

Decision of the Hunterdon County Agricultural Development Board

**Regarding the Matter of Franklin Township
and
David den Hollander, Garden State Growers and Quaker Valley Farms**

Procedural History

On May 13, 2003, the Hunterdon County Agriculture Development Board (referred to as the "CADB" or the "Board") adopted a Resolution memorializing its decision in connection with a Right to Farm dispute initiated by the Township of Franklin (referred to as the "Township"). (Item 1) The dispute was based upon an application that was filed November 6, 2002 for a determination involving actions of David den Hollander, Garden State Growers and Quaker Valley Farms (referred to as "the Farmer"). The dispute involved Block 37, Lot 35; Block 37, lot 31.04; and Block 37, Lot 42 in Franklin Township, Hunterdon County, New Jersey.

According to the 2003 Resolution, "The complaint arose out of the proposed construction by Garden State Growers of a 103,968 sq. ft. greenhouse." The 2003 Resolution established conditions which needed to be met by the Farmer in order to obtain a permit for construction.

The Farmer disagreed with the determination in the 2003 Resolution and filed an appeal with the State Agriculture Development Committee (referred to as "SADC"). The SADC referred the matter to the Office of Administrative Law, where it was assigned an OAL Docket Number ADC 6451 -- 03. The appeal was initially assigned to mediation by the Office of Administrative Law. Franklin Township and the Farmer participated in the mediation. Efforts at mediation did not result in a resolution. The matter was scheduled for hearing by the Office of Administrative Law. On June 27, 2007 the Farmer withdrew its appeal (Item 2). The Farmer indicated that it was willing to accept all of the terms of the May 13, 2003 Resolution but sought a determination by the CADB of the issues (which the Farmer referred to as "infiltration" issues) set forth in paragraph 4 of the Resolution (Page 7). Paragraph 4 of the Resolution

indicated that the Farmer was to cooperate with the Township in an attempt to reach an agreement in regard to the Recharge Protection Plan. The Resolution further provided:

"The CADB determines that Garden State Growers shall provide a Plan with sufficient information to the Township Engineer, which plan shall be reviewed and negotiated with the Applicant within thirty (30) days of submission. If agreement is not reached within (thirty) 30 days, the CADB retains jurisdiction to make a determination concerning the sufficiency of the Plan."

The Farmer sought an assurance that the County Engineer would be available to provide technical assistance to the CADB when the matter was reconsidered.

On April 2, 2008 Franklin Township filed a request with the CADB that it adopt a Resolution that would authorize the Township to enforce the terms of the 2003 Resolution by determining that the Farmer had lost its Right to Farm protection. At its meeting of April 10, 2008, the CADB determined that it would not make a decision which would effect the Farmer's Right to Farm protection without providing the Farmer with a hearing and an opportunity to be heard. Therefore, the request of Franklin Township for such immediate relief was denied. The CADB indicated that a hearing date would be established.

Franklin Township then made an oral application that the CADB issue an injunction to prohibit the Farmer from undertaking any further activity on the farm until the hearing was conducted. The CADB determined that it did not have legal authority to issue an injunction. The Board determined that authority to issue an injunction rested only with the courts.

At its meeting of April 10, 2008, the CADB determined that it would establish a hearing date of Thursday, April 24th at 8 p.m. to hear any requests of the Township of Franklin in regard to the 2003 Resolution and to resolve the June 27, 2007 request of the Farmer for an interpretation under paragraph 4 of the Resolution.

On April 18, 2008 the CADB directed the parties to submit certain documentation and information prior to the hearing. Neither Franklin Township nor the Farmer complied fully with the

CADB's directives. In a letter dated April 17, 2008, but received by the CADB on April 21, 2008 (Item 4) Franklin Township filed two Right to Farm applications (Item 4). One dealt with Block 49, lot 15, a property not covered by the 2003 Resolution. The other covered block 37 lots 35, 31.04, and 42 (lots covered by the 2003 Resolution) and also lot 38.01.

