on the front of the tractor. Mr. Lett stated that he informed Mr. DeVoy that they were operating the tractor in a dangerous manner and that he didn't want to assume any liability if someone was hurt.
- Mr. Lett stated that in his opinion Mr. Grant's barn was in fact a fully functioning mechanic garage, and that at various times he has observed a variety of vehicles being worked on and offered for sale. Mr. Lett stated that none of the vehicles he observed were used for farming operations.
- Mr. Lett stated that the hay wagons were never parked along his property line in front of his house until he put his home up for sale.
- Mr. Lett stated that he has no objections whatsoever to the Mr. Grant farming his land.
- Mr. Lett stated that he had not previously complained to the Township regarding any of these matters, mainly due to the fact that Mrs. Lett was concerned about retribution from Mr. Grant.
- Mr. Lett stated when their house was first put up for sale Ms. Grant complained to the Lett's realtor about the size and location of their "For Sale" sign. Mr. Lett stated that this was also the first time that Mr. Grant parked his wagons in front of the Lett's home on the property line.
- Mr. Lett stated that soon after this a second wagon was also parked in this area, with a portion of it on his property.

WHEREAS, Mr. Lett then reviewed a number of pictures from Mr. Singley's package and stated that they provided evidence that Mr. Grant had in fact not parked his wagons in front of Mr. Lett's home until recently. Mr. Lett then testified to the following:

- Mr. Lett stated that the small dilapidated hay wagon, along with the old swing set and other debris placed on top of it, was placed on his property line in early 2016 and may have been placed there as a result of the snow plow incident.
- Mr. Lett stated that the farm equipment and other items placed along his property line were placed there at the same time as the open houses held to market their home. Mr. Lett stated that they also had a potential buyer for their home, but when they came to visit the house Mr. Grant had parked additional equipment along the property line and the potential buyer back out, specifically referencing the parked equipment as the reason.
- Mr. Lett stated that in his opinion the parking of the equipment along the property line in front of his house was a malicious attempt to deter buyers for his home.
- Mr. Lett testified in regards to the previously mentioned time when Mrs. Lett approached Mr. Grant on his front porch. Mr. Lett stated that his wife was leaving their home one day, and saw Mr. Grant on his back porch and took it upon herself to ask him what it

- would take for him to move the equipment from the property line. Mr. Lett stated that Mr. Grant became very aggressive in his responses and ordered Mrs. Lett off his property.
- Mr. Lett stated that he received no response to the letter that Mr. Singley sent to Mr. Grant on July 27, 2017.

WHEREAS, under questioning from Mr. Horner, Mr. DeVoy indicated that he was a farm employee on Mr. Grant's farm for the last several years. Mr. DeVoy indicated that he regularly parked the farm wagons along the Lett's property line, and had been doing so for at least the last 5 years. Mr. DeVoy also confirmed Mr. Grant's previous statement that approximately 5-6 years ago Mr. Lett stopped him while driving the tractor and hay wagon up the shared driveway and told him he could not use the driveway; and

WHEREAS, Solicitor Campo then swore in Maryanne Grant. Under questioning from Mr. Horner Ms. Grant indicated that she was Mr. Grant's wife. Ms. Grant also testified that she took a picture in March 2015 from her backyard showing two hay wagons parked along the Lett's property line. Mr. Horner entered the picture as Exhibit "Y"; and

WHEREAS, Mr. Horner stated that Ms. Weatherill had to leave the hearing at this point; and

WHEREAS, upon continuation of the public hearing, Mr. Singley reviewed with Mr. Lett additional photographs included in his package that served to show the property line border between the Lett and Grant properties, based on a string line placed by Mr. Lett, and the dilapidated hay wagon, along with the old swing set and other debris placed on top of it, in relation to the Lett's property line; and

WHEREAS, Mr. Lett then testified to the following:

