

Review of Activities Occurring on Preserved Farm

Subject Property:

(Original SADC ID#21-0009-EP)

WHEREAS, the Owners own another preserved farm nearby which they farm in dairy, poultry, hay and grain production; and

WHEREAS, structures currently existing on the Premises are 1 single-family residence, 1 ag labor residence, and a green metal garage; and

WHEREAS, in August 2021, Allamuchy Township filed a municipal court complaint alleging that, in violation of local zoning, the Owners failed to remove parked commercial vehicles on the Premises that did not belong to them; and

WHEREAS, the complaint was transferred to Belvidere municipal court; and

WHEREAS, on July 13, 2023, following several adjournments, the court transferred the complaint to the Warren County Agriculture Development Board (WCADB or board) pursuant to the Right to Farm Act (RTFA); and

WHEREAS, on July 26, 2023, Allamuchy Township filed a Right to Farm complaint with the WCADB alleging: (1) the parking and storage of trucks, construction vehicles, trailers and shipping containers not related to farming on the property, and (2) the use of an accessory building for automotive maintenance and repairs by the Owners or third parties on vehicles unrelated to farming on the property (as shown in Schedule "C"); and

WHEREAS, on August 8, 2023, [REDACTED] submitted to the board a site specific agricultural management (SSAMP) application seeking approval "to park trucks on the designated site which trucks are used for the operation of the farm" (as shown in Schedule "D"); and

WHEREAS, on September 21, 2023, the WCADB determined that the Premises was a "commercial farm" in accordance with the RTFA but deferred consideration of the SSAMP application to allow [REDACTED] and Allamuchy Township to mediate their dispute under the SADC's agricultural mediation program; and

WHEREAS, on October 10, 2023, the WCADB conducted a site visit in order to determine whether DOE violations existed on the preserved Premises before allowing the mediation to proceed and before any further consideration of the SSAMP application ; and

WHEREAS, the site visit was attended by the WCADB administrator, two board members, and [REDACTED]; and

WHEREAS, at the site visit, multiple trucks and trailers along with other equipment and materials were observed on the Premises; and

WHEREAS, according to [REDACTED], three trailers were owned by the farm, and all other equipment and trailers were non-farm related and owned by [REDACTED] cousin, Mike Miller (as shown in Schedule "E"); and

WHEREAS, [REDACTED] was unable to provide access to inspect the interior of the green metal garage, but indicated that the garage was used by [REDACTED] for his business; and

WHEREAS, as a result of the site visit, the WCADB determined, at its November 16, 2023 meeting, that nonagricultural uses existed on the Premises in violation of the DOE due to the presence of the trucks, trailers and other equipment and materials used for non-agricultural purposes; and

WHEREAS, on November 28, 2023, the WCADB issued a Notice of Violation (NOV) to [REDACTED] (as shown in Schedule "F"); and

WHEREAS, SADC staff determined that the matter was ineligible for SADC's agricultural mediation program due to the alleged DOE violations, and so advised the Owners and township in an email on December 11, 2023; and

WHEREAS, in December 2023, WCADB staff advised the parties that a resolution denying the SSAMP application would be considered by the board at its January 2024 meeting unless the RME application was submitted to the SADC; and

WHEREAS, a short time prior to the board convening its January 18, 2024 meeting, township counsel provided to the board an additional photograph depicting truck washing occurring on the Premises (as shown in Schedule "G"); and

WHEREAS, at its January 18, 2024 meeting, the WCADB denied the SSAMP application, determining that the Owners were in violation of the DOE and the Agriculture Retention and Development Act and, therefore, ineligible for RTFA protection (as shown in Schedule "H"); and

WHEREAS, the WCADB resolution recites that, after the board's site visit, staff advised [REDACTED] that while his cousin's use of the garage and surrounding area for non-agricultural purposes was a potential DOE violation, the use might qualify as a rural microenterprise (RME) and provided him with an RME application; and

WHEREAS, on March 4, 2024, the Owners appealed the board's SSAMP denial to the SADC; and

WHEREAS, on April 23, 2024, the SADC conducted a site visit with WCADB staff to investigate the matter; and

WHEREAS, the April 23, 2024 site visit reflected the following:

1. [REDACTED] was present at the site visit.

