

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

RESOLUTION NO. 19-08

On motion by Mr. Baduini, and seconded by Mr. Dempski, the following resolution was adopted by the Warren County Agricultural Development Board at a meeting held July 25, 2019.

RESOLUTION OF DENIAL

**RESOLUTION OF THE WARREN COUNTY AGRICULTURE
DEVELOPMENT BOARD REGARDING AN APPLICATION OF THE
CRONCE FARM, BLOCK 45, LOT 2.01 IN HARMONY TOWNSHIP,
WARREN COUNTY, NEW JERSEY, RIGHT-TO-FARM APPLICATION
FOR SITE SPECIFIC AGRICULTURAL MANAGEMENT PRACTICE**

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, Carol Monique Cronce and Theodore Cronce (the "Applicants") applied for a Site Specific Agricultural Management Practice ("SSAMP") determination for their property located at _____ in the Township of Harmony, New Jersey, and known as Block 45 Lot 2.01 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 and Harmony 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 Harmony Township Zoning Map and pertinent sections of the Harmony Township Zoning Ordinance, the Board finds that the Property is located in the "AR-250

Agricultural/Residential Zone” which, as of December 31, 1997, or thereafter, agriculture is a permitted use pursuant to Harmony Township Municipal Zoning Ordinance §165-9A and is consistent with the Harmony Township Municipal master plan; and

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 2019 Application for Farmland Assessment, the Board finds that Applicant’s farm management unit includes the 24.8 acre Lot 2.01 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 2018 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, pursuant to N.J.A.C. 2:76-2.3(i), the Board scheduled a public hearing regarding Applicant’s request for a SSAMP determination which was noticed to take place at the March 21, 2019 Board meeting;

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 and proof of publication of the Notice of Hearing in the Easton’s The Express-Times; and

WHEREAS, the public hearing began on March 21, 2019 and was continued to a special meeting on April 30, 2019, with proof of additional publication of the Notice of Hearing in the New Jersey Daily Record and New Jersey Start-Ledger; and

WHEREAS, the Applicant was represented by Anthony J. Sposaro, Esq., and offered testimony of Monique Cronce and Theodore Cronce in support of the application; and

WHEREAS, the Township of Harmony was represented by William G. Mennen, Esq., and offered testimony of Kelley Smith, Harmony Township Municipal Clerk; and

WHEREAS, neighbors of the Property and members of the public provided sworn testimony under oath, and;

WHEREAS, the following exhibits were marked into evidence during the hearing:

Exhibit M-1: Harmony Township Correspondence dated March 6, 2019.

Exhibit A-1: Harmony Township Right to Farm ordinance

Exhibit A-2: Harmony Township Parking Regulations

Exhibit A-3: Revised Survey¹

Exhibit B-1: Photographs from Site Visit

Wilkins 1 Letter from Mrs. Wilkins

NOW THEREFORE, the Warren County Agriculture Development Board adopts the following findings of fact, conclusions and resolution:

Findings of Fact:

1. On March 21, 2019, the Board entertained the application for certification of a commercial farm. The applicant was represented by Anthony Sposaro, Esq. Theodore and Monique Cronce are the owners and operators of BL 45 L 2.01, Harmony Township. The application meets the eligibility criteria for Certification of a Commercial Farm which is: (1) Five or more acres, applicant supplied tax map, and; (2) \$2,500 annual income from agricultural and/or horticultural products which was provided by a draft 2018 Schedule F, and; (3) Satisfies the eligibility criteria for differential property taxation pursuant to the Farmland Assessment Act of 1964, applicant provided 2019 Farmland Assessment Form (FA-1 Form), and; (4) Is located in an area in which, as of December 31, 1997 or thereafter, agriculture has been a permitted use under the municipal zoning ordinance and is consistent with the municipal master plan. Mrs. Cronce stated that she would be filing her tax return by end of the month and would supply the Board with the Schedule F. Mr. Tierney noted that this farm was previously Certified as a Commercial farm for calendar year 2018 with income verification by 2017 Schedule F.

¹ The Cronce Right-to-Farm hearing minutes of April 30, 2019 refer to revised survey as Exhibit A-2.

2. Mr. Dempski made a motion to justify the Certification of Commercial Farm for Monique and Theodore Cronce, owners and operators of BL 45 L 2.01 in Harmony Township contingent upon receipt of actual submitted Schedule F from 2018 tax return for appropriate income verification. Mr. Baduini seconded the motion.

Roll Call: Mr. Schnetzer – yes; Mr. Bodine – yes; Mr. Baduini – yes; Mr. Burke – yes; Mr. Dempski – yes; Ms. Watters – yes;

Mr. Menegus – abstain. Motion carries.

3. The Board attorney, Steven P. Gruenberg, Esq. confirmed the proof of notice and publication was reviewed and that the Board had jurisdiction to proceed with the hearing. Attorney Sposaro objected to the entry into evidence of correspondence received from the Township of Harmony indicating that they would not participate in the proceedings and providing an overview of the dispute. Mr. Gruenberg recommended that the balance of the letter indicates the procedural nature of how the matter before the Board, not necessarily substantive, and that the Board can consider the letter just from a procedural standpoint but any complaints have to be brought before the Board by testimony. Mr. Sposaro agreed. The Harmony Township's March 6, 2019 letter was admitted into evidence as Exhibit "M1".

4. The applicant argued that the activity for which protection is sought falls within the dictates of an agriculture management practice for on farm direct marketing facilities, activities and events and that there are instances where certain deviations are contemplated under that farm market AMP and to that extent this will be a Site Specific AMP, but believes that the on farm market AMP should generally be followed. The following stipulations were offered:

- A. The hours of operation will only be during daytime.
- B. There will be one event during the year where a number of people will be on the property.
- C. There will be Port o' Johns on the property, hand sanitizer stations or antibacterial wipes.
- D. A handout for safety procedures to all members of the public that come to the property will be provided to the extent that the Board deems it appropriate or necessary.
- E. Temporary signs to direct individuals to where they should park their vehicles, to where the entrance and exits are located will be erected.
- F. There will be an employee present to monitor activities between animals and interaction between livestock and the public.
- G. The municipality will be provided with a written event management plan as is contemplated by the regulations and individuals will also be strategically placed to give direction to vehicles that arrive as to where the entrance is and designation of parking.

Mr. Sposaro argued that since the operation commenced in 2012, they are exempt from the setback requirements and parking because they do not apply to facilities that existed prior to April 7, 2014. The applicant moved into evidence two relevant ordinances of the Township of Harmony. Right-to-Farm Ordinance Section 165-20.0 article 4 – Provisions applicable to all zoned districts, was entered as Exhibit A-1. Parking ordinances were entered as Exhibit A-2. The applicant argued that the Harmony Township parking regulations are silent as to agricultural operations as proposed and therefore the standards set forth in the Farm Market AMP apply. Questions were raised whether Harmony Township requires an event permit. Mr. Sposaro offered to review the Harmony Township ordinances to determine whether or not there is an event permit requirement that exists. Concerns were also raised regarding the provision a Certificate of Insurance. Mr. Sposaro indicated that proof of insurance is not a requirement of the AMP but that he would research the matter.