- Mr. Lett testified in regards to the previously mentioned time when he repeatedly attempted to call Mr. Grant about removing the hay wagons. Mr. Lett stated that Mr. Grant informed him that he did not have time to discuss the matter.
- Mr. Lett stated that aside from moving the equipment and compost pile he had no other requests of Mr. Grant.
- Mr. Lett stated that in his opinion the area on the property line where Mr. Grant is parking his equipment is not the highest ground and has water runoff issues itself.
- Mr. Lett stated that prior to Mr. Gardler's death, all of the equipment used to farm his and Mr. Grant's property was stored on Mr. Gardler's property
- Mr. Lett stated that Mr. Grant placed the compost pile in the location where it is due to an issue that arose with the Lett's constructing a memorial garden on their property. Mr. Lett stated that Mr. Grant told Mrs. Lett that the placement of the garden prevented him from accessing Mr. Musumeci's property. Mr. Lett stated that Mr. Grant told Mrs. Lett he placed the compost pile in its current location as retribution.
- Mr. Lett stated that he was not complaining about unregistered farm equipment, but the other vehicles regularly parked on Mr. Grant's property not associated with farming.
- Mr. Lett stated that Mr. Grant was bullying and harassing him and his wife by placing the hay wagons and other items along his property line, and that there were many other areas on Mr. Grant's and Ms. Weatherill's property where the property could be stored.

WHEREAS, Solicitor Campo then asked if any of these issues were previously reported to the Township Zoning Office. Mr. Singley stated that they had approached the Township in the past but they seemed reluctant to cite Mr. Grant. Mr. Singley confirmed that the 20 complaints filed against Mr. Grant were citizen complaints. Mr. Curtis asked Mr. Lett why he chose to build his house in the location where it is. Mr. Lett stated that he did in fact farm pumpkins, squash and other products, and he built his home to maximize his production area. Mr. Lett stated that he lost his farmland assessment status due to the fact that he did not have 5 acres devoted to agriculture production; and

WHEREAS, Mr. Singley then questioned Mrs. Lett, who testified in regards to the previously mentioned time when she attempted to speak with Mr. Grant about moving the equipment. Mrs. Lett stated that she did not make any demands of Mr. Grant, but simply questioned what it would take to move his equipment from the property line. Mrs. Lett stated that Mr. Grant became very agitated, told her that he did not have to move his equipment, and used an ethnic slur against her husband. Upon questioning from Mr. Singley Mrs. Lett confirmed that she is being treated for a serious medical condition.

WHEREAS, Mr. Singley concluded his remarks by saying this case is not one based on long standing farming practices, but was based on a vendetta. Mr. Singley stated that the matters subject to the Lett's complaints do not constitute farming practices. Mr. Singley stated this matter was brought before the Board to circumvent the upcoming municipal court mediation. Mr. Singley stated that the correspondence from Woolwich Township served to offer advice to the CADB that this is a neighborly dispute. Mr. Singley asked the Board to defer these matters to the proper municipal channels.

WHEREAS, Mr. Horner then rebutted Mr. Singley's presentation and recalled Mr. Grant. Mr. Grant stated the following:

- Mr. Grant stated that his garage does in fact serve as his barn for the storage and maintenance of equipment, and that 2/3 of the garage is used as such.
- Mr. Grant reiterated that the area where his equipment is stored on the property line is higher ground, and that due to a drainage swale on the lower portion of the farm the wagons could not be stored there.
- Mr. Grant rebutted that he was not attempting to hurt the Lett's, and that his equipment has been stored along the common property as far back as 2015.
- Mr. Grant stated that there are times when his equipment is not stored on the property line, but is used on other locations on the farm. Mr. Grant stated that the equipment is often housed at his garage.
- Mr. Grant stated that there is currently one hay wagon stored on the common property line.
- Mr. Grant confirmed that the small hay wagon, and the materials that were placed on top of it, have been moved from the property line and is now in his garage being repaired.
- Mr. Grant stated that he did not place the compost pile in the area where it currently is as retaliation against the Lett's.
- Mr. Grant reiterated that he had no reason to cause the Lett's harm or prevent them from selling their house.

