

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

On motion by Mr. Menegus, and seconded by Mr. Burke, the following resolution was adopted by the Warren County Agricultural Development Board at a meeting held February 16, 2023.

RESOLUTION NO. 23-02

RESOLUTION OF THE WARREN COUNTY AGRICULTURE DEVELOPMENT BOARD APPROVING THE APPLICANT'S REQUEST FOR A SITE-SPECIFIC DETERMINATION IN THE MATTER OF SNYDER FARM, BLOCK 96, LOT 9.01 AND BLOCK 97, LOT 46 IN POHATCONG TOWNSHIP, WARREN COUNTY, NEW JERSEY, RIGHT-TO-FARM APPLICATION TO REQUEST RELIEF FROM POHATCONG TOWNSHIP VIOLATIONS UNDER ORDINANCES § 285-26L, §§ 222-8A(1), (3), (8), (10), (11), (13), (14), AND § 222-11

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), a commercial farm owner or operator may make a request to the County Agriculture Development Board (hereinafter "Board") to determine whether its operation constitutes a generally accepted agricultural management practice; and

WHEREAS, Stephanie Snyder (the "Applicant") applied to the Warren County Agriculture Development Board ("WCADB") for a Site Specific Agriculture Management Practice ("SSAMP") determination for their property located at [redacted] and known as Block 96, Lot 9.01 and Block 97, Lot 46 on the Township Tax Map ("Property")

WHEREAS, pursuant to N.J.A.C. 2:76-2.3(b), the WCADB advised the State Agriculture Development Committee and Pohatcong Township of the request for a SSAMP determination; and

WHEREAS, pursuant to N.J.A.C. 2:76-2.3(i), the Board scheduled a public hearing regarding the Applicant's request for a SSAMP determination which was noticed by the applicant to take place at the December 15, 2022 Board meeting; and

WHEREAS, the Board's December 15, 2022 Agenda was full and it was posted online at the Warren County Website Calendar that the Snyder Farm SSAMP Right-to-Farm hearing had been cancelled for that meeting and an announcement was to be made at that meeting, but due to inclement weather, the December meeting was canceled and the Snyder SSAMP Right-to-Farm hearing took place at the January 19, 2023 Board meeting; and

WHEREAS, the Applicant provided the Board with proof of written notice having been made in accordance with the requirements of N.J.A.C. 2:76-2.8(c), including, but not limited to, proof of written notice to all property owners within 200 feet of the Applicant's Property, the Township of Pohatcong, the Pohatcong Land Use Board, the Warren County Planning Board, the State Agriculture Development Committee, and proof of publication of the Notice of Hearing in The Express Times published on December 1, 2022; and

WHEREAS, the Applicant was represented by herself; and

WHEREAS, the Applicant provided sworn testimony under oath; and;

WHEREAS, Kevin Snyder provided sworn testimony under oath; and;

WHEREAS, Andrew Melendez, Pohatcong Township Zoning Officer/Code Enforcement, provided sworn testimony under oath; and

WHEREAS, Mike Stasak provided sworn testimony under oath; and

WHEREAS, Stephanie Snyder and Kevin Snyder gave the following testimony about their property and the requested relief from Pohatcong Township violations under ordinances § 285-26L, §§ 222-8A(1), (3), (8), (10), (11), (13), (14), and § 222-11:

- a. The applicant and her husband, Kevin Snyder, are the owners/operators of Snyder Farm. The operation consists of Block 96, Lot 9.01 and Block 97, Lot 46, located in Pohatcong Township and is approximately 16 acres. The site is located on [redacted] in the R-1 (Rural Residential) Residential Zoning District where agriculture is a permitted use (See Pohatcong Township Code § 285-10. R-1 Rural Residential).
- b. The applicant and her husband are seeking relief from Pohatcong Township violations under ordinances § 285-26L, §§ 222-8A(1), (3), (8), (10), (11), (13), (14), and § 222-11.
- c. The Snyders operate a small, seasonal family farm and they would like to increase production and take on more acreage.
- d. The Snyders both work full-time and the farm stand is secondary.
- e. The property has been a farm for over 100 years, it was jointly owned by family members, and Stephanie Snyder and Kevin Snyder took ownership approximately 9 years ago.
- f. The house on the property had been unoccupied for approximately forty (40) years and during the Snyders' construction phase, the structure was doubled in size.
- g. The Snyders obtained all required permits but from the first day they began construction on the house, they received multiple complaints.
- h. The construction permits were repeatedly checked.
- i. The Snyders operate a small farm stand where they sell pumpkins and they operate a corn maze.
- j. The Snyders received violations from the Pohatcong Township Zoning Officer/Code Enforcement, including violations for farm equipment, unregistered vehicles, and downed trees on the property.
- k. The Snyders reviewed the pictures in their SSAMP application which were submitted in support of the violations, including pictures of the bush and rock pile regarding the site distance triangle violation regarding the corner of Snyder Road and River Road, downed trees, metal scrap pile, changed out beds from their farm trucks, and other vehicles on the property.
- l. The Snyders have removed 6-7 truckloads of scrap metal from the property since they began working the property.