Both parties were advised that the Farmer's request of June 27, 2007 as well as Franklin Township's two Right to Farm petitions would be heard commencing on April 24, 2008.

Both parties filed supplemental information with the Board as reflected in the Index of Submissions attached.

Preliminary Matters

1. In a letter dated April 23, 2008, Franklin Township raised an issue of potential conflict of interest (Item 7). The Township asserted: A) that two members of the Board who were Franklin Township residents should recuse themselves from participation; B) that counsel for the CADB, Gaetano M. De Sapio, should recuse himself in that as County Counsel, he represents the County in connection with pending litigation in the Superior Court in which the Farmer was a defendant.

2. In a letter dated April 24, 2008 (Item 11) the Farmer indicated that the entire CADB was prohibited from hearing the case for the reasons set forth in the letter. 3. The Farmer also indicated that it would not be attending the April 24th meeting. In a letter dated April 24, 2008 (Item 12) the CADB notified the Farmer that the CADB controlled its own agenda and would be prepared to proceed to hear the preliminary issues raised by the parties.

4. In a letter dated April 24, 2008 (Item 8) Franklin Township contended that the SADC had already determined that the Farmer had lost its Right to Farm protection and that there was nothing further for the CADB to determine.

The CADB requested additional information from all parties concerning these various legal issues.

At its meeting on April 24, 2008 the CADB determined as follows:

1. Board members Susan Blew and Paul Dahan would recuse themselves from participating in the proceedings at the request of Franklin Township.
2. After reviewing the material submitted, it was determined that there were no circumstances which would disqualify the Board's attorney, Gaetano M. De Sapio, from representing the Board.
3. The Board reviewed the Farmer's written presentations and arguments that the entire Board was disqualified from hearing the matter. The Board determined that it had jurisdiction and was not disqualified from continuing with the proceeding.

The basis for these CADB decisions is reflected in the transcript of the April 24, 2008 meeting.

At the meeting of April 24, 2008 the CADB took testimony from Franklin Township's witnesses. The Farmer did not appear, nor did any representative attend on the Farmer's behalf.

The Board scheduled a special meeting for Thursday, May 15, 2008 at 8 p.m. to continue the hearing in regard to Franklin Township's two Right to Farm complaints and the Farmer's request for determination pursuant to paragraph 4 of the Resolution of May 13, 2003.

In a letter dated May 2, 2008 (Item 20), the CADB notified the Farmer's attorney of these determinations. The Board also indicated:

“The Board has scheduled a special meeting for Thursday, May 15 at 8 p.m. to continue this hearing and start the second one. It would be appropriate for you and your client to appear and participate.

At the meeting on the 15th, the Board will also review your client's request for a determination under Paragraph 4 of the Resolution of May 13, 2003. If you fail to appear and provide a presentation, the Board may proceed to make its own independent findings or may elect to dismiss your client's request without prejudice.”

In anticipation of the May 15, 2008 hearing both parties were directed to provide additional information to the Board and its professionals. The requests are reflected in various Items of correspondence which are part of the record.

Specifically both parties were asked to comment on the meaning of the 2003 Resolution. Questions which the CADB had identified needed to be resolved was:

A. Were the terms of the Resolution applicable to the Farmers' operation in any and all respects?; or,

B. Were the conditions designated by the Resolution only to be complied with by the Farmer when and if, the Farmer sought a permit for the construction of the proposed greenhouse. (Item 26, Item 27)

In a letter dated May 15, 2008 (Item 41) Franklin Township took the position that the Farmer had "defaulted" in connection with the preceding and therefore a ruling should be made that the Farmer and his affiliated businesses were no longer the beneficiaries of any Site Specific Agricultural Management Practice approved by the Board. The CADB determined that it would be inappropriate to render any decision without hearing a presentation by the requester and making findings of fact based upon a record.