2. A person who identified himself as an employee was working on a tri-axle truck registered to MDLC Services, LLC just outside the equipment maintenance garage, as shown in Schedules "I" and "J".
3. The interior of the garage was inspected and contained a bathroom, vehicle maintenance equipment, vehicle parts, truck seats, and trucking-themed decor (posters, flags, and a calendar) as shown in Schedule "I".
4. No trucks were inside the garage at the time, but the primary use appeared to be vehicle maintenance and repair.
5. An approximately one-acre area in the original farmstead had been surfaced with asphalt millings. Based upon on-site observations and aerial imagery, the area has been used to park trucks, trailers, and equipment dating back to at least 2020, as shown in Schedules "I" and "J".
6. During the site visit, two trucks registered to MDLC Services, LLC were observed. According to the Federal Motor Carrier Safety Administration (FMCSA) website, cargo carried by MDLC Services, LLC, potentially include both agricultural and non-agricultural items such as: general freight, building materials, fresh produce, grain, feed, hay, meat, refrigerated food, beverages, paper products, and agricultural/farm supplies.
7. A pick-up truck, semi-truck, and two semi-trailers with equipment belonging to Lombardo Excavating were observed. According to the FMCSA website, cargo carried by the excavating company are non-agricultural: metal: sheets, coils, rolls, building materials, machinery, large objects, utilities, and construction.
8. Six (6) Semi-trailers and a shipping container were parked in the area as shown in Schedule "I".
9. A dumpster containing scrap metal was observed as shown in Schedule "I".
10. Piles of wood, soil and stone were observed near the old farmhouse and in the farmstead area as shown in Schedules "I" and "J".

WHEREAS, at the April 23, 2024, site visit, [REDACTED] stated that:

1. The new section of the garage building is approximately 4 years old.
2. The trucks belong to his cousin [REDACTED] who helps him haul his agricultural output.
3. The garage is used for maintenance of his cousin's trucks and farm equipment.

4. He would not open the semi-trailers and shipping container for inspection.
5. Lombardo Excavating was parking on the Premises because the company was working on a waterway.

WHEREAS, upon review of the WCADB site inspection photos from October 10, 2023, an additional commercial vehicle, belonging to Warren County Trucking, LLC, was observed parked on the Premises. According to the FMCSA website, this entity hauls mulch and soil; and

WHEREAS, the Owner has not submitted an RME application to the SADC; and
WHEREAS, at its May 23, 2024, meeting the Committee reviewed the activities occurring of the Premises as set forth above.

NOW THEREFORE BE IT RESOLVED:

1. The WHEREAS paragraphs above are incorporated herein by reference.
2. The SADC finds , based on on-site observations, a review of FMCSA records of the trucks parked on the Premises that do not belong to the Owners but are in the names of other active commercial, non-agricultural businesses; historical aerial imagery showing trucks, trailers, and excavation equipment parked in the area around the garage; and WCADB site visit photos and the board's November 28, 2023 violation notice, that:
areas of the Premises are used for nonagricultural trucking operations, including the equipment maintenance garage. As a result of those findings, the SADC determines that:
 - (a) The above-noted areas have been developed and adapted for nonagricultural uses and have not been retained for agriculture; and
 - (b) The activities and property conditions described above are detrimental to the continued agricultural use of the Premises in violation of DOE paragraphs 1, 2, 3 and 7.
3. The SADC determines, based on the finding set forth in paragraph 2(b), that:
 - (a) The [REDACTED] farm is currently in violation of SADC regulations set forth in N.J.A.C. 2:76-6.15(a)1, 2, 3 and 7;
 - (b) The [REDACTED] farm is ineligible, at this time, for protection under the RTFA which, at N.J.S.A. 4:1C-9, requires compliance with relevant state laws and regulations;
 - (c) The March 4, 2024 appeal of the WCADB's denial of [REDACTED] SSAMP application will not be forwarded to the Office of Administrative Law.

4. The SADC authorizes legal proceedings to be initiated through the Office of the Attorney General, as necessary, to enforce the Deed of Easement.
5. This action is considered a final agency decision appealable to the Appellate Division of the Superior Court of New Jersey.
6. This action is not effective until the Governor's review period expires pursuant to N.J.S.A. 4:1C-4f.

06/27/2024

DATE



Charles Roohr, Deputy Executive Director
State Agriculture Development Committee

VOTE WAS RECORDED AS FOLLOWS:

Martin Bullock	YES
Scott Ellis	YES
Pete Johnson	ABSENT
Rich Norz	YES
Charles Rosen	ABSENT
Tiffany Bohlin	ABSENT
Gina Fischetti (rep. DCA Commissioner Suarez)	YES
Lauren Procida (rep. DEP Commissioner LaTourette)	YES
Julie Krause (rep. State Treasurer Muoio)	YES
Brian Schilling (rep. Executive Dean Lawson)	ABSENT
Edward D. Wengryn, Chairperson	YES

SCHEDULE "A"

Premises



SCHEDULE "B"

2023 Aerial



SCHEDULE "C"

Warren County Agriculture Development Board

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

REQUEST FOR FORMAL CONFLICT RESOLUTION

NAME OF COMPLAINANT: Township of Allamuchy
ADDRESS OF COMPLAINANT: P.O. Box A
Allamuchy, NJ 07820

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

2. **Complaint**

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

Please see attached Rider.