5. Sworn testimony under oath was received from Monique Cronce. She and her husband purchased the property in mid-January 2012. The property is less than 25 acres off of Harmony Station Road and Esposito Road in Harmony Township. The property was farmed prior to their taking title and is currently Farmland Assessed. They raise sheep, goats, chickens, guinea hens, ducks, and occasionally a calf. The animals are sold primarily for meat. They also anticipate selling vegetables in the future. The Cronces live on the property with their family. There is a 40 x 40 foot barn that most of the animals stay in, some other small structures that her husband built that are moved around that the chickens stay in, the sea containers for storage of things that they need, an office trailer for storage of cages and garden supplies, four structures that various things are kept whether it be hay or farm equipment. Everything has either wagons or machinery that they need for cutting hay or the groundwork or tractors and a covered fabric building. The bulk of the business, such as hay is done throughout the summer, but the bulk of selling animals is done for a holiday once a year for mostly the Muslim people. The event occurs once per year, and they have 3 days up to that they could, but she only has one day and that there might be some stragglers that come in and buy one or two animals in addition on other days, but it is one day a year.

6. Mrs. Cronce was unable to indicate the number of people that are present on one day but indicated it was close to 130 families because normally it is one family per animal. The majority of the animals are pre-sold a few weeks before the holiday. Normally, the animals are sold no more than two weeks before because it is hard to keep markings on them so that people remember what animal has been sold. The families most of the time come in one vehicle, but occasionally you might have 2 families per vehicle if you have two couples that are married with no children so they will carpool together. The business is by word of mouth and that the people find out from their friends where they go to buy the lambs. They have an address, they use their GPS to get to the address. Usually there is a gentleman standing at the entrance of their property that will direct people in. There is always someone who can speak in their language standing at the gate directing them to go down the lane and then there is someone at the next gate going into the pasture that tells them where to park. The parking area is stable and there is more than sufficient area to accommodate all the vehicles. Mrs. Cronce was unable to estimate the distance from the parking area to the nearest property line. Efforts are made to prevent people to park at the driveway entrance and along the driveway where vehicles might then interfere with access to

these sites for emergency vehicles. The hours of operation were for the special event is during daylight hours. Port o' Johns for the use of the patrons are provided and a hand sanitizer is provided. As to temporary signage, this past year they have done more than in the past, with a sign that says parking and identifying different areas. Monitoring is done by Mrs. Cronce as well as other people within their group that they have volunteers that will also be there. Mrs. Cronce articulated her consent to the stipulations previously set forth by Mr. Sposaro as conditions of approval. As to the date that the event will take place, she is unable to provide an exact date. On average, the holiday's event is 10 days earlier than it was the preceding year.

7. As to the specific activities at the event, patrons come to the farm, and as is tradition for a sacrifice, say a prayer and kill the animal by cutting its throat. The animal is hung up, it is skinned. Any part of the animal that is not to be used is placed in the tractor bucket. A tractor is placed very close to the area where they are hanging the animals. More of the animal is used than the average person does. The majority take the head, but some will not. They also will take the feet or the legs, and sometimes some of them will take the stomach to cook certain foods. The intestines are also used. They use a bucket and clean the intestines and then they will dry it and leave it and take it with them for use in their cooking. The only real excess is the hide. The animal is usually taken whole or cut in half or quarters and taken by the end of the day. Some will cut pieces off on site where they will picnic and cut that up and cook it during the day. Patrons bring their own charcoal BBQ grills. Any open fires are extinguished by pouring water and all efforts are employed to keep any fires contained in a charcoal grill. The animal remains that are left behind fill usually only two and a worst case scenario, two and a half buckets of the tractor. She said that she takes them and puts them in a compost heap that already has been started. They are covered with more manure and other things that are composting. The heap is turned within 30-60 days so nothing is capable of being seen. There have never been any safety incidents, any vehicular accidents, any injuries by pedestrians or participants in any of these events. There have never been any incidents with fire or otherwise with cooking food on the premises. There has been no unruly behavior where the police had to be summoned. Mrs. Cronce indicated the police did come due to complaints of a neighbor and that she had been visited by various governmental officials or authorities regarding the operation to determine whether it is healthy and safe. The Warren County Health Department has come on their own behalf and were apparently sent by the DEP. The USDA Food and Safety, NJ Department of Ag, SPCA, State Police have also been on site. They have not been cited for any violation and have not received a stop work order. Mrs. Cronce did receive guidance on the correct way to compost the animal remains in which she received from Tom Nigro of the WC Health Department a recent brochure from Rutgers University on how they encourage the same way of composting as they were already composting. There are no smells other than just dirt turning and what manure would smell like anyway.

8. Mrs. Cronce verified all documents submitted with the application that were not separately marked into evidence: 1) Request for SSAMP recommendation, with correspondence dated October 24, 2016 from John Fritz, Zoning Official, Notice from Zoning, dated August 23, 2018 from Joseph E. Rossi, Zoning /Officer, correspondence from Katrina Campbell, Esq. dated September 19, 2018 and portion of meeting minutes annexed thereto; 2) Conservation Plan, dated April 10, 2013; 3) Warren County Health Department Complaint Investigation Report, dated

August 8, 2013; 4) Message from the Warren County Health Department, dated August 12, 2013; 5) Correspondence from Douglas H. Fisher, Secretary, Department of Agriculture dated December 6, 2013; 6) Correspondence from Chris McCormick, Sr. R.E.H.S., ph, Warren County Health Department, dated September 17, 2018; 7) Bulletin E347, entitled Livestock Mortality and Butcher Waste Composting, Rutgers Recommended Practices; 8) Certification regarding Self-Certified Animal Waste Management Plan, dated September 4, 2013; 9) Aerial photograph of the property; and 10) Boundary Survey, prepared by Johnson Surveying and Construction Services, Inc., dated August 13, 2017.

9. Mrs. Cronce contended that in her view, she was just like a normal farm. She raises food for her livestock, she buys hay and want some of her animals for the best prices that she can possibly get and allowing people to come and buy at the farm she does not have to pay for commissions, does not have to worry about what the auction is going to be like, and it brings the best price for her animals. She believes that it is a good farming practice because you've got to be able to make a profit or you cannot stay in farming and we need farmers.

10. Board members raised concerns regarding the composting methods employed. The applicant contended that it was fair and appropriate to follow the guidelines in the bulletins set up by Rutgers. Board members raised concerns regarding the scheduling of the holiday and the ability to plan livestock availability during certain times of the year. Mrs. Cronce replied that she has lambs on the property all the time. There is never a crowd of people coming to preview the purchase and it is 6-8 people at one time is the most that she has ever had. Mrs. Cronce stated that she may have a family that may have a new baby and would like to come out, buy a lamb, process the lamb, and ask if they can stay and have a picnic and enjoy the area while they are there which she permits, arguing that it falls under agritourism. Board members questioned the slaughtering methods and cooking. Mrs. Cronce clarified that the patrons do their own slaughtering. The Cronce family only slaughters for their own personal consumption. Patrons bring their own food including coffee, tea and will cook some of the meat up maybe with some other vegetables. The patrons are not provided with fire pits or BBQ grills but rather they bring their own, if they don't bring their own, they have to borrow someone else's. Mrs. Cronce confirmed that they purchased hoses for water and installed water lines for water distribution.

11. Board members raised concerns regarding the proportion of lambs raised on site vs. purchasing. Mrs. Cronce testified that she purchases other animals, turns them on grass and then resells them when they get a little bit bigger. Mrs. Cronce holds the animals for at least 30 days, sometimes much longer than that if she finds that prices are good and finds lambs that she likes, she will purchase lambs. She tries not to purchase lambs during the winter as she does not want to carry a lot of excess animals during the winter because they are lambing themselves and have limited space inside the barn. As Spring arrives, they start adding lambs. Mrs. Cronce could not answer the percentage of animals that she purchases v. raises on site. For the past event, she purchased approximately 80 animals in the Spring for the Fall Event. The remaining 20 to 30 animals were her own, which she defined as having been delivered on the property from her own ewes. She attempts to sell the animals when they weigh approximately 100 pounds for sale, but she does not sell by the pound, but by the head. Questions were raised regarding fencing on site.