At the meeting of May 15, 2008 attorneys for both Franklin Township and the Farmer appeared. Both requested the opportunity to speak privately prior to the proceeding continuing. They jointly requested that the hearing be adjourned to provide the parties with an opportunity to conduct settlement discussions. The CADB established Thursday, May 29, 2008 at 8 p.m. to continue the hearing. Prior to the May 29th hearing date, both parties requested an additional adjournment and the Board agreed to schedule a special meeting for June 19, 2008. Based upon the request of both parties the matter was further adjourned to Thursday, July 17, 2008 at 8 p.m. Both parties again requested an adjournment without fixing a new hearing date.

On August 1, 2008 (Item 47) the Township requested that a hearing date be rescheduled in September. The hearing was scheduled for Thursday, September 18, 2008.

Findings

The actions and inactions of both Franklin Township and the Farmer have made it difficult for the CADB to fulfill its statutory responsibilities. Both parties waited essentially four years after the resolution was adopted to petition the CADB for relief. The CADB asked the assistance of the parties prior to the hearing in narrowing the issues and specifying what had been completed or accomplished and, or, furnished pursuant to the conditions of the Resolution and what Items remained open. Both parties failed to be specific in this regard prior to the hearing. Franklin Township contended that essentially very few, if any, of the terms of the Resolution had been complied with. In written submissions by its attorney, the Farmer contended that it complied with most of the conditions and further that it could complete the remaining conditions after the CADB made a ruling in regard to the dispute in connection with paragraph 4 of the 2003 Resolution. However, although it articulated that position in writing, the Farmer failed or refused to furnish copies of any documents which would substantiate these written representations. Either the documents existed or they did not. Based upon the failure of the Farmer to present copies of any documents during the course of the administrative proceeding, the CADB had no choice but to adopt as credible the statements made under oath of Franklin Township's witness at the hearing that the documents were never presented nor completed. The CADB's efforts to examine this question were frustrated and complicated by the refusal of the Farmer to participate in one of the hearing dates and the failure to provide testimony at the other.

In addition, although the Farmer sought intervention or an interpretation by the CADB in regard to the Recharge Protection Plan and the related issues included in paragraph 4 of the Resolution, the Farmer did not present any documentation or testimony on the issue for the Board to make a determination.

Based upon the record before it, the CADB can only find that the conditions set forth in the 2003 Resolution had not been met.

Effect of the Factual Determination

The CADB must therefore determine the meaning, and the impact of its determination that the Farmer has not yet met the conditions of the 2003 Resolution. The Farmer contends that the conditions only needed to be met as a condition precedent to the issuance of a building permit for the 103,968 sq. ft. greenhouse. The Farmer's position is that since it has not yet sought the permit that the failure to meet the conditions of the Resolution have no practical effect. Franklin Township on the other hand contends that the conditions apply to the Farmers' operation generally and they constituted in effect, a Site Specific Management Practice which was to govern the Farmer's entire activity on the Farm site, irrespective of whether the greenhouse was ever built, or a building permit was ever applied for. The determination of this issue revolves around what the CADB actually was considering when it conducted its hearings in 2003 and adopted the May 13, 2003 resolution.

The farmer supplied a letter dated November 26, 2002 (Item G. 50) to the then CADB administrator from the SADC's Executive Director. The letter indicates in pertinent part:

"Upon review of this application, however, it is apparent that the Township of Franklin has not filed a complaint, but has responded to Garden State Growers' request for permits to construct a greenhouse. The Township's application explains that Garden State Growers has requested permits to construct a greenhouse, and that the Township is seeking a determination as to whether Garden State Growers is entitled to the protections of the Right to Farm Act. Susan Rubright, Esq., attorney for Franklin Township confirmed with the SADC that the Township is indeed seeking a determination as to whether the greenhouse proposed by Garden State Growers qualifies for the protection of the Act.

Typically, such an application is made by the farm operation s a request to the appropriate CADB for a "site specific agricultural management practice recommendation." A complaint, on the other hand, is filed when a person is "aggrieved by the operation of a commercial farm." N.J.S.A. 4:1C-10.1a. In this matter, Franklin Township has not expressed any grievance with Garden State Growers and does not allege that Garden State Growers has violated any zoning regulations or ordinances.