(Please continue on additional sheet if necessary)

Please explain the resolution you are seeking through this application:

The Township seeks a resolution or agreement specifying the permitted and prohibited activities on the property, and requiring the owner to cease the prohibited activities.

(Please continue on additional sheet if necessary)

3. **Procedural History:**

Has this matter been heard by any other agency, municipality, or court? ___ Yes ☒ No

If yes, please indicate before which body it was heard and on what date:

There was no hearing, but this matter was previously pending in municipal court. The Township Zoning Officer issued a municipal court summons dated August 30, 2021, and the matter was transferred to the Belvidere Municipal Court. The Belvidere Municipal Court adjourned the matter on numerous occasions, and ultimately on July 13, 2023 transferred jurisdiction to the Warren County Agricultural Development Board.

(Please continue on additional sheet if necessary)

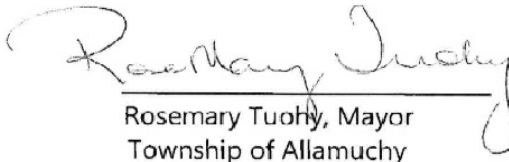
What was the outcome of these hearings?

N/A

(Please continue on additional sheet if necessary)

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

DATED: July 25, 2023


Rosemary Tuohy, Mayor
Township of Allamuchy

Upon Completion, Mail this Application to:

Warren County Agriculture Development Board
C/O Department of Land Preservation
500 Mt. Pisgah Ave.
P.O. Box 179
Oxford, NJ 07863
Ph. (908) 453-2650
Fx. (908) 453-3150

Rider

2. Complaint.

Property: Block 203, Lot 1, a/k/a 29 Long Bridge Road, Great Meadows (Allamuchy Township)

The property is being used in part for activities that are not protected by the Right to Farm Act, including but not limited to: (a) The parking and storage of numerous vehicles, including trucks, construction vehicles, trailers and shipping containers not related to farming on the property, and (b) the use of an accessory building for automotive maintenance and repair by the owner or third parties on vehicles not related to farming on the property.

These activities have been ongoing for several years. On June 23, 2021, in response to complaints from members of the public, the Township Zoning Officer toured the property with owner, [REDACTED], and viewed these conditions. The Zoning Officer wrote to owner, [REDACTED] explaining that the above does not comply with the Township Land Development Ordinance. [REDACTED] wrote a letter to the Township dated July 26, 2021 in which he stated that the number of trailers and trucks would be reduced. He also stated in that letter that while the accessory building is used for storing farm equipment, it is also used for washing, waxing and servicing vehicles, and that sometimes other mechanics are brought in.

These conditions have not been abated. The above are not permitted uses in the Rural Residential ("RR") Zone under Section 190-405 of the Township Land Development Ordinance. In addition, the property is preserved farmland for which Warren County contributed a portion of the purchase price, and the uses violate the Deed of Easement between the owners and the Warren County Board of Chosen Freeholders, which restricts the use of the property to agricultural uses.

Copies of the letters and other documents referred to above are attached, as well as photos of the conditions at the property.

Shelbourne at Hungerdon
53 Frontage Road Suite 110
Hampton New Jersey 08827
Main: 877 637 3772



July 7, 2021



Trailers and Other Vehicles
Lot 1, Block 203
[REDACTED] Allamuchy Township
Colliers Engineering & Design Project No. ALT-001
[REDACTED]

I wanted to thank you for taking time out of your busy schedule on June 23, 2021 to meet me to review the various vehicles, storage containers, and trailers that are currently being stored on Lot 1 in Block 203 immediately to the rear of the two (2) residential structures that are located along [REDACTED] [REDACTED] including the structure that you denoted as the "tenant home" and the structure that is boarded and currently not occupied.

As was indicated to you when we met, the municipality has been receiving complaints from a concerned resident pertaining to the area adjacent to the two (2) residential structures as follows:

1. The use of the area behind the two (2) residential structures for the parking and storage of trailers and containers that are not related to farming on the property.
2. Noise that is generated when trucks go to the site to retrieve tractor trailers for use elsewhere.
3. The use of the green accessory building for automotive maintenance by others, frequently on weekends.

Based upon the information you provided me vs. provisions in Section 190-40SE(8) of the Land Development Ordinance relative to the parking of commercial vehicles in the Rural Residential (RR) District, the use of the property for the parking and storage of trailers is not permitted in the zone district. As such, these vehicles need to be removed from the site including, but not limited to: the so called "Reefer" trailer, the 429 trailer, the so called "T" trailer, and the 430 trailer. In addition, the yellow construction vehicle that was loaned to you for the recent building construction and the abandoned mini-van must also be removed from the site as well.