WHEREAS, Mr. Horner then confirmed with Mr. DeVoy, Ms. Grant, and Mr. Musumeci that they all remembered the parking of the hay wagons in the current area along the Lett's property for at least the last several years; and

WHEREAS, Mr. Horner then concluded his presentation by stating that there has been no direct testimony from a realtor confirming that the Lett home could not be sold due to the parking of farm equipment. Mr. Horner stated that in this case there were no violations of Federal or state law, no violations to public health and safety, and no violation to Woolwich Township's own Municipal Right-to-Farm ordinance.

WHEREAS, Chairman Kandle asked if there were any other members of the public wishing to address the Board. Seeing none, Chairman Kandle asked for motion to close the public hearing for testimony and comments. Mr. Curtis made the motion. It was seconded by Mr. Visalli and approved unanimously by the Board.

WHEREAS, Chairman Kandle asked for comments from the Board. Mr. Curtis asked if it was permissible for the Board to table its actions to its next meeting. Solicitor Campo indicated that while the Board had that prerogative there was pending municipal court mediation scheduled, and it was for this reason that the applicant submitted the SSAMP request. Chairman Kandle asked if any other Board members wished to comment on the proposal to delay its actions to the next CADB meeting. Mr. Marino stated that he felt that the Board should decide on the matter tonight. The other Board members agreed.

WHEREAS, Solicitor Campo stated that it was standard practice for the Board to act on each item as included in the SSAMP request individually. Chairman Kandle then asked Secretary Atkinson to read through each item as included in the SSAMP request. Secretary Atkinson confirmed that the first item, that being confirming commercial farm eligibility as per the Right-to-Farm Act, was already approved.

WHEREAS, in addition to the finding above, that the applicants operate a commercial farm at the Property, and in accordance with the requirements of N.J.S.A. 4:1C-9; the Board makes the following findings and determinations; and

As such the Board acted as follows on the other items requested in the SSAMP:

- A determination that the parking of hay wagons, trailers, and other farm equipment, regardless of age or condition, or with or without license plates, on all areas of Frank Grant's property designated as Woolwich Township Block 41, Lot 6.02, including but not limited to areas located along boundaries with adjoining residential properties (a) conforms with applicable Right to Farm Act regulations; (b) constitutes a generally accepted agricultural operation or practice; (c) does not violate any federal or state law or regulation; (d) does not pose a threat to public health and safety; and (e) may therefore occur at the property pursuant to N.J.S.A. 4:1C-9 notwithstanding the provisions of any municipal or county ordinance, resolution, or regulation to the contrary.* Chairman Kandle asked for a motion on the matter. A motion to approve was made by Mr. Visalli and seconded by Mr. Romick. Mr. Marino then stated that he felt the hay wagon should be removed from its current location along the property line. Mr. Marino stated that he has farmed his entire life, and that he has always attempted to live harmoniously with his neighbors. Mr. Marino stated that he felt this matter was a waste of the Board's time, and that Mr. Grant should try to be a good neighbor to the Lett's. Mr. Marino stated that he felt Mr. Grant was making all farmers look bad. Mr. Visalli stated that he agreed with Mr. Marino's comments; however he was also aware that the Board still had to look on this matter as it pertains to the Right-to-Farm Act. Mr. Visalli stated that he considered it an insult that Mr. Grant was trying to say that the location where the wagons were currently parked was the only spot on the property where they could be, regardless of whether it was higher ground or not. Mr. Visalli stated that he agreed with Mr. Marino that Mr. Grant was not being a good neighbor and that he was also making all farmers look bad. Ms. Infante-Casella then stated that while she understood the sentiment of the Board members' comments, it was her responsibility as technical adviser to the CADB to remind all members that the Board has a legal obligation to hear matters regarding the operation of commercial farms, and that regardless of personal feelings the Board needs to consider this matter as it applies to the Right-to-Farm Act. Solicitor Campo also confirmed that it is the Board's legal responsibility to hear matters pertaining to the operations of a commercial farm. Mr. Romick then stated that it was frustrating that the property owners couldn't have resolved this themselves; however he also realized the Board's responsibility under the Right-to-Farm Act. Chairman Kandle then stated that he grew up on a farm and that it was always his family's practice to be good neighbors; however as CADB Chairman he has an obligation to follow the Right-to-Farm Act to the letter of the law. Chairman Kandle further stated that in all his years on the Board this was the most disappointed he has ever been regarding a Right-to-Farm decision. Mr. Singley then attempted to address the Board, but Chairman Kandle reminded him that the public hearing had been closed. With no further questions or comments by the Board Secretary Atkinson conducted a roll call vote on the motion. The motion was approved unanimously by the Board in a roll call vote with none opposed and no abstentions.
- A determination that the parking of pickup trucks, regardless of age or condition, and regardless of whether operable or inoperable, or with or without license plates, anywhere on the paved or graveled areas surrounding Frank Grant's barn on Woolwich Township Block 41, Lot 6.02 (a) conforms with applicable Right to Farm Act regulations; (b) constitutes a generally accepted agricultural operation or practice; (c) does not violate any federal or state law or regulation; (d) does not pose a threat to public health and safety; and (e) may therefore occur at the property pursuant to N.J.S.A. 4:1C-9 notwithstanding the provisions of any municipal or county ordinance, resolution, or regulation to the contrary.* Chairman Kandle asked for a motion on the matter; however no motion was made. Chairman Kandle directed Secretary Atkinson to move to the next item.
- A determination that the applicant's maintenance of a brush and compost pile in the southernmost corner of Frank Grant's property designated as Woolwich Township Block 41, Lot 6.02, and the applicant's composting of the pile in conformance with the guidelines set forth in Rutgers Fact Sheets FS074 "Backyard Leaf Composting" and FS0811 "Home Composting" (a) conform with applicable Right to Farm Act regulations; (b) constitute generally accepted agricultural operations or practices; (c) do not violate any federal or state law or regulation; (d) do not pose a threat to public health and safety; and (e) may therefore occur at the property pursuant to N.J.S.A. 4:1C-9 notwithstanding the provisions of any municipal or county ordinance, resolution, or regulation to the contrary.* Chairman Kandle asked for a motion on the matter. A motion to approve was made by Mr. Curtis and seconded by Mr. Visalli. Mr. Visalli then asked