Accordingly, the Application should be treated as a request for a site-specific agricultural management practice recommendation with respect to the proposed greenhouse, and handled by the Hunterdon CADB."

A copy of the letter was furnished to Franklin Township's attorney in 2003.

The 2003 Resolution on its face indicates in various places that the CADB was considering issues solely related to the construction of the greenhouse.

The section of Paragraph 2 on page 1 contains the following language:

"Succinctly stated, the complaint arose out of the proposed construction by Garden State Growers of a 103,968 sq. ft. green house."

The Resolution noted, on page 2, that Franklin was to furnish its zoning ordinance to the Farmer and the Farmer "was to inform the CADB of the extent to which its proposed construction of a green house did not comply with the Township's zoning requirements."

The Resolution recited on page 2:

"As a result of the review of the Township zoning requirements, Garden State Growers informed the CADB that the only issue in dispute in connection with the construction of the green house was the fact that after its erection the proposed greenhouse would exceed the impervious coverage limitations as contained in the Franklin Township Zoning Ordinance. The Township agreed with this assessment by Garden State Growers"

The Resolution further recited on page 2:

"The Township represented that although it may have other complaints in connection with Garden State Growers' operation, that it did not seek a review of those issues at this time. The Township would seek to present those complaints after the CADB's determination in regard to the present dispute"

(The Board notes that since 2003, Franklin Township has not filed any additional complaints with the CADB. The only complaint that this CADB received since the 5/13/03 Resolution was the present complaint to determine that the Resolution has not been complied with).

Finally, in the operative section of the Resolution (page 5) the CADB in 2003 determined as follows:

"In order for Garden State Growers to proceed with the construction of the proposed greenhouse, it must meet the following conditions."

Based upon a reasonable interpretation of the Resolution and the record that existed at the time, the CADB presently confirms that the conditions imposed in 2003 Resolution were imposed solely as standards which had to be met by the Farmer in order to obtain a building permit for the greenhouse.

That being the case, the Resolution is in effect self enforcing. Since the Farmer has not met the conditions of this Resolution, the Farmer does not get the building permit it seeks. If Franklin Township has other complaints about the Farmer's operations on the site, Franklin Township must file Right to Farm dispute complaints with this Board indicating specifically the nature of the concerns. The Board will hold a hearing, as appropriate, in connection with any filing.

There was some suggestion that the Farmer had performed construction or other work on the site related to the green house without necessary permits and local approvals and that Franklin Township delayed enforcement of the ordinance based upon the CADB Site-Specific Management Practice determination contained in the 2003 Resolution. If that is the case, the CADB determines that Franklin Township is not banned from bringing enforcement action or making applications for other appropriate judicial relief for the purposes of enforcing its ordinance(s) in connection with any alleged improvements to the site, (related to the erection of the greenhouse) which the farmer may have constructed or erected without obtaining the applicable permits or approvals. The CADB determines that the Farmer has lost Right to Farm protection in regard to any activities related to the green house construction.

Determinations

Therefore the CADB determined by Resolution at its meeting of September 18, 2008:

1. That the Farmer has failed to comply with the conditions imposed in the Board's May 13, 2003 Resolution.
2. That the Resolution imposed conditions which were solely conditions precedent which the Farmer had to meet in order to obtain a building permit for a proposed 103,968 sq. ft. green house

on the Farmer's property. The Board made no determination concerning the balance of the Farmer's operations.

3. That sufficient time has passed for the Farmer to meet the conditions incorporated in the 2003 Resolution. Therefore the Farmer has lost Right to Farm protection in connection with the construction of the proposed green house and any improvements associated with it. The Township of Franklin is free to commence any legal action it deems appropriate to enforce any ordinances related to the construction of any improvements which have been erected on this site in connection with the proposed construction.

4. Since the Farmer made no presentation in regard to paragraph 4 of the Resolution, its request dated June 27, 2007 for an interpretation of that section is denied without prejudice.