All of the vehicles referenced above shall be removed from Lot 1 in Block 203 on or before the close of business on Friday, August 6, 2021.

The area of the site that is the subject of the complaint also contains a number of construction vehicles including a Lombardo Excavating Flatbed trailer vehicle, a second flatbed trailer owned by [REDACTED], a bulldozer that is not operable and needs to be repaired, a Bobcat owned by [REDACTED], and a trailer brought in by the [REDACTED] to remove debris from a previous building demolition project. While construction equipment associated with on-site construction

Maser Consulting is now Colliers Engineering & Design

Accelerating success



activities is permitted under Section 405E(8), there seems to be very little movement on your part on removing various debris from the demolition project and materials that were dumped by others. Please provide in a response to this letter a schedule for the completion of the remaining clean-up work in this area of the site with the above noted vehicles, including a completion date of the work and the date the various construction vehicles will be removed from the site. Please provide this response on or before the close of business on Friday, July 16, 2021.

I trust that you will be responsive to this letter and address the zoning non-compliance noted above and provide a timetable for the completion of construction activities.

If you have any questions on this matter, please do not hesitate to call me.

Sincerely,

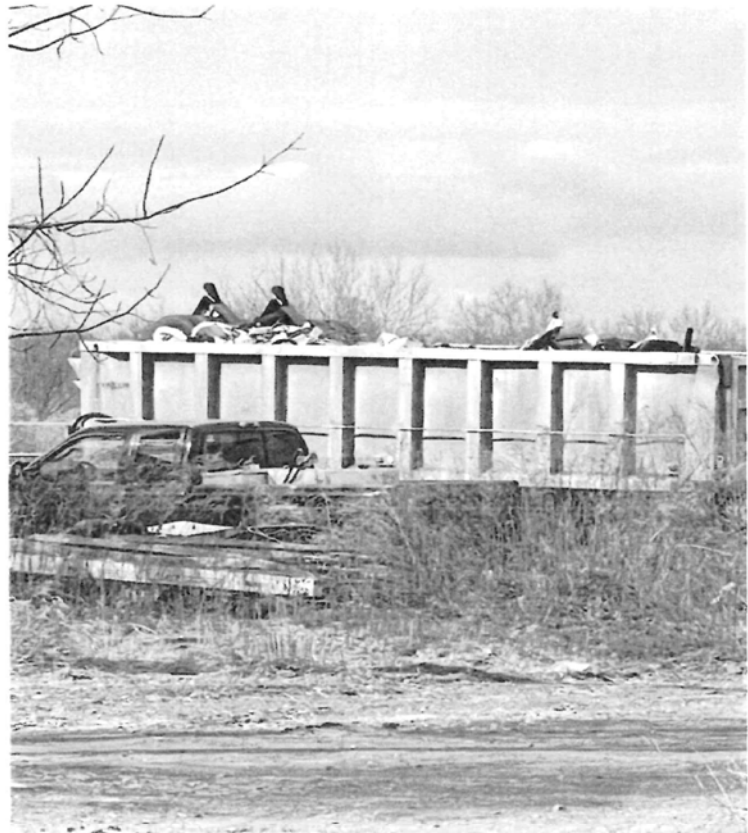
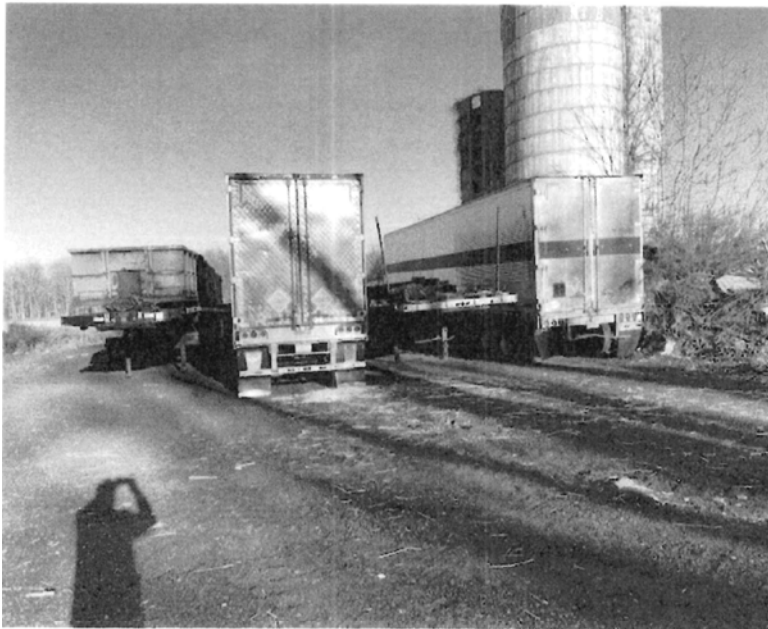
Colliers Engineering & Design

A handwritten signature in black ink, appearing to read "P. Sterbenz".