Mrs. Cronce replied that approximately 10-15 acres are not wired around and certain fields that are. They started where it was easier, and have two treat areas that have not been fenced in yet. Posts have been driven, but the wires have not all been put up yet.

12. Mrs. Cronce testified that she uses groups instead of just individuals because by doing a group, the people make sure the knives are sharpened enough and follow their customs. There are people that know exactly where to cut that make it the easiest and the fastest so the animal drains out right away. She maintains that she does not want to see an animal suffer. Patrons bring containers and collect the blood and if they leave it behind, the blood will become just like jell-o and coagulate. The Health Department was present on site in 2013 and this past year. Mrs. Cronce denied that busloads of people come to the site and contended that the most that they ever had in that regard was somebody that had a small bus that was their private vehicle. She sells no beverages or food and only provides the lamb that is purchased. There is an area for bouncy houses that are rented by the patrons and placed in her yard so that they can plug into an electric outlet. No loud speakers are used but patrons sometimes speak over an intercom. She stated that it was no different than having a family party with people talking. There are no stages for bands or music. Concerns were raised by Board members as to how Mrs. Cronce can manage 130 families by herself. Mrs. Cronce replied the people that come provide at least 4-5 volunteers and each year procedures are discussed. This last year they wore vests which made it easier to find each other. They are told very explicitly from the time that they get there, certain areas that they are to be in. She stated that she made it very clear that if they start leaving this area, her barns are off limits because they can't go in where she raises her animals, they can't be on the equipment, she doesn't want a child hurt. She stated that sometimes friends come in and watch certain areas and keep them contained within certain areas. She stated that if someone cannot abide by that, then they are asked to leave. Essentially, 4-5 volunteers with vests in addition to Mr. and Mrs. Cronce manage 130 families through the day. The animal sacrifice is usually completed by 1 or 2 pm and the remainder of the time on site is just visiting, talking, cleaning up. While some start at 7:00 a.m., most do not arrive until 9-9:30 a.m. As to beef, Mrs. Cronce stated that the last couple of years, she has not wanted to raise a beef and hasn't done beef very often. She never had more than one beef on a holiday because it is too much confusion with the lambs, where she can mix the lambs and the goats together, the beef is kind of a different animal altogether so it is too much confusion.

13. The event is open to the general public, but attracts a certain clientele and groups that are catered to specifically. She does not advertise the event, but has at times, throughout the year advertised lambs for sale. Patrons have purchased as many as three lambs because they've had family members that either could not sacrifice for themselves or a gentleman will sacrifice for his mother who had passed away. It was a possibility that 200 lambs could be slaughtered at an event. Mrs. Cronce denied that the County Board of Health was ever denied access to the property.

14. The number of Port O' Johns is determined by the number of families that have purchased animals. The restrooms are separate for men and women. Mrs. Cronce estimated that there could be a maximum of 250 people on site at any time. The submitted plan did not have the location of the restroom areas. It was further noted that all parking areas were not set forth on the plan, nor were items such as the locations of bouncy houses, locations of the Port o' Johns, hand

sanitizing stations, how many there are, where they would be, how the parking areas are designated, whether there are cones and flags, where that is going to be located, lighting, etc. Mr. Sposaro indicated that the applicant would update the plan more accurately, identify where all of these things take place and where things are located and will do their best to do it to scale so the Board has a frame of reference.

15. Many members of the public questioned Mrs. Cronce regarding their concerns of trespassing on other properties historically and potentially in the future. The applicant agreed to provide a proposal regarding temporary signage to address the issue, but if the signage is off site, they would need the cooperation of the neighbors to decide whether they're going to allow the posting of signs.

16. Under questioning by the public, Mrs. Cronce confirmed that no official farm market in the form of a specific building or store was proposed at the present time. In addition, while the notice indicated possible agriculture education, Mr. Sposaro confirmed that this was not part of the application and they would return to this Board and seek an amendment or supplement to the site specific application. Questions were raised by the public as to traffic issues and concerns and whether a traffic study has been done to which Mrs. Cronce indicated none had been done or required. Questions were also raised by neighbors regarding loose animals and on the roadway. Mrs. Cronce denies a habitual problem with loose animals and indicated that unfortunately, trees fall down on fences, things happen and they can't guarantee everything.

17. Safety concerns were raised via questions of the public as to knives. The knives are brought by the Patrons for religious sacrifice.

18. The applicant offered and agreed to a site inspection for Board members. The hearing was continued to a special meeting to be held on Tuesday, April 30, 2019 at 7:30 pm.

19. On April 30, 2019, the public hearing continued. Mr. William G. Mennen, Esq. announced himself as representing conflict counsel for Harmony Township and that he is in full cognizance of the March 6, 2019 Harmony Township letter wherein the Township indicates that it fully recognizes this Board's function, jurisdiction, and authority to decide the matters at hand. Mr. Mennen stated he may cross-examine a witness and may, at the conclusion of Mr. Sposaro's case, have a witness of his own to present, but is entering his appearance at this time.

20. Mr. Sposaro indicated that he received a copy of a set of photographs that were taken by Dave Dempski, CADB member, from his site visit on Saturday, April 27, 2019. Mr. Sposaro believes that they accurately depict the property, but asked the Board to disregard the photo captions because he thinks some are not accurate. One photo in particular shows two trailers with a rack in between and the caption is that animals are slaughtered in between the trailers, but that is not accurate; the animals are processed to the right of this trailer and this was shown to all of those who attended the site inspections. Mr. Gruenberg stated that the photographs entered will be marked as Board Exhibit B-1. Mr. Sposaro entered a revised portion of the survey sketch as A-3 and handed copies to the Board, Mr. Mennen, Mr. Gruenberg, and the public in the audience to circulate.

21. Sworn testimony under oath was received from Mr. Cronce. Mr. Cronce stated that he is familiar with the operation, that he assists his wife at times in this operation, that this was a joint enterprise between the two of them, and that he is one of the owners of the subject property. Referring to Exhibit A-3, Mr. Cronce stated that when entering the property during the festival, visitors follow the driveway down and go past the picnic area into a parking area that is a 2 ½ acre field. Mr. Cronce stated that per a Tennessee Education website, one acre can hold 150 cars. Mr. Cronce stated that they have never had a problem with overflow parking where it does not fit into that parking area and that they have always had additional room, which is why there is a dotted line to the left of the parking area on the plan as there's extension beyond that. Mr. Cronce replied that the field for parking was in pasture with grass, but that it is rocky soil, which is a good base in moist times of the year, and that the ground is very solid and adequately supports the traffic using it. Mr. Cronce stated they have never had a problem with a vehicle getting stuck either in the mud or sliding because of the terrain and that the area is mowed so there is minimal amount of grass to decrease the opportunity for sliding. Above where the parking area is located on the plan, the processing area approximately is 830 square feet where the animals are brought off the trailer one at a time, slaughtered, and then processed between the containers. The container area holds enough that several families can process multiple animals at the same time at that point. Mr. Cronce clarified that when he says processed, he means butchering of the animals; the skinning, butchering, cutting up, preparing it for consumption. The visitors then take the animal and hang it away from that area, or if they are leaving right then they can wrap it and take it with them in their vehicle. Mr. Cronce stated that the picnic area, the processing area, and the parking area are not visible from Esposito Road because of the topography; the areas gently slope away from the road and cannot be seen from the road. Except to the ridge on the rear of the property, no immediate neighbors to the Cronce's left or right can see any of these areas just described because the foliage and terrain restricts the vision. Mr. Cronce stated that looking from the parking area and certain areas, he can see one of the neighbor's homes that they rent a field from, but that this neighbor told Mr. Cronce that he has never noticed anything going on. In the distance on the other side, the neighbor is further down and Mr. Cronce can see the back of his house, but because of the terrain the neighbor is not able to see at their level. Mr. Cronce stated that the area where the animals are processed is not visible to neighbors; that whatever visibility there might have been for the two neighbors just described is now obstructed by the trailers.