WHEREAS, Andrew Melendez gave the following testimony:

- a. Andrew Melendez is the Zoning Officer/Code Enforcement for Pohatcong Township.
- b. The Snyders and Mr. Mike Stasak, a neighbor of the Snyders, have problems with each other.
- c. The Snyders called the Zoning Officer regarding some brush that Mr. Stasak had on his green space and Mr. Stasak had to go to court regarding this matter.
- d. Mr. Stasak removed the brush and had the matter dismissed in court.

- e. Mr. Stasak lodged a complaint with the Zoning Office against the Snyders regarding corner sight clearance and downed trees for which they received citations for violating Township ordinances.
- f. He performed a first and second inspection and then issued the final notice.
- g. The Snyders submitted OPRA requests for all of their violations.
- h. Mr. Melendez said the downed trees are visible from the road and that the Township Engineer informed him that the rocks predate the ordinance regarding the sight distance triangle.
- i. The bush is a corner sight clearance issue and it is a safety issue.
- j. It was just one neighbor who complained about the Snyders.
- k. There were no washers in the scrap pile and he felt it was neatly organized compared to other properties he has seen.

WHEREAS, Mike Stasak gave the following testimony:

- a. Mike Stasak resides at [redacted] Carpentersville.
- b. The Snyders do not abide by Town ordinances.
- c. He did put a pile of brush on his property and he was made to cut the brush on his River Road property.
- d. The bush on the Snyder's property inhibits visibility of the stop sign on River Road but the Snyders did cut off some of the bush.
- e. Mr. Stasak asked the Board to inspect the Snyders property.
- f. The pile of junk is piled up on one side of the garage and in the back, there is honeysuckle growing over everything, including the tractors, cars, and big piles of wood.

NOW, THEREFORE BE IT RESOLVED, that based upon the evidence submitted and testimony presented by the Applicant, the Board finds as follows:

- 1) That the Board previously determined that Applicant operates a commercial farm in accordance with the requirements of N.J.S.A. 4:1C-9; and
- 2) All testimony from Stephanie Snyder, Kevin Snyder, Andrew Melendez, and Mike Stasak was considered; and
- 3) That the Applicant is engaged in a generally accepted agricultural operation or practice pursuant to N.J.S.A. 4:1C-9, specifically the storage of harvesting equipment and farm vehicles; and
- 4) That the Board retains jurisdiction of this matter, with the exception of Pohatcong ordinance § 285-26L corner sight clearance, which is a public safety issue; and
- 5) That the Board was satisfied with the photographs submitted with the Applicant's SSAMP application and they would not be conducting a site visit; and;
- 6) That the Applicant has legitimate, farm-based reasons not to comply with Pohatcong Township Ordinances §§ 222-8A(1), (3), (8), (10), (11), (13), (14), Property Maintenance Standards, and § 222-11, Cost of removal to become a lien; and
- 7) That non-farm vehicles, including the firebird automobile and station wagon automobile, and non-farm items are specifically excluded from relief herein; and

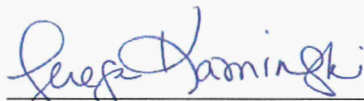
- 8) That the Applicant shall have relief from Pohatcong Township Ordinances §§ 222-8A(1), (3), (8), (10), (11), (13), and (14), Property Maintenance Standards, for farm-related vehicles, including the pickup truck, dump truck, and tractor trailer, and for the scrap pile alongside the garage, and relief from Pohatcong Township Ordinance and § 222-11, Cost of removal to become a lien.

BE IT FURTHER RESOLVED, that the Board shall forward a copy of its written decision of the SSAMP Resolution to the Snyder Farm (Stephanie Snyder, Applicant, and Kevin Snyder), the Township of Pohatcong, the State Agriculture Development Committee (SADC), and any other individuals or organizations deemed appropriate by the Board within 30 days of the memorialization of this recommendation.

Roll Call: Mr. Mathez – yes; Mr. Bodine – yes; Mr. Burke – yes; Mr. Hood – yes;
Mr. Menegus – yes; Mr. Schnetzer & Mrs. Watters absent.

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 February 16, 2023 to memorialize the Board's action on January 19, 2023 in which a motion was made by Mr. Burke and seconded by Mr. Bodine and Roll Call at said meeting was as follows: Mr. Schnetzer – yes; Mr. Bodine – yes; Mr. Mathez – yes; Mr. Burke – yes; Mr. Hood – yes; Mrs. Watters – yes; Mr. Menegus – yes.



Teresa Kaminski,
Secretary to the Board