Paul M. Sterbenz, PE, PP, CME, CPWM
Township Engineer/Zoning Officer

CC: Mayor and Council (to be distributed by the Township Clerk)
Anne Marie Tracy, RMC, Township Clerk/Administrator
Edward Wacks, Esq., Township Attorney
Richard Bellin, Esq.

R:\Projects\ALT-001\Letters\Cure2 10706 pms_drake_property\cleanup.docx





RECEIVED

JUL 26 2021

BY: ANT

To whom it may concern

In reference to the July 17th letter, T.J. Weber trucking has been removed from the property which will reduce 3 trailers and 1 truck.

[REDACTED] excavating will continue to clean up and park on property to deter any more dumping. Logs, brush, Lawn-mower waste and other scrap.

M.D.L.C. will continue as well some of trailers are loaded on premises as well. The green building is used as shop for farm equipment as well as washing, washing, servicing. Mahle's. Sometime sub mechanics are brought in.

[REDACTED]

SCHEDULE “D”

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 3 – Agricultural Management Practices Questionnaire

Describe in detail the specific activity or activities you want the Warren County Agriculture Development Board to consider for development of a Site Specific AMP.

The applicant seeks to park trucks on the designated site which trucks are used for the operation of the farm.

[illegible]

Describe any activities that take place on the farm management unit that are ancillary to the agricultural production activities or nonagricultural in nature (examples include horse boarding, storage of lawn maintenance equipment, etc.)

None.

Please attach a site map that details the location of the agricultural production activities described above and the other activities that take place on site.

To be supplied

Are you seeking relief from any municipal ordinances? ♦ Yes ☐ No

Yes, trucks

Are any of the activities on the farm being disputed by neighboring property owners, the municipality or any other party? ☐ Yes ☐ No

If so, please provide further details:

The parking of trucks is prohibited in the zone where this property is located

Is the matter pending before a court? ☒ Yes ☒ No

If so, please provide further details about the proceedings including court dates, docket #, etc.

The matter is pending in the Joint Municipal Court of Belvidere where the applicant has been cited for the activities set forth herein. ~~The applicant has been cited for parking the required trucks on the property which is the subject of this application. The matter has had several court dates and the next court date will be assigned after this matter is heard.~~

No longer pending in mun Ct → transferred to ADR

Has the matter been decided by a court? ☐ Yes ☒ No

If so, please provide further details including date of decision, how the court ruled, and status of appeal, if applicable.

Would you be willing to participate in a free, voluntary mediation program that could help resolve the conflict? ☒ Yes ☐ No Please refer to RTF Program Info for more information.

Is there another reason that you are seeking an SSAMP Recommendation from the Warren County Agriculture Development Board?

No.

Does the farm have a conservation plan prepared by the USDA-Natural Resources Conservation Service (NRCS)? ☐ Yes ☒ No

If yes, are you willing to provide a copy of the plan to the WCADB? ☐ Yes ☐ No

Are you working with any other government agencies regarding the current or proposed activities on your farm (such as the NJ Department of Environmental Protection, NJ Department of Transportation, NJ Department of Agriculture, or Warren County Department of Engineering)?

If so, please explain:

No

Please return this request with the following documents not already covered in Part 1 (check as attached):

☐	Site plans related to proposed new structures
☐	USDA-NRCS Conservation Plan (if one exists and you choose to submit)
☐	Animal waste management plan (if relevant)
☐	Forest Management Plan (if relevant)

8/6/23
Date

SCHEDULE "E" (WCADB Site Visit Photos)





SCHEDULE "F"

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



JOEL SCHNETZER, CHAIR
RENE MATHEZ, VICE-CHAIR

COREY TIERNEY, ADMINISTRATOR
Phone: (908) 475-7750
ctierney@co.warren.nj.us

November 28, 2023



Re: Notice of Violation – Farmland Preservation Deed of Easement Restrictions



Mr. Drake,

The Warren County Agriculture Development Board (CADB) has determined that certain activities on your above referenced farm violate the Farmland Preservation Deed of Easement Restrictions, a copy of which is enclosed. During inspection of the site on Monday, October 10, 2023, multiple trucks and trailers (photos enclosed), along with other equipment and materials, were observed on the farm which you indicated are owned by your cousin and not used for agricultural purposes on the subject farm. The CADB has determined that your cousin's trucks, trailers, equipment, and materials are a non-agricultural use prohibited by the farmland preservation deed restrictions.