if the composting was being done under home composting standards what was the Board's responsibility in approving it. Secretary Atkinson stated that the applicant indicated in his testimony that the composting was part of their overall commercial farm operations, since it was applied back on the farm. Ms. Infante-Casella stated that since this was on-farm generated materials there were no permitting requirements for the practice; however the question was if the material was farm generated waste, or regular yard waste. Solicitor Campo stated that there was testimony from the applicant that the material in the compost pile was generated from the commercial farm operation, and did not include materials from off-site. With no further questions or comments by the Board, Secretary Atkinson conducted a roll call vote on the motion. The motion was approved unanimously by the Board in a roll call vote with none opposed and no abstentions.

- *A determination that the growth, past, present and future, of the types and heights of plants (weeds and otherwise) that are currently or customarily grown or permitted to grow at Frank Grant's property designated as Woolwich Township Block 41, Lot 6.02, all of which are typical and acceptable for a New Jersey farm, and none of which are "noxious" as defined by applicable New Jersey regulations (a) conforms with applicable Right to Farm Act regulations; (b) constitutes a generally accepted agricultural operation or practice; (c) does not violate any federal or state law or regulation; (d) does not pose a threat to public health and safety; and (e) may therefore occur at the property pursuant to N.J.S.A. 4:1C-9 notwithstanding the provisions of any municipal or county ordinance, resolution, or regulation to the contrary.* Chairman Kandle asked for a motion on the matter. A motion to approve was made by Mr. Curtis and seconded by Mr. Visalli. Ms. Infante-Cassella stated that there are standards that regulate the percentage of noxious weed as to farming operation and pasture land. Ms. Infante-Cassella also referred to the exhibit previously entered regarding the International Property Maintenance Code, and stated that it didn't appear the applicant's property had any tall weeds in violation of the document. Ms. Infante-Cassella also stated that it is common that some noxious weeds can be the result of bird and other animal droppings. With no further questions or comments by the Board, Secretary Atkinson conducted a roll call vote on the motion. The motion was approved unanimously by the Board in a roll call vote with none opposed and no abstentions.
- *A determination that the absence of landscaping and other property maintenance measures as specified in Woolwich Township Code §143.4.1.B.(5) at the farmed areas and farm boundary areas of Frank Grant's property designated as Woolwich Township Block 41, Lot 6.02 (a) conforms with applicable Right to Farm Act regulations; (b) constitutes a generally accepted agricultural operation or practice; (c) does not violate any federal or state law or regulation; (d) does not pose a threat to public health and safety; and (e) may therefore continue at the property pursuant to N.J.S.A. 4:1C-9 notwithstanding the provisions of any municipal or county ordinance, resolution, or regulation to the contrary.* Chairman Kandle asked for a motion on the matter. A motion to approve was made by Mr. Visalli and seconded by Mr. Curtis. Mr. Curtis stated that in his experience commercial farms are not subject to same landscape maintenance requirements as other commercial businesses. With no further questions or comments by the Board, Secretary Atkinson conducted a roll call vote on the motion. The motion was approved unanimously by the Board in a roll call vote with none opposed and no abstentions; and