5. Franklin Township offered no presentation or testimony concerning any complaints in regard to the operation of the Farmer on the site. Therefore, any further relief which Franklin may have mentioned at any time in the preceding or sought in its Right to Farm complaint is denied without prejudice.

6. Franklin Township made no presentation or expressed any intent to proceed in regard to its Right to Farm dispute application in connection with Block 49 Lot 15. Therefore the requests mentioned in that application are denied without prejudice.

7. Both parties remain free to file any petition or application with the CADB in connection with any matter over which this Board has jurisdiction.

This determination, the transcripts, the exhibits, and Items comprising the record shall be forwarded to the State Agriculture Development Committee within 30 days, pursuant to N.J.A.C. 2:76 - 2.3 (e).

Any person aggrieved by this decision can appeal to the State Agriculture Development Committee pursuant to N.J.A.C. 2:76 - 2.3 (f).

This written decision memorializes the factual and legal basis for the Board's determination in a Resolution adopted September 18, 2008. This decision is dated November 13, 2008.

ITEMS COMPRISING THE RECORD

1. Executed CADB Resolution dated May 13, 2003.
2. Letter from Robert P. Merenich, Esq. to the Honorable Jeff S. Martin, ALJ dated June 27, 2007 confirming the withdrawal of the Appeal by Garden State Growers.
3. Letter from Gaetano M. De Sapio, Esq. to Robert P. Merenich, Esq. and William J. Caldwell, Esq. dated April 18, 2008 outlining the procedures for the hearings at the Special Meeting of the CADB on April 24, 2008.
4. Letter from William J. Caldwell, Esq. to William Millette, Administrator, CADB submitting a Right to Farm Application for Block 49, Lot 15 in Franklin Township and a Right to Farm Application for Block 37, Lots 35, 31.04, 42 and 38.01 in the Township of Franklin, together with the enclosures mentioned therein.
5. Letter from Robert P. Merenich, Esq. dated April 22, 2008 to the Hunterdon CADB regarding Franklin Township's request to seek enforcement of the CADB's 2003 Resolution, together with enclosure.
6. Letter from Robert P. Merenich, Esq. dated April 22, 2008 to the Hunterdon CADB regarding the Right to Farm application of Franklin Township for Block 37, Lots 35, 31.04, 42 and 38.01.
7. Letter from William J. Caldwell, Esq. dated April 23, 2008 to Gaetano M. De Sapio, Esq. setting forth concerns of conflict of interest.
8. Letter from William J. Caldwell to Gaetano M. De Sapio, Esq. dated April 24, 2008 indicating his position that landowner has lost Right to Farm protection enclosing a copy of a letter from Susan Craft at the SADC to Dan and Marty Campanelli dated April 16, 2008.