However, since this farm was preserved prior to 2006 without an exception area, it may be eligible for a Rural Microenterprise Permit from the State Agriculture Development Committee (SADC). To apply for this permit, you must submit an application directly to the SADC. For more information, please visit www.nj.gov/agriculture/sadc/farmpreserve/postpres/ or call (609)-984-2504 to speak with SADC Stewardship Program staff.

Please let us know if you intend to submit an application to the SADC for a Rural Microenterprise Permit.

Thank you,

A handwritten signature in blue ink, appearing to read "Corey Tierney".
Corey Tierney

Encl.

CC: Timothy Willmott, Stewardship Manager, SADC (via email)
David Kimmel, Agricultural Resource Specialist, SADC (via email)
Paul Mitchell, Esq., Special Counsel, CADB (via email)
Richard H. Beilin, Esq., Allamuchy Township Attorney (via email)
George T. Daggett, Esq., Landowner's Attorney (via email)

SCHEDULE “G” (Truck Washing)



SCHEDULE "H" (SSAMP Denial)

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

RESOLUTION NO. 24-01

On motion by Mr. Mathez, and seconded by Mrs. Watters, the following resolution was adopted by the Warren County Agricultural Development Board at a meeting held January 18, 2024.

RESOLUTION OF DENIAL

**RESOLUTION OF THE WARREN COUNTY AGRICULTURE
DEVELOPMENT BOARD DENYING AN APPLICATION FOR A SITE
SPECIFIC AGRICULTURAL MANAGEMENT PRACTICE FOR THE [REDACTED]
FARM, BLOCK 201, LOT 11 & BLOCK 203 LOT 1 IN ALLAMUCHY
TOWNSHIP, WARREN COUNTY, NEW JERSEY**

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, [REDACTED] (the "Applicant") applied for a Site Specific Agricultural Management Practice ("SSAMP") determination for his property located at [REDACTED] in the Township of Allamuchy, New Jersey, and known as Block 201 Lot 11 and Block 203 Lot 1 on the Township Tax Map ("Property")

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

WHEREAS, pursuant to N.J.S.A. 4:1C-9 and N.J.A.C. 2:76-2.3, upon receipt of a request for a SSAMP, the Board must first determine whether the Applicant's operation satisfies at least one of the following two conditions:

- (1) It is located in an area of which, as of December 31, 1997, or thereafter, agriculture is a permitted use under Municipal zoning ordinances and is consistent with the Municipal master plan; or
- (2) The commercial farm was in operation as of the effective date of the amended Right to Farm Act, July 2, 1998; and

WHEREAS, based upon the application documentation submitted by the Applicant, including a copies of the Allamuchy Township Zoning Map and pertinent sections of the Allamuchy Township Zoning Ordinance, the Board finds that the Property is located in the "RR Rural Residential Zone" which, as of December 31, 1997, or thereafter, agriculture is a permitted use pursuant to Allamuchy Township Municipal Zoning Ordinance §190-405A and is consistent with the Allamuchy Township Municipal master plan; and

{00877068-1}

WHEREAS, pursuant to N.J.S.A. 4:1C-3 and N.J.A.C. 2:76-2.1 defining “commercial farm”, the Board also must determine whether the Applicant’s operation satisfies at least one of the following two requirements:

- (1) a farm management unit of no less than 5 acres, producing agricultural or horticultural products worth \$2,500.00 or more annually and satisfying the eligibility criteria for differential property taxation pursuant to the Farmland Assessment Act of 1994; or
- (2) A farm management unit of less than 5 acres, producing agricultural or horticultural products for \$50,000.00 or more annually and otherwise satisfying the eligibility criteria for differential property taxation pursuant to the Farmland Assessment Act of 1994; and

WHEREAS, based upon the application documentation submitted by the Applicant, including a copy Applicant’s 2022 and 2023 Application for Farmland Assessment, the Board finds that Applicant’s farm management unit includes the 202 acre Lot 11 and the 98 acre Lot 1 owned by Applicants as well as some adjoining additional acreage under lease and therefore is not less than 5 acres;

WHEREAS, based upon the application documentation submitted by the Applicant, including a copy of the Schedule F “Profit and Loss From Farming” statement from Applicant’s 2022 Federal Income Tax Returns, the Board finds that the Applicant’s farm management unit produces agricultural products in excess of \$2,500.00 and satisfies the eligibility criteria for differential property taxation pursuant to the Farmland Assessment Act of 1994; and

WHEREAS, pursuant to N.J.S.A. 4:1C-9, to be eligible for protection under the Right to Farm Act, the agricultural operation must also: (1) conform to agricultural management practices adopted by the Committee; (2) comply with all relevant Federal or State statutes and regulations; and (3) not pose a direct threat to public health and safety; and