22. Mr. Cronce stated the picnic area was not visible to the neighbors from the road and that he doesn't believe the neighbors can see the area, but that they may be able to see the tent coverings that they use. Mr. Cronce stated that there was a hoop house in the garden area and the top of that 15-foot structure may be seen. The picnic area, he explained, is in the middle of the drawing and that the garden and hoop houses are in the middle of that area. The visitors put their areas for picnicking around that, some sit on the ground, and some bring chairs and fold out 10 x 10 covers, he continued. Mr. Cronce stated there is approximately 26,500 square feet there. Mr. Cronce stated that if there were 150 families there at the time, which would be a lot more than normal, that would still allow greater than 200 square feet per family. Mr. Cronce said he correlates the space as if going to the beach to try and find a spot to put your beach umbrella and lay on the sand, you will be crowded, but that this is nothing like that; on his farm each family has enough

room to have an area, each family has enough room to walk around and talk to others, and there is a lot of room with sufficient area to navigate.

23. Mr. Cronce stated above the picnic area on the plan is where the lawn area is. This is where, if the visitors choose to, they bring the bouncy houses or have the hired companies bring in the bouncy houses. Because of the height of the bouncy houses, they are sometimes visible, he stated. The groups that come are allowed to put them up there, but they monitor and supervise them, Mr. Cronce said. That is not something that the farm provides.

24. The area for the Port 'o Johns are separated by gender. The upper ones by the bouncy houses are normally reserved for the males, the visitors' beliefs are that the women and men should use separate and apart from facilities. The two lower ones closer to the picnic area are for the women.

25. Referring to the short-term parking area near Esposito Road, Mr. Cronce replied that short-term parking was for some individuals whose intent was not to enjoy the scenery, picnic area and comradery. It is an area that a password is used for those people to park. The password is given by Mrs. Cronce and if the patrons use the correct password given to the parking attendant, then they can park there. He explained that the purpose for that is that they will take their animal more quickly, process it, wrap it, put it in their vehicle and leave because they are not staying for the day. So that parking area allows an easy egress for those visitors and keeps them from driving up and down the road during the festivities. The holding/finishing area has some portable corralling, but that does not define the entire area that the animals stay in. There is approximately 9,400 square feet which gives greater than 60 square feet per animal at 150 animals. He stated that is more normally what is kept in that pen during a holding time, and is not their year round living area. He stated that they live out in the barn and on the pastures; this is just a holding area to finish them the last week before the event so that people can come and look at the animals and it also makes it easier on that day using the round pen structures to corral them, get them loaded onto the trailer easily with a minimal amount of work, and take them down to the processing area.

26. Mr. Cronce stated the parking area to the property line from the fence is 113 feet, and then from the fence area 130 feet from the parking area fence down to the closest neighbor's house. Considering that the most activity is in the picnic area, he explained, it is greater than 500 foot from that home to the picnic area. Any car that is parked would be at least 140 feet from the closes neighbor's property line. On the other side across Esposito Road, Mr. Cronce stated, the property line to the neighboring house is 140 foot, but from the picnic area to the property line, it is 270 foot; so greater than 400 foot from the picnic area where the most activity is to the neighboring home across the street on Esposito.

27. Questions were raised by Board members regarding the lack of refrigeration. Mr. Cronce replied that the farm was not slaughtering the animals and they are not chilled. The visitors age them, so they hang them to let them age a little bit, just like one would a deer carcass, and then they take it home immediately or at the end of the day at the latest and then they refrigerate. Mr. Cronce added that sometimes the visitors bring ice chests, but would defer to his wife on that issue. In general, the animal is still hanging or aging before they refrigerate it. Mr. Cronce stated that he

and his wife do not do any slaughtering or butchering, and only sell the animal to the visitors and provide a place for them to do that without fear of retribution.

28. Questions regarding what would occur during a torrential rain were raised. Mr. Cronce stated that they have not had the need to address that issue. Mr. Cronce stated that the groups bring their canopies, but torrential rain would dampen that as well; however, he does not have a true answer for what would happen and guesses that the men might come out and process the animal quickly and take it back. Mr. Cronce again confirmed that they do not provide any food or drink. No fee is charged for admission, parking and the general use of the property. The business has been in operation for 7 years. In light of a complaint from a neighbor, Mr. Cronce stated that after doing research, they found out that they are a farming entity and that their best approach was not to go through the Municipality, but rather to come to the CADB.

29. Questions were raised regarding the next event planning in August. Mr. Cronce hoped to sell between 100-150 animals. There were 38 animals on site at the time of inspection. Some of those animals were breeding stock. Testimony was received that by the end of May, there should be at least 150 animals on site. Mr. Cronce stated that his wife would reach out to the groups to find out the approximate numbers and that they may be going back to their native countries because it is in August.

30. Serious questions were raised by Board members subsequent to their site visit as to the care of the animals on site. Mr. Cronce confirmed that the barn where the sheep and horses are now, is 40' x 40' and contained 38 sheep at the present time. Mr. Cronce could not answer questions regarding when they begin to pasture the sheep this time of the year and as the animals are brought into the property, where do they come from, are they kept separate for a few days, and are they coming as feeders. Mr. Cronce stated that when they are brought in, they quarantine the animals and have holding pens that are used with good grass on them and that they are integrated into the flock after they appear healthy. Mrs. Cronce stated that she does not try to integrate them because they are males and that she has ewes that may come into heat and have learned from experience that males will fight and kill each other, so she only keeps one ram raised within the flock together. When the others are out on pasture, they are timed so that they cannot cross and fight in the fields. Chairman Schnetzer asked that when they start to pasture the animals, do they spend time any more time in the barn than he observed during the site inspection or are they out all the time? Mrs. Cronce replied that they are out unless it is a rainy day, they are usually out in the morning. She stated that she turns them out in the morning and at about 3 o'clock brings them in. She stated that if she has other animals in for the holiday, she will let them out and bring them in at dark. Chairman Schnetzer asked whether the animals that he observed had been out on pasture. Mrs. Cronce replied, no. She stated that they got out one day and went out into the one field and yesterday were put out. She said they start out late in the afternoon because of the wetness of the grass and the sugars in the grass. So they start with one hour out and bring them back and then two hours out and then bring them back and does that for a few days because she stated that this decreases chances of bloat. Mrs. Cronce said that she has never had the success of getting air out of sheep the same way you can with cattle. Chairman Schnetzer asked what is the goal or rate of gain as you bring these animals in? Mrs. Cronce stated that it depends upon what size animal