Secretary then asked if the Board was going to revisit the tabled item related to pick-up trucks, as if the Board did not act it would impact the remaining matters pending Board action. Mr. Romick made a motion to approve the item in order to bring it up for Board discussion. Mr. Curtis seconded the motion. Mr. Romick stated that it seemed the item as previously read seemed very general as to vehicles on the property, and wondered if it could be further specified to just farm-related vehicles. Solicitor Campo stated that the Board could amend the motion to specify that the vehicles had to be related to the operations of the commercial farm. Secretary Atkinson then read the following amendment into the record:

- *A determination that the parking of pickup trucks associated with the commercial farming operations, regardless of age or condition, and regardless of whether operable or inoperable, or with or without license plates, anywhere on the paved or graveled areas surrounding Frank Grant's barn on Woolwich Township Block 41, Lot 6.02 (a) conforms with applicable Right to Farm Act regulations; (b) constitutes a generally accepted agricultural operation or practice; (c) does not violate any federal or state law or regulation; (d) does not pose a threat to public health and safety; and (e) may therefore*

occur at the property pursuant to N.J.S.A. 4:1C-9 notwithstanding the provisions of any municipal or county ordinance, resolution, or regulation to the contrary.

- *A recommendation of all of the aforesaid activities as site-specific agricultural management practices as to which municipal and county ordinances, resolutions or regulations are preempted pursuant to N.J.S.A. 4:1C-9. Chairman Kandle asked for a motion on the matter. A motion to approve was made by Mr. Visalli and seconded by Mr. Dean. The motion was approved unanimously by the Board in a roll call vote with none opposed and no abstentions.*
- *A determination that, based on the foregoing determinations and recommendations, and as provided in N.J.S.A. 4:1C-9, Woolwich Township Code §125-12, §125-18, and §143-4.1.B (1), (2) (3) and (5) may not be enforced against the aforesaid operations and activities. Chairman Kandle asked for a motion on the matter. A motion to approve was made by Mr. Romick and seconded by Mr. Curtis. Solicitor Campo confirmed for the Board that if a matter is deemed as an accepted agricultural management practice, the said practice is protected from municipal code enforcement. With no further questions or comments from the Board, the motion was approved unanimously by the Board in a roll call vote with none opposed and no abstentions.*
- *A determination that, based on the foregoing determinations and recommendations, and as provided in N.J.S.A. 4:1C-10, an irrebuttable presumption exists that the aforesaid operations and activities do not constitute a public or private nuisance, nor can they be deemed to otherwise invade or interfere with the use and enjoyment of any other land or property. Chairman Kandle asked for a motion on the matter. A motion to approve was made by Mr. Dean and seconded by Mr. Romick. The motion was approved unanimously by the Board in a roll call vote with none opposed and no abstentions.*
- *A determination that, based on all of the above, and given the particular facts and circumstances of this case, and acknowledging the need to provide a proper balance among the varied and sometimes conflicting interests of all lawful activities in New Jersey as expressed in Twp. of Franklin v. den Hollander, 172 N.J. 147, 153 (2002), this GCADB decision properly upholds the express intentions of the RTFA and promotes the policies of this State to the extent that it protects the applicants' commercial farm operations and recognized methods and techniques of agricultural production from municipal court actions. Chairman Kandle asked for a motion on the matter. A motion to approve was made by Mr. Curtis and seconded by Mr. Visalli. The motion was approved unanimously by the Board in a roll call vote with none opposed and no abstentions.*
- *A determination that the GCADB will retain jurisdiction over this matter and the applicant's commercial farm activities, and that any claims or allegations remaining under the Letts' present municipal court complaints that are not sufficiently addressed by the applicants requested SSAMP approval, and any future complaints against the applicant's commercial farm activities by the Letts or any other aggrieved person, should be filed with the GCADB pursuant to N.J.A.C. 2:76-2.7 and N.J.S.A. 4:1C-10, as required by Curzi v. Raub, 415 N.J.Super. 1 (A.D. 2010) and Borough of Closter v. Abram Demaree Homestead, Inc., 365 N.J.Super. 338 (A.D. 2004), before a complaint is filed in any court. Chairman Kandle asked for a motion on the matter. A motion to approve was made by Mr. Curtis and seconded by Mr. Romick. The motion was approved unanimously by the Board in a roll call vote with none opposed and no abstentions.*