WHEREAS, the Board by Resolution #22-07, dated September 21, 2023 granted Certification of Commercial Farm to the applicant, N [REDACTED] res, Block 201 Lot 11 and Block 203 Lot 1, Allamuchy Township; and

WHEREAS, on July 20, 2023, the SADC received an inquiry from a neighbor of Block 203 Lot 1 for suspicious trucking activity on the preserved farm that was referred to the County as the Deed of Easement holder; and

WHEREAS, on July 26, 2023, the Township of Allamuchy filed a Complaint and Request for Formal Conflict Resolution with the Board regarding [REDACTED] property, Block 203 Lot 1; and

WHEREAS, pursuant to N.J.A.C. 2:76-2.3(i), the Board scheduled a public hearing regarding Applicant’s request for a Right-to-Farm SSAMP determination which was noticed to take place at the September 21, 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.S.A. 2:76-2.8(c), including, but not limited to, proof of written notice to all property owners within 200 feet of Applicant’s Property, the Township of Allamuchy, the Allamuchy Land Use Board, the Warren County Planning Board, the State Agriculture Development Committee, and proof of publication of the Notice of Hearing in Morris County’s The Daily Record and Easton’s The Express-Times; and

WHEREAS, the Applicant was represented by George Daggett, Esq., and Mr. Daggett requested referral to the SADC's Agricultural Mediation program in lieu of proceeding with the scheduled Right-to-Farm SSAMP Hearing on September 21, 2023; and

WHEREAS, the Township of Allamuchy was represented by Richard Beilin, Esq., and Mr. Beilin did not object to Applicant being referred to the SADC's Agricultural Mediation Program; and

WHEREAS, the Board agreed to cancel the Right-to-Farm SSAMP Hearing on September 21, 2023 at the Applicant's request and refer the Applicant to the SADC's Agricultural Mediation Program; and

WHEREAS, an announcement was made at the Board's September 21, 2023 meeting of the transfer and public notice of RTF SSAMP Hearing cancellation was placed on the County website; and

WHEREAS, having been permanently preserved as farmland, Applicant's Property (Block 201 Lot 11 and Block 203 Lot 1 in Allamuchy Township) shall be retained for agricultural use and production in compliance with N.J.S.A. 4:1C-11 et seq., and all other rules promulgated by the SADC; and

WHEREAS, the SADC informed the Warren County Agriculture Development Board that the Board would need to first confirm there are no outstanding violations of the farmland preservation deed of easement restrictions on the Applicant's farm before the SADC would proceed with mediation; and

WHEREAS, Applicant's farm was inspected on October 10, 2023 by Corey Tierney, Administrator, CADB and Board members, Rene Mathez and Tim Bodine;

WHEREAS, Mr. Tierney's photos of the site showed a large, green, metal garage building measuring approximately 34 feet by 60 feet, commercial trucks, trailers, excavating equipment, and mound of stones (*Attachment-1, Photos taken of Applicant's farm by Mr. Tierney on October 10, 2023*); and

WHEREAS, of the multiple trailers that were present on the property during the inspection, Applicant identified only three trailers which he owned and stated all other trailers belonged to his cousin and were not used for farm operations; and

WHEREAS, one of the Applicant's trailers contained hay, a second trailer contained timber from an old barn that was taken down on the property which Applicant stated he intends to reuse, and a third trailer contained scrap metal; and

WHEREAS, Applicant could not provide access to the interior of the green metal garage during the inspection but stated his cousin used it for his business; and

WHEREAS, there is not an exception area on the Applicants preserved farm; and

WHEREAS, Mr. Tierney told [REDACTED] during the inspection that the farm appears to be in violation of the deed of easement because Applicant's cousin was using the area for a non-agricultural use, but that the Warren County Agriculture Development Board would ultimately have to make the determination; and

WHEREAS, Mr. Tierney provided a Rural MicroEnterprise Act Application for the non-agricultural activity on the preserved farm to the applicant's attorney on October 12, 2023; and

WHEREAS, at its November 16, 2023 monthly meeting, the Board reviewed the photos taken by Mr. Tierney and discussed the site visit of October 10, 2023; and

{00877068-1}

WHEREAS, the Board determined at this meeting that the trailers, equipment, and activities associated with the Applicant's cousin's business constituted an impermissible, non-agriculture use on the preserved farm and that the applicant, [REDACTED] was therefore in violation of the deed of easement for Block 203 Lot 1 in Allamuchy Township; and

WHEREAS, Mr. Tierney notified the Applicant and his attorney on November 28, 2023 of the deed of easement violation and again invited the Applicant to contact the SADC about applying for a Rural Microenterprise Permit; and