is brought in and she needs at least an 80 pound animal for a 90-100 pound animal at time of slaughter. Mrs. Cronic stated that she brings them in sometimes earlier and sometimes later, but she makes sure that she has them for more than 30 days from the first possibility of slaughtering time. She stated that she always tries to have extra animals and if she can she tries to pick up a female or two along the way for extra breeding to bring in new blood into the herd. Chairman Schnetzer questioned whether the pastures that were out away from the barn where the animals were kept, are they rotationally grazed or how do you split the herd up? Mrs. Cronic replied that the horses and sheep can graze on the same field and will choose one field and try to push them to one side of the field or the other; there is a permanent fence between the two. They have not grazed a whole lot in the back because that was alfalfa, but slowly that has been changing to grass, so they are grazing them more. It depends on how fast the field gets eaten up and how it is coming back as to how quickly they get put back on. Chairman Schnetzer asked of that the animals that he saw yesterday, are they being supplemented at this point with any grain? Mrs. Cronic replied not grain. Until about 3 days ago they were given alfalfa hay and they ran out of alfalfa so they have been given grass hay and have been put back onto grass slowly. She stated that she is going to get alfalfa. Chairman Schnetzer asked of the group of animals that he saw yesterday, how much hay were they consuming a day, was it dry alfalfa hay? Mrs. Cronic replied that it was dry alfalfa hay and they get 4 very large square bales of alfalfa hay per day. Chairman Schnetzer asked are these bales that you produce or purchase? Mrs. Cronic replied purchased. Chairman Schnetzer asked if they were analyzed. Mrs. Cronic stated that she never had them analyzed. Mrs. Cronic stated that she believes that the person that she buys them from has and he told her that at one point in time. She knows that her horses have done well with them and the sheep and goats are doing well with them and the alfalfa helps the mothers with their milk. Chairman Schnetzer asked why they went from alfalfa hay to the low quality hay that he saw yesterday? Why didn't they go from the alfalfa and start to introduce the animals on pasture? Mrs. Cronic replied that because of the wetness she was afraid that they would bloat. She stated yesterday that she started to put them out, but she puts them out in the evening for an hour and then brings them back and will do that for a few days, increasing the time before they are turned out all the time. Chairman Schnetzer asked which pasture was utilized yesterday? Mr. Cronic replied the parking lot. Mr. Cronic replied that in normal years, they do get them out on pasture earlier, but the wetness of this year has held them back a little. Mrs. Cronic stated that usually from April 1st – April 10th they go on pasture and this year has been different because it has been cooler and wetter; she can't take a chance on horses running out and breaking a leg and also if it is real wet, she sees the sheep and goats slide and fall. She stated that she does not put them out if it is real wet and it tears up your pasture if it is real wet. Mrs. Cronic stated that another thing that they have done if it is rainy is that they are able to get in green chop and bring into them.

31. Chairman Schnetzer asked of the breeding stock that they have and use, are there any vaccination programs used? Mrs. Cronic replied that she does not vaccinate because if they are sold for meat, occasionally they are, she does not want to eat it, so she does not give them vaccines for other people to eat. Mr. Bodine asked of the majority of sheep that are sold, are they in that 100 pound range? Mrs. Cronic stated that she makes sure that they are over 80 pounds and that she likes to sell them between 90 and 100 pounds because when they come for the holiday, they are getting a nice, large animal. Some groups like smaller animals and other times of the year

an animal that is sold is only 50-60 pounds. Mr. Bodine asked at the day of your event, that is what you prefer to sell? Mrs. Cronce replied 90-100, yes.

32. Mr. Dempski asked if these were out of state purchases for the animals? Mrs. Cronce replied, no; she has made the mistake of purchasing out of state and has found they are not supposed to so she has avoided that. She stated that she drives a distance to get the animals. She stated that she watches for ads and word of mouth and different things to try and find a few here and a few there.

33. Chairman Schnetzer asked how do you know if they are not vaccinated? Mrs. Cronce replied that she didn't honestly know other than taking the person's word. Unfortunately, you have to take a person's word, she said, and if you buy from somewhere you don't know, there is no guarantees. Chairman Schnetzer asked if the purchasers of the animals in August ask whether they are vaccinated? Mrs. Cronce replied that they do not, but that they do ask if they vaccinate her own and she does let her customers know if the animals were bought at other places and that she does not know for sure if they were vaccinated. Mrs. Cronce added, just like she can't say if an animal has been raised on grass if she doesn't know how it started out, she can only say from the time that she has had the animal what they have received.

34. Mr. Cronce was cross examined by Mr. Mennen of Harmony Township. Mr. Cronce confirmed that the parking areas and other functions that are hand written notations with very minor variation is what was done since the beginning. If the need arises, they have the capability to change it if necessary. Mr. Cronce replied that the site would support 400 to 450 people at the same time. Mr. Cronce replied that by working with the organizers they can manage that number of people and animals. Mr. Mennen asked if Mr. Cronce has ever consulted with any other entity, Board of Health or otherwise to get their input as to whether or not the number of sanitary facilities that is being provided is sufficient? Mr. Cronce replied that they have spoken with the Board of Health. Mrs. Cronce claimed that the Board of Health found no problem with any of their practices that were being done in entirety. Mr. Cronce stated that from the point of inception of the driveway where it enters off of Esposito Road to just past the short-term parking, it easily handles two car widths. From there on down, there is a pull-off area, but going down to where you see the curve into the field, is more or less one vehicle. There is nothing set in that pathway, emergency vehicles could easily enter if they needed to and also can offer additional grass if needed. The driveway is gravel and stone. The parking area field size is 2.5 acres based on the NRCS survey when they helped put up the fence. Mr. Cronce testified that to the best of his knowledge, cars have not been parked on Esposito Road, but if they had it was not with their permission or intent and they have always instructed attendees to park in the parking area unless it was short-term. He stated that they cannot control everybody, just as someone wanted to come out to their property and they wanted to park on Esposito Road, he could not stop someone.

35. Mr. Cronce conceded that in the past the signage was inadequate and could have been clearer and indicated that they will endeavor to do that and meet the needs of those coming in so they can more easily find the farm. Mr. Cronce would be amenable to signage that would indicate that parking is prohibited on the roadway should somebody disregard either their instructions to the guide or just not knowing better and park on the side of the road subject to the

town being it in rights-of-ways or otherwise that that was acceptable. Mr. Sposaro asked if the municipality was willing to post signs because he believes that they do not have the authority or jurisdiction to regulate who can park on that road. It is a public road, and otherwise, there are no signs that prohibit parking, but would have no objection if the municipality wanted to put a sign that read, "Special Event – No Parking". Mr. Mennen stated that he thought the cooperative nature of the answer was all that they were really looking for at this junction.

36. When questioned regarding lighting, Mr. Cronce stated that he has not made plans for lighting and is not prepared to answer. He stated that if they did put up lighting, they would be respectful of all the zoning laws and requirements. All activities that they do, they do their best not to disturb or upset any of the neighbors.

37. Mr. Sposaro clarified from last month's meeting after going over the minutes, the AMP that they are guided by is the farmer's option to submit either an event management plan 30 days in advance or if the municipality has an ordinance to require to apply for an assembly permit that is his client's option and have indicated that they will be submitting an event management plan to the municipality at least 30 days in advance of the event.

38. Questions of Mr. Cronce were raised by the public as to fire management. Mr. Cronce replied that concrete or permanent structure would not be able to allow them to continue to have the grounds as agriculture. As far as wind-swept, if that were the conditions of the day, the ground too dry, or any risk, it would not be allowed. They would then only be allowed to process the animal and take it home and any food that they were going to consume, would have to be done prior to coming. Concerns were raised by members of the public as to whether the animals are fit for human consumption. Mr. Cronce stated that you could see that they were healthy by their general demeanor and they don't get any antibiotics in the required amount of time before slaughter. They eat grass and have gotten very good reviews on the taste of the animal.

39. Sworn testimony on behalf of the Township was received from Kelley Smith, Harmony Township Municipal Clerk. Ms. Smith testified that she was employed by Harmony Township and is also Township Administrator; she further stated that that she has held the Clerk's position in 2004 and the Administrator position in 2016 and is the Land Use Board Secretary since 2007. Ms. Smith stated that she has received complaints or expressions of concern regarding the Cronce's farm on Esposito Road in the past on issues of noise, parking, traffic and the welfare of the animals. Ms. Smith described Esposito Road as a small rural road that is wooded on some of the area, with farmland. It is tight, she said, and explained that she has hauled horses back there in and off of that road. She stated that it is not a very wide road and does not think that it is travelled that often other than for the equine facility and the residents who live on the properties along the road.

40. Referring to the specific section of Esposito Road where the Cronce farm is located, the road is curved, not a sharp curve, but it has bend in it. The surrounding neighborhood is agriculture, some small homes, a couple of larger homes in the area, some properties have cattle, the Cronce's have their livestock, then the Equestrian Center. Ms. Smith replied that at one time, she did go out to site to follow up on several concerned phone calls. In September of 2018,

numerous phone calls were coming into the office and as a public servant, she went out to investigate the scene and invited her road department supervisor to go with her and they went in the Township Road Department truck that clearly states Harmony Township on it. When she got near the Cronce property on Esposito Road, she did notice some type of activity going on. They did see vehicles parked in the short-term parking area according to the map and a few out on the road. She believes that the short-term parking was full, a horse trailer was parked there, there was a tarp in the area hanging, and people milling around. She stated that she stopped in the road and did not get out of the truck as she was approached by Mr. and Mrs. Cronce to see if there was a problem. She stated that she was there to follow up on complaints that they have been receiving at the Township office and to see what was going on, to take a look with their own eyes to see if anything had to be pursued at that point, but she left after being advised that it was a private party.

41. Ms. Smith clarified there was one silver car parked on the roadway. She did not recall seeing anyone directing traffic at the end of the driveway at that time. She thinks that the Cronce's came up from their home area out through the wooded area in front of their property to approach the vehicle, but she does not remember seeing anyone else. She only observed people located on the Cronce farm. As a Township official, her concern was that there was a lot of activity on that road, the type of activity taking place was kind of out of the ordinary for the area and new territory for her to be observing, and so she brought it back to the governing body as to what was taking place and that is when the Township Zoning Officer was asked to follow up.

42. In response to Board questions, Ms. Smith stated she did not know whether parking was permitted on Esposito Road and she would have to look through the code book to see what parking regulations are on that street. She was there in the early afternoon. Ms. Smith did not ask the Cronce's if they could enter the property and she had no intent to go onto the property.

43. In response to public questions, Ms. Smith confirmed not all of the complaints were from Ms. Carlin-Wilkens. No complaints were received from the Elementary School.

44. The matter was opened to the public to provide testimony and evidence. Sworn testimony under oath was received from Patricia Carlin-Wilkens, Esposito Road, Harmony Township. Ms. Wilkens read her letter submitted to the Board into testimony. Ms. Carlin was concerned about the traffic on the road, she has the traffic coming in from the horse farm and problems with trespassing by their customers. She stated that the letter that she gave the Board was concerned with traffic safety on Esposito Road was a one lane dead end road and that it ends at her Equestrian farm. At one time, Esposito Road connected to River Road and GPS brings attendees to her front gate 200 feet up the driveway from River Road and festival attendees try to open her gate and it happened last year on 9/12. She stated that her liability insurance does not cover festival attendees, only her customers who board their horses with her. She is concerned that the first person bitten by one of the horses will entail a lawsuit. Her customers do not want anyone touching their horses unless it is an emergency situation. Her customers must use Esposito Road for horse trailers because the sight distance on River Road is dangerous due to the hill to the left of her driveway and the drivers cannot see anyone until it is too late. She has been on her property since 2008 and the Cronces moved in around 2012 and the festival has been going on since then. It has gotten bigger every year. Ms. Wilkens stated that she was required to do a traffic

study for Esposito Road because of 30 horse stalls in her barn in which she rents out. Her neighbor, Dennis Kardos, thought that the road could not handle the increased traffic. She did the traffic study for 30 horse trailers and the festival attendees are in the hundreds as in the 2018 festival. She stated that the zoning officer, Joe Rossi, saw no less than 200 people and left the property immediately because the festival was in progress. The festival and the sale of animals has been going on since 2012. The traffic on her farm, to operate it as a commercial business on a residential road, where she obtained a variance to open a horse farm and conduct her business. She stated that she has roll off containers to recycle the manure to Down to Earth farms that complies with the Warren County Board of Health Manure Plan. She has approximately 30 horses and 1,500 pounds of manure a day that goes into containers. Tractor trailers come in to remove and transport the 30,000 bushels of soybeans and grain bins that are now leased to Down to Earth farms. Tractor trailers deliver the shavings, flat bed trailers deliver round bales of hay. There are three deliveries or more a week of hay. Garbage pickup is once a week. Ms. Wilkens stated that she did a site plan, worked with the Township Engineer to build a barn, a riding arena, a parking lot, a retention pond. She moved into that area, did not come to this Board, she notified her neighbors about her intentions and some people were not happy. Dennis Kardos has small children at the time and was concerned for their safety with all of the increased traffic to her property and the possibility of a horse getting loose and hurting his kids. Ms. Wilkens respectfully asked the WC Department of Land Preservation to inspect the road and they did.

45. She stated that she personally thinks that a festival of this size that has the ability to continue growing should be held in a venue that can handle hundreds of people with bathroom accommodations and bigger parking areas. She stated it would make more sense to have the festival at the Warren County Fairground or the Township park. She has had concerns in the past with the Board of Health, because she stated 25-30% of the animal that is slaughtered is waste. She is a farm girl from a dairy farm in Pennsylvania. She stated that a lot of her customers were unhappy as at one point, a lot of animals after the slaughtering, were hanging on metal bars. A lot of her customers are unhappy, they complain to her or to Sachi McDowell, barn manager. She stated that she has no problem with the people that go there or their religion. Her customers are like the United Nations and does not want to be accused of prejudice. She thinks that it is terrible to bring up religion, as she is married to a Jew. She has customers that have legitimate concerns. She stated that at the last event she lost her temper from people being on her property, they (the Cronces) came out screaming at her and called the State Police to arrest her (Ms. Carlin-Wilkens). Mrs. Cronce's son gave her the finger the other day; she does not want a war on that street. She stated that the State Police are tired of this, that the Harmony Township Zoning should do its job; they (the police) are called out to keep the peace, not to decide zoning issues. Mr. Gruenberg stated that the letter was marked Wilkens 1.

46. Sworn testimony under oath was received from Heather Hutchins, Port Murray. Ms. Hutchins is a friend of Mrs. Cronce and a client of hers, having received cats from her for her autistic son. During Spring Break, she brought her son to the Cronce farm and Mrs. Cronce showed her son how to deal with the horses and the sheep. She stated that there were no safety issues there and that she (Mrs. Cronce) is very blunt and to the point of what she expects of anyone on her property. She stated that her son was upset because a few cars were stopping by the driveway

while they were there and a silver SUV had gone back and forth 5 times in 20 minutes. There was a gray truck parked across the street from her property and it upset her son. Those are the only concerns that she has. They are good friends with the family and have nothing against anyone else in the neighborhood. Her son has a short attention span, but when he can identify a vehicle going slowly by a property, that is disturbing and asked if that was stalking.