NOW, THEREFORE, BE IT FURTHER RESOLVED, the parking of hay wagons, trailers, and other farm equipment, regardless of age or condition, or with or without license plates, on all areas of Frank Grant's property designated as Woolwich Township Block 41, Lot 6.02, including but not limited to areas located along boundaries with adjoining residential properties (a) conforms with applicable Right to Farm Act regulations; (b) constitutes a generally accepted agricultural operation or practice; (c) does not violate any federal or state law or regulation; (d) does not pose a threat to public health and safety; and (e) may therefore occur at the property pursuant to N.J.S.A. 4:1C-9 notwithstanding the provisions of any municipal or county ordinance, resolution, or regulation to the contrary; and

NOW, THEREFORE BE IT FURTHER RESOLVED, the applicant's maintenance of a brush and compost pile in the southernmost corner of Frank Grant's property designated as Woolwich Township Block 41, Lot 6.02, and the applicant's composting of the pile in conformance with the guidelines set forth in Rutgers Fact Sheets FS074 "Backyard Leaf

Composting” and FS0811 “Home Composting” (a) conform with applicable Right to Farm Act regulations; (b) constitute generally accepted agricultural operations or practices; (c) do not violate any federal or state law or regulation; (d) do not pose a threat to public health and safety; and (e) may therefore occur at the property pursuant to N.J.S.A. 4:1C-9 notwithstanding the provisions of any municipal or county ordinance, resolution, or regulation to the contrary; and

NOW, THEREFORE BE IT FURTHER RESOLVED, the growth, past, present and future, of the types and heights of plants (weeds and otherwise) that are currently or customarily grown or permitted to grow at Frank Grant’s property designated as Woolwich Township Block 41, Lot 6.02, all of which are typical and acceptable for a New Jersey farm, and none of which are “noxious” as defined by applicable New Jersey regulations (a) conforms with applicable Right to Farm Act regulations; (b) constitutes a generally accepted agricultural operation or practice; (c) does not violate any federal or state law or regulation; (d) does not pose a threat to public health and safety; and (e) may therefore occur at the property pursuant to N.J.S.A. 4:1C-9 notwithstanding the provisions of any municipal or county ordinance, resolution, or regulation to the contrary; and

NOW, THEREFORE BE IT FURTHER RESOLVED, the absence of landscaping and other property maintenance measures as specified in Woolwich Township Code §143.4.1.B.(5) at the farmed areas and farm boundary areas of Frank Grant’s property designated as Woolwich Township Block 41, Lot 6.02 (a) conforms with applicable Right to Farm Act regulations; (b) constitutes a generally accepted agricultural operation or practice; (c) does not violate any federal or state law or regulation; (d) does not pose a threat to public health and safety; and (e) may therefore continue at the property pursuant to N.J.S.A. 4:1C-9 notwithstanding the provisions of any municipal or county ordinance, resolution, or regulation to the contrary; and