9. Letter from Gaetano M. De Sapio, Esq. to William J. Caldwell, Esq. dated April 24, 2008 in response to William Caldwell's April 24th letter requesting supporting documents of potential conflicts.
10. Letter from Gaetano M. De Sapio, Esq. to Robert P. Merenich, Esq. and William J. Caldwell, Esq. dated April 24, 2008 concerning potential CADB conflicts and hearing of those issues first at the meeting.
11. Letter from Robert P. Merenich, Esq. to Hunterdon CADB dated April 24, 2008 regarding conflict for matter to be heard by the CADB.
12. Letter from Gaetano M. De Sapio, Esq. to Robert P. Merenich, Esq. dated April 24, 2008 regarding appearance at April 24th hearing.
13. Letter from Robert P. Merenich, Esq. dated April 24, 2008 to Hunterdon CADB in response to William Caldwell Esq.'s letter of April 24, 2008 enclosing the SADC's April 14, 2008 letter.
14. Letter from Robert P. Merenich, Esq. to the Hunterdon CADB dated April 24, 2008 requesting matter be sent to the SADC and questioning CADB conflict to hear the matter.
- F15. "PROPOSED GUTTER CONNECTED GREENHOUSE BUILD-OUT" plat dated 9/11/06, drawing number 1 of 1, RT Environmental Services, Inc.
- F16. "NARRATIVE HISTORY CHAPTER 251 PLANS" plat dated 12/5/05, drawing number 2 of 5, RT Environmental Services, Inc.
- F16A. "Narrative History Chapter 251 Plans – 10 Year Storm" spreadsheet undated (submitted at September 18, 2008 special CADB meeting)
- F16B. "Narrative History Plan Summary vs. Drainage Report – 10 Year Storm Event" spreadsheet undated (submitted at September 18, 2008 special CADB meeting)
- F17. "Aerial Photograph for David Den Hollander Quaker Valley Farms, Block 37, Lots 31.04, 35, & 42" plat dated March 16, 2007, sheet number 1 of 1, Maser Consulting, P.A.
- F18. "PROPOSED GUTTER CONNECTED GREENHOUSE BUILD-OUT INFILTRATION TRENCHES SHOWN" plat dated 12/5/05, drawing number 1 of 5, RT Environmental services, Inc.
19. Letter from William J. Caldwell, Esq. to Gaetano M. De Sapio, Esq. dated April 25, 2008 objecting to the Board's failure to address his request for relief.
20. Letter from Gaetano M. De Sapio, Esq. dated May 2, 2008 to Robert P. Merenich, Esq. advising of the results of the April 24th hearing and advising of the continuation of the hearing scheduled for May 15, 2008.
21. Letter from Gaetano M. De Sapio, Esq. dated May 2, 2008 to Robert P. Merenich, Esq. and William J. Caldwell, Esq. renewing request in letter of April 18, 2008 for statement of analysis of resolution violations.

22. Letter from Gaetano M. De Sapio, Esq. dated May 2, 2008 to Robert P. Merenich, Esq. regarding submission of items as required in 2003 resolution.
23. Letter from Gaetano M. De Sapio, Esq. dated May 5, 2008 to Robert P. Merenich, Esq. and William J. Caldwell, Esq. sending copy of document believed to be Best Management Practices document referred to in the 2003 resolution and Index of 2003 Exhibits.
24. Letter from Gaetano M. De Sapio, Esq. dated May 5, 2008 to Robert P. Merenich, Esq. and William J. Caldwell, Esq. indicating procedures to request additional time for deadlines.
25. Letter from Gaetano M. De Sapio, Esq. dated May 5, 2008 to Robert P. Merenich, Esq. and William J. Caldwell, Esq. sending a copy of the Exhibit List from the April 24, 2008 hearing up through the end of the hearing that evening.
26. Letter from Gaetano M. De Sapio, Esq. dated May 7, 2008 to William Caldwell, Esq. setting forth interpretation of Right to Farm application concerning the 2003 resolution and requesting confirmation and clarification of items.
27. Letter from Gaetano M. De Sapio, Esq. dated May 7, 2008 to Robert P. Merenich, Esq. forwarding a copy of letter dated May 7, 2008 to William Caldwell regarding interpretation of the 2003 resolution with items to be addressed by Mr. Merenich.
28. Letter from C. Richard Roseberry, Franklin Township Engineer to Rick Steffey, Assistant Planner dated May 8, 2008 enclosing copy of 11/30/06 letter from Robert Bogart to William Caldwell, Esq.
29. Letter from Gaetano M. De Sapio, Esq. to Robert P. Merenich, Esq. and William J. Caldwell, Esq. dated May 12, 2008 sending the documents from the Soil Conservation District provided by Mr. Engisch at the Board's request regarding Farm Conservation Plan.
30. Letter from Gaetano M. De Sapio, Esq. to William J. Caldwell, Esq. dated May 12, 2008 requesting more specific information regarding the Township's complaint regarding Block 49, Lot 15.
31. Letter from William J. Caldwell, Esq. to Gaetano M. De Sapio, Esq. dated May 12, 2008 regarding: 1) the items required to be complied with by Garden State Growers in accordance with the 2003 resolution 2) position on legal issues.
32. Letter from Gaetano M. De Sapio, Esq. dated May 13, 2008 to William J. Caldwell, Esq. regarding proof that the correspondence dated November 30, 2008 was forwarded to the farmer.
33. Letter from Gaetano M. De Sapio, Esq. dated May 13, 2008 to Robert P. Merenich, Esq. sending a copy of Mr. Roseberry's May 8, 2008 letter and enclosed November 30, 2006 letter from Robert Bogart.
34. Letter from Gaetano M. De Sapio, Esq. dated May 13, 2008 to Robert P. Merenich, Esq. regarding the Court's Order remanding the matter involving Block 49, Lot 15 to the CADB.
35. Judge Harriet Derman's Order dated June 29, 2007 in the matter entitled Township of Franklin v. Quakertown Farms, L.L.C., and David Den Hollander, Docket HNT-C-14022-07.