47. Sworn testimony under oath was received from Sachi McDowell, Easton. She runs her business out of Mrs. Wilken's barn and has been there since 2013. It is a very nice, quiet business with about 30 customers, she said. She stated that they are very conscientious about going up and down the road, they all have children and they do ride their horses up and down that road. Ms. McDowell's concern is in the past, when the festival has taken place, even though that they have stated that you cannot see things, you can. She stated that she has had customers complain to her and has to tell her young daughter to avert her eyes when driving past. Just this last year, they witnessed a dead animal being dragged across the front lawn. She has had to warn customers to go slow and try not to look and have had visitors on a couple of different occasions. She stated that her job as managing the facility is to keep the horses safe, to keep the client's possessions safe. When people wander onto the property and up to the horses, it is not okay because there are no trespassing signs, there are private property signs up and down the road. She did approach a couple of different people on one occasion and stated that this was private property and they said, "No, no, this is a public park". She instructed them to leave as their hands were on the horses, and as Mrs. Wilkens has stated in the past, if one of these animals bites one of the festival attendees, who's to say that they are not going to get sued. She stated that they both hold insurance to try and dissuade any of that from happening. She stated that at one time, she also had someone come into the barn and asked them to leave and it made Ms. McDowell uncomfortable. This has nothing to do with race or religion, but it does make her clients uncomfortable. They don't know these people and there are a lot of small children on the farm and would like to try and keep the quiet family atmosphere. She does understand that people do get lost, but does not want people coming into the barn and onto the farm property. She stated that they have had several people come in and say that they were lost, that they don't know where to go, but this has been an ongoing thing and has seen cars parked on Esposito Road. Near the Cronce farm, the road becomes one lane. She drives a very large gray truck and goes very slow. She stated that Mrs. Cronce has been very nice to her in the past, that she has nothing against her, nothing against what they are doing, she just wants to run her business without any interruption and feels that if she has to run her business legally and responsibly, then everyone else should do so.

48. Sworn testimony under oath was received from Robert Pernini, Esposito Road. He stated that he was not happy with the SSAMP application at all, he has people knocking on his door at 6:00 in the morning on the day of the event and the event does not end until 9:30 – 10 o'clock at night and he has to listen to loud music all day long. Mr. Pernini stated that he has had Mrs. Cronce's steers trespass on his property and helped her get them back. There were men in white robes chasing the animal from 11 o'clock in the morning until about 4:30 in the afternoon until it was finally caught and its throat cut. Behind my house, alongside my house, on Mrs. Wilken's property; he doesn't want to live that way, he doesn't know who these people are.

49. Sworn testimony under oath was received from Katie Tolkacz, Washington. Ms. Tolkacz stated that if this festival continues, her biggest concern was that it should be stated somewhere that the Elementary School receives notification so that parents are aware that this is taking place. She stated that she does not need people running around that area with weapons or knives and slitting throats of animals on properties anywhere. She stated that there is an Elementary School within a quarter of a mile around the corner. We can't live like this. We cannot have this in our town. If this is so innocent, this festival, then why isn't the whole town notified? We have to look out for our children.

50. Sworn testimony under oath was received from Raymond Raub, Harmony & Lopatcong Township. Mr. Raub stated that the Ag Board has a big problem here and ag anymore is painted with a wide brush. Everybody wants to put it under ag. He stated that he thinks the Board should think about when that animal becomes another person's animal and not agriculture. He stated that in the State of New Jersey, when an animal is slaughtered, it belongs to the producer until it is slaughtered; once it is slaughtered, it belongs to the other person unless you have USDA certified on that part. He believes that Board should have the answer to where ag stops and where you sell animals.

51. Sworn testimony under oath was again received from Mr. Pernini. He stated that trespassing is a problem. They've had people down behind the back of their barn. A few years ago, three young kids from the event tried to crawl underneath his fence in which a 2,600 pound bull was located in his pasture. If the bull wasn't such a docile animal, something really could have went wrong and Mrs. Cronce caught it just in time and yelled at them and then they left. The trespassing is a big problem, it is not a contained event.

52. Sworn testimony under oath was received from Dennis Kardos, Esposito Road. Mr. Kardos referenced Wikipedia as it refers to Agritourism as it is defined most broadly, involves any agriculturally based operation or activity that brings visitors to a farm or ranch. Agritourism has different definitions in different parts of the world, and sometimes refers specifically to farm stays, includes a wide variety of activities, including buying produce direct from a farm stand, navigating a corn maze, slopping hogs, picking fruit, feeding animals, or staying at a bed and breakfast on a farm. Then he stated, that if you go to a festival on Wikipedia, a festival is an event ordinarily celebrated by a community and centering on some characteristic aspect of that community and its religion or cultures. Mr. Kardos stated that the Ag Board needed to decide if it was agriculture or festival. We have all referred to it as a festival, at the prior meeting, at this meeting, it is a festival. People are coming from everywhere, not the community, as testified by the Cronce's. New York, Pennsylvania, Connecticut, Maryland, Delaware, who knows where, so there are coming from everywhere, but the community, which is fine, but it is not agriculture. Mr. Kardos stated that they testified last time that school buses are not brought in. He stated that his wife was bringing her children to the bus stop and got ran off the road by a school bus going to their festival. He does not know what the number of people on a bus is, but he states that it is masses of people coming onto this property. If they are not being totally truthful about what is happening there, they are sugar-coating is with agritourism. He stated that basically, they are bringing animals in for the event, and making their money, which everyone has a right to, but it is not being raised there.

Agriculture should be raised for a period of time, he thinks that it is a fine line, maybe, but the Board needs to decide if bringing an animal in a month or two months before is really agriculture on that property. He stated that he did not know because he was not a farmer, but he doesn't think that it is. Mr. Kardos believes that the animal should be raised there and then sold. He stated the other issue is their plan to dispose of whatever carcasses are left, there is an odor that you would not believe coming from that property after an event. He stated that they can testify to what they want to, but his children cannot walk down the road after one of those events because of the odor emitting from their property. He stated that he has to close his windows because it is bad when the wind blows and also has to smell horse urine and manure from the horse farm, but it is not like smelling rotting flesh. He stated that it is something that the people on that road have to live with. If the Board decides that it is agriculture and the festival has to go. He believes that a decision should be made by the Township, he would like to see the proper permits and have them adhere to state laws.

53. Sworn testimony under oath was received from Greg Petty, Harmony Township. Mr. Petty testified that he has a small farm up on Marble Hill Road and questioned whether he could just buy a steer and everyone can come to his party and he will charge people to buy a piece of that steer and he can do anything that he wants, put up bouncy houses, have carnival rides? He believes it can get out of hand. He stated that the decision made by the Board will snowball down the road. He stated that if you are running an illegal butcher shop, you are running an illegal butcher shop. It is what it is, let's not sugar coat it with something that it isn't. Mr. Petty asked whether you are making money from animals that you did not raise or charging admission, is there really a difference?

54. Sworn testimony under oath was received Julia Sudylo, Phillipsburg. She claimed that she goes down the road three or four times a day because she helps Mrs. Wilkens with her horses and her animals. She stated on one occasion, she was on Esposito Road trying to make it to the Equestrian Center and spent a good 20 minutes behind 3 charter buses and several cars, one had a Florida license plate, one had a Connecticut license plate. The charter bus in front of her got tired of waiting and people started to walk up the road and one of the children approached Mr. Pernini's bull and now, by this time, three busloads of people are now walking down this road. She stated the bull came over and the child wanted to touch that bull and the fence is electric, but the bull has broken the fence several times. She thought how was she going to jump out of her car and prevent that bull from goring the kid. She stated that Mr. Pernini has a right to have that bull, but he had to move it to someone else's property over safety concerns from this event. Mr. Pernini lives exactly across from Mrs. Cronce. She stated that Mrs. Cronce said that everyone brings their own cutlery and that they are walking on the road and there is a school located down the road. Ms. Sudylo stated that everyone is nice until they have a bad day and they are walking around with cutlery, butcher knives, and thinks that it is wrong and that a town permit should be required. She stated that she believes the town should be allowed to dictate how many people can be on a property. She stated that if Mrs. Wilkens needed a site and traffic study, why can't Mrs. Cronce also? She was concerned if the road could handle that type of traffic. Ms. Sudylo stated that she did not think that this event was the scope of ag, but that it was more for the Township. It is a burden on the fire department, it is a burden on the neighbors. Could an ambulance make it up to

the Equestrian Center during the event with all that traffic if there was an accident with a horse? She stated that she did not think so because you could only fit one and a half cars on that road.

55. After closing statements by the Attorneys, Mr. Baduini made a motion to continue the deliberation at the June 20, 2019 meeting because of the late hour. Mrs. Watters seconded the motion. Mr. Dempski stated that he would like to see the hearing completed tonight so as not to drag the public out again and because we are getting into the busy season for the Board. Mr. Burke stated that he would like to get it done tonight unless someone would like to go home and reread the notes and rethink everything.

Roll Call: Mr. Schnetzer – no; Mr. Bodine – no; Mr. Baduini – no; Mr. Burke – no; Mr. Dempski – no; Mrs. Watters – no. Motion fails.

56. Mr. Burke made a motion to approve Cronic's event as an accepted AMP with conditions previously stated. Mr. Dempski seconded the motion.

After deliberations by the Board, Roll Call: Mr. Schnetzer – no; Mr. Bodine – no; Mr. Baduini – no; Mr. Burke – yes; Mr. Dempski – no; Mrs. Watters – no. Motion fails.

CONCLUSIONS:

1. A majority of the Board concludes after having heard the testimony and argument of the applicant and its witnesses, the testimony and argument of the township and its witnesses, and the testimony and argument of the public, that the applicant failed to meet its burden of proof that the proposed operation conforms to Agricultural Management Practice for On-Farm Direct Marketing Facilities, Activities, and Events, N.J.A.C. 2:76-2A.13 and/or a Site Specific Agricultural Management Practice.

2. Concerns regarding the practices engaged in and proposed by the applicant include, but are not limited to the following:

A. A significant portion of the animals that are slaughtered on site are not actually raised on site but rather brought in for sale shortly before the event. The applicant failed to establish compliance with the following definition:

"Agricultural output of a commercial farm" means the items specified in N.J.S.A. 4:1C- 9.a that a commercial farm produces and the value-added or processed products produced from those items, provided that the primary and predominant ingredients used to produce such products are **grown or raised by the commercial farm**. (emphasis added)

The Board finds that the animals slaughtered as part of the event are on site for such a short period of time so as not to be considered "grown or raised by the commercial farm."

B The applicant could not establish that the "slaughtering" and "animal sacrifice" event meets the kind of activities recognized as constituting "Farm-based recreational activities". The proposed self slaughtering, animal sacrifice and consumption is not the type of activity that constitutes a "farm based recreational activity" within the meaning of the code provisions. A "farm based recreational activity" is defined as:

". . . recreational offerings that are uniquely suited to occurring on a farm and also may include common outdoor recreation activities that are compatible with the agricultural use of the farm, where such offerings and activities are related to marketing the agricultural or horticultural output of the commercial farm. Such activities are accessory to, and serve to increase, the direct-market sales of the agricultural output of the commercial farm by enhancing the experience of purchasing agriculture products for the purpose of attracting customers to the commercial farm. Examples of farm-based recreational activities uniquely suited to occurring on a farm may include, but are not limited to: corn, sunflower, and other crop mazes; hayrides and wagon rides; agricultural animal display or petting areas; farm tours; horseback riding; pony rides; and tractor pulls. Examples of farm-based recreational activities considered common outdoor recreation activities that are compatible with the agricultural use of the farm include, but are not limited to: hiking; bird watching; sleigh rides; hunting and fishing; and bonfires. Activities and related infrastructure not considered farm-based recreational activities include, but are not limited to: athletic fields; paintball; go-karting and other similar racetracks; carnival-type amusement rides; and the flying of hobby, private, or commercial aircraft." N.J.A.C. 2:76-2A.13

The Board finds that animal slaughtering and sacrifice by groups and individuals not employed by the farm are not the type of recreational activities contemplated or authorized under the Right to Farm Act or On-Farm Direct Marketing Facilities, Activities, and Events, N.J.A.C. 2:76-2A.13.

C. A significant portion of animals are brought on site 30-60 days prior to the slaughtering. The applicant could not certify that these animals have not received any medications including, but not limited to antibiotics but merely relied upon the "word" of whoever she is purchasing the animals from. The time period on site is insufficient to ensure that all animals sold have had a sufficient withdrawal period for any medications given.

D. The applicant provided insufficient evidence that the animals were inspected and the slaughtering procedures and methods employed were appropriate and supervised.

E. The applicant failed to provide sufficient evidence that the events are appropriately supervised by anyone other than the attendees. Essentially, the events are self regulated by those who attend, with Mrs. Cronce and her husband the only individuals from the farm involved in supervision of over 150 families.

F. The evidence establishes that the existing signage is inadequate to identify the event and direct traffic. While the applicant agreed to work with the township and neighbors, no signage plan was provided and there is no guarantee that such a plan will be implemented or sufficient.

G. Even though the applicant provided testimony that some activities may take place during early morning or evening hours, no lighting plan was discussed or provided.

H. Board members were particularly concerned with the husbandry techniques observed during the site inspection. Board members witnessed malnourished animals that were not being provided adequate nutrition, shelter and care. Board members found the applicant's testimony that she had "run out of alfalfa" and that she didn't want to let the animals out into pasture because they might slip and fall lacked credibility. Board members observed animals that were being fed low quality hay and were not provided any supplemental grain. The hay being provided to the animals is not analyzed by the applicant and her testimony that "she believes that the person that she buys them from has had the hay analyzed and he told her that at one point in time" is of great concern. Board members did not find credible Ms. Cronce's testimony that the reason she hadn't let the animals into pasture rather than feed low quality hay was due to the wetness. In sum, based upon observations in the field, and the applicant knowing that an inspection was taking place, Board members found that the applicant lacked the husbandry skills to conduct the activities and event contemplated and the practices employed are not accepted Agricultural Management Practices.

I. The Applicant did not sufficiently demonstrate that the operation does not pose a direct threat to public health, safety and welfare. In addition to the above concerns, the Applicant failed to adequately address the following concerns of the Board:

- i) Selling animals to consumers for immediate consumption without first verifying whether animals had been treated with antibiotics and withdrawn from treatment for the appropriate time period immediately preceding sale for consumption;
- ii) Allowing open burning throughout the property without an adequate fire safety plan.
- iii) A history of failing to maintain animals on site.
- iv) History of failing to adequately provide signage and direction to event attendees to prevent harassment and trespassing on neighbors' properties.

J. For the reasons set forth above, the Applicant is not eligible for protection under the Right to Farm Act because it has not met the requirements of N.J.S.A. 4:1C-9.

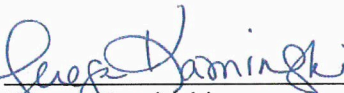
NOW, THEREFORE BE IT RESOLVED, that based upon the foregoing, the application for certification that the proposed operation conforms to Agricultural Management Practice for On-Farm Direct Marketing Facilities, Activities, and Events, N.J.A.C. 2:76-2A.13 and/or a Site Specific Agricultural Management Practice be, and the same, is hereby DENIED.

BE IT FURTHER RESOLVED, that the Board shall forward a copy of its written decision of the SSAMP Resolution to the Monique Cronce Farm (Theodore and Carol Monique Cronce, applicant), the Township of Harmony, 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. Bodine – yes; Mr. Baduini – yes; Mr. Dempksi – yes;
Mrs. Watters – 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 July 25, 2019 to memorialize the Board's action on April 30, 2019 denying the Cronic application."



Teresa Kaminski