NOW, THEREFORE, BE IT FURTHER RESOLVED, the parking of pickup trucks, associated with the commercial farming operations regardless of age or condition, and regardless of whether operable or inoperable, or with or without license plates, anywhere on the paved or graveled areas surrounding Frank Grant’s barn on Woolwich Township Block 41, Lot 6.02 (a) conforms with applicable Right to Farm Act regulations; (b) constitutes a generally accepted agricultural operation or practice; (c) does not violate any federal or state law or regulation; (d) does not pose a threat to public health and safety; and (e) may therefore occur at the property pursuant to N.J.S.A. 4:1C-9 notwithstanding the provisions of any municipal or county ordinance, resolution, or regulation to the contrary; and

NOW, THEREFORE BE IT FURTHER RESOLVED, the GCADB finds all of the aforesaid activities as site-specific agricultural management practices as to which municipal and county ordinances, resolutions or regulations are preempted pursuant to N.J.S.A. 4:1C-9; and

NOW, THEREFORE BE IT FURTHER RESOLVED, the GCADB makes a determination that, based on the foregoing determinations and recommendations, and as provided in N.J.S.A. 4:1C-9, Woolwich Township Code §125-12, §125-18, and §143-4.1.B.(1), (2) (3) and (5) may not be enforced against the aforesaid operations and activities; and

NOW, THEREFORE BE IT FURTHER RESOLVED, the GCADB makes a determination that, based on the foregoing determinations and recommendations, and as provided in N.J.S.A. 4:1C-10, an irrebuttable presumption exists that the aforesaid operations and activities do not constitute a public or private nuisance, nor can they be deemed to otherwise invade or interfere with the use and enjoyment of any other land or property; and

NOW, THEREFORE BE IT FURTHER RESOLVED, the GCADB makes a determination that, based on all of the above, and given the particular facts and circumstances of this case, and acknowledging the need to provide a proper balance among the varied and sometimes conflicting interests of all lawful activities in New Jersey as expressed in *Twp. of Franklin v. den Hollander*, 172 N.J. 147, 153 (2002), this GCADB decision properly upholds the express intentions of the RTFA and promotes the policies of this State to the extent that it protects the applicants’ commercial farm operations and recognized methods and techniques of agricultural production from municipal court actions.

NOW, THEREFORE BE IT FURTHER RESOLVED, the GCADB will retain jurisdiction over this matter and the applicant’s commercial farm activities, and that any claims or allegations remaining under the Letts’ present municipal court complaints that are not

sufficiently addressed by the applicant's requested SSAMP approval, and any future complaints against the applicant's commercial farm activities by the Letts or any other aggrieved person, should be filed with the GCADB pursuant to N.J.A.C. 2:76-2.7 and N.J.S.A. 4:1C-10, as required by Curzi v. Raub, 415 N.J. Super. 1 (A.D. 2010) and Borough of Closter v. Abram Demaree Homestead, Inc., 365 N.J. Super. 338 (A.D. 2004), before a complaint is filed in any court; and

NOW, THEREFORE BE IT FURTHER RESOLVED, that the Board shall forward a copy of this Resolution as its written recommendation of these site specific agriculture management practices to the State Agriculture Development Committee, the Township of Woolwich, and the Applicants, within thirty (30) days.


WEST JAY KANDLE, III, CHAIRPERSON
GLOUCESTER COUNTY AGRICULTURE
DEVELOPMENT BOARD

YES: 5

NO:

ABSTAIN: 1

ABSENT: 1

CERTIFICATION

I, ERIC M. CAMPO, ASSISTANT GLOUCESTER COUNTY COUNSEL, do hereby certify the foregoing to be a true and accurate copy of the Resolution adopted by the Gloucester County Agriculture Development Board at a meeting of said Committee held on January 10, 2018.

SEAL:


ERIC M. CAMPO,
ASSISTANT GLOUCESTER COUNTY COUNSEL