

ROCKAWAY TOWNSHIP  
 BOARD OF ADJUSTMENT  
 TUESDAY, MARCH 15, 2022  
 COMMENCING AT 7:30 P.M.

-----  
 IN THE MATTERS OF: ) TRANSCRIPT OF  
 RESOLUTIONS ) PROCEEDING  
 BOA #22-01 )  
 VEENSTRA )  
 22 SUNNYSIDE LANE )  
 BLOCK 40308 LOT 13 )  
 PUBLIC HEARING )  
 BOA #21-31 )  
 91 JACOBS ROAD )  
 BLOCK 40801 LOT 95 )  
 "B" VARIANCE/"C" VARIANCE/"D" )  
 VARIANCE/MINOR SITE PLAN )  
 -----

B E F O R E: ROCKAWAY TOWNSHIP BOARD OF ADJUSTMENT  
 THERE BEING PRESENT:

JASON SMOLINSKI, CHAIRMAN  
 RAY TAHAN, VICE CHAIRMAN  
 JAMES LOFTUS, SECRETARY  
 TIMOTHY SCHERWA, MEMBER  
 DOMINICK NICASTRO, MEMBER (ABSENT)  
 SUSAN ROYEK, MEMBER  
 KATEY PLATTS, MEMBER  
 ADAM LUSARDI, ALT. 1  
 MANUEL E. DEUS, ALT. 2  
 ROBIN GARCIA, ALT. 3  
 CAROL LUCAS, ALT. 4 (ABSENT)

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*LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C.*  
 201-641-1812

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1 MS. PLATTS: Here.

2 MS. KAHN: Mr. Lusardi?

3 MR. LUSARDI: Here.

4 MS. KAHN: Mr. Deus?

5 MR. DEUS: Here.

6 MS. KAHN: Ms. Garcia?

7 MS. GARCIA: Here.

8 MS. KAHN: Mr. Pryor?

9 MR. PRYOR: Here for Mr. Bell.

10 MS. KAHN: Mr. Novak?

11 MR. NOVAK: Here.

12 MS. KAHN: Mr. Ten Kate?

13 MR. TEN KATE: Here.

07:32PM

14 3. Flag Salute

07:32PM

15 CHAIRMAN SMOLINSKI: All rise.  
(At this point in the proceeding all  
16 rise for a recitation of the Pledge of  
17 Allegiance.)

07:32PM

18

19 CHAIRMAN SMOLINSKI: For all those in  
20 attendance, please take note, Christ Church is not  
21 taking a position neither in support or opposition of  
22 the applicant's application. Christ