WHEREAS, on December 11, 2023 Mr. David Kimmel, Agricultural Resource Specialist at the SADC, notified Mr. Daggett and Mr. Beilin that the SADC could not proceed with mediation because the Board found the farm to be in violation of the farmland preservation deed of easement; and

WHEREAS, On December 12, 2023 Mr. Tierney notified Mr. Daggett and Mr. Beilin that he would prepare a resolution denying [REDACTED] SSAMP application for the CADB's January 18, 2024 meeting based on the DOE violation, but if [REDACTED] es a Rural Microenterprise application with the SADC prior to January 18th, then the Board would table the resolution pending a determination by the SADC on that application; and

WHEREAS, the Board did not receive notice from Mr. Daggett, the Applicant, or the SADC that Applicant submitted a Rural Microenterprise application; and

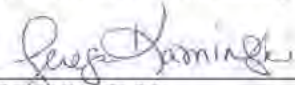
NOW, THEREFORE BE IT RESOLVED, that based upon the foregoing, the Board finds that the Applicant's operation is not eligible for protection under the Right to Farm Act, N.J.S.A. 4:1C-9, because the Applicant's operation does not comply with N.J.S.A. 4:1C-11, and therefore this application for Right to Farm Site Specific Agricultural Management Practice is hereby DENIED.

BE IT FURTHER RESOLVED, that the Board shall forward a copy of its written decision of the Denial Right-to-Farm SSAMP Resolution to [REDACTED] applicant, George Daggett, attorney for the applicant, the Township of Allamuchy, 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. Schnetzer – yes; Mr. Mathez – yes; Mr. Bodine – yes; Mr. Burke – yes;
Mr. Hood – yes; Mrs. Watters – yes; Mr. Menegus – yes.

CERTIFICATION

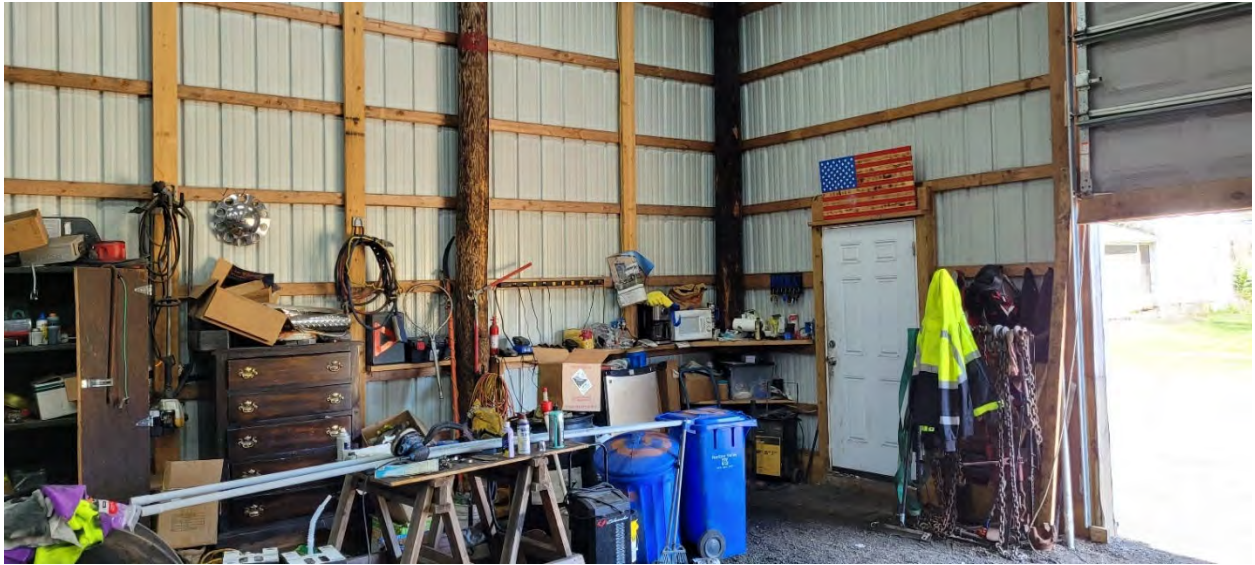
I, Teresa Kaminski, Secretary to the Warren County Agriculture Development Board, do hereby certify the foregoing to be a true and accurate copy of a Resolution adopted by the Warren County Agriculture Development Board at a meeting of said Board held on January 18, 2024.


Teresa Kaminski

{00877068-1}

SCHEDULE "I" (SADC Site Visit 4-23-24)









SCHEDULE "J" (Aerial Timeline)

2012



2020



Spring of 2021



Spring 2022



Spring 2023