36. Letter from Gaetano M. De Sapio, Esq. dated May 13, 2008 to William J. Caldwell regarding pleading in Superior Court matter and storm water management and legal position on jurisdiction.
37. Letter from William J. Caldwell, Esq. dated May 13, 2008 to Gaetano M. De Sapio, Esq. regarding notice to farmer of Bob Bogart's November 30, 2006 letter and deficiencies in plans.
38. Letter from William J. Caldwell, Esq. dated May 14, 2008 to Gaetano M. De Sapio, Esq. regarding stormwater management regulations and the CADB's lack of jurisdiction in the matter.
39. Letter from Robert P. Merenich, Esq. dated May 14, 2008 to HCADB with regard to the issue of stormwater management, the issue of the matter involving Block 49, Lot 15 being remanded and background information on the matter of his client being treated fairly in Hunterdon County.
40. Letter from Robert P. Merenich, Esq. to SADC dated May 15, 2008 requesting transfer of matter, and stay of proceedings.
41. Letter from William J. Caldwell, Esq. to Gaetano M. De Sapio, Esq. dated May 15, 2008 in response to Robert Merenich Esq.'s letter that Mr. den Hollander has defaulted before the CADB.
42. Letter from Robert P. Merenich, Esq. to the HCADB dated May 15, 2008 regarding the information submitted to the HCADB on October 20, 2003 and that no Right to Farm complaint was filed by Franklin Township.
43. Letter from Gaetano M. De Sapio, Esq. dated May 22, 2008 to Robert P. Merenich, Esq. and William J. Caldwell, Esq. confirming a continuation of the hearing scheduled for May 29, 2008 if matter not settled.
44. Letter from Gaetano M. De Sapio, Esq. dated May 28, 2008 to Robert P. Merenich, Esq. and William J. Caldwell, Esq. confirming adjournment of the continuation hearing scheduled for May 29, 2008 to pursue settlement discussions and setting a tentative hearing date for June 19, 2008.
45. Letter from Gaetano M. De Sapio, Esq. dated June 18, 2008 to Robert P. Merenich, Esq. and William J. Caldwell, Esq. confirming an adjournment of the continuation of the hearing scheduled for June 19, 2008 and rescheduling for July 17, 2008.
46. Letter from William J. Caldwell, Esq. to Gaetano M. De Sapio, Esq. dated July 17, 2008 regarding adjourning the hearing continuation scheduled for July 17th due to continuing settlement negotiations.
47. Letter from William J. Caldwell, Esq. to Gaetano M. De Sapio, Esq. dated August 1, 2008 requesting a reinstatement of the hearing and request for a date in September.
48. Letter from Gaetano M. De Sapio, Esq. dated August 22, 2008 to Robert P. Merenich, Esq. and William J. Caldwell, Esq. confirming the continuation hearing scheduled for September 18, 2008.
- F49. Overall Drainage Area Map prepared by Gary Brown dated December 5, 2005.

G50. Letter from Gregory Romano at the State Agriculture Development Committee to Gary Pohorely, Administrator of Hunterdon CADB dated November 26, 2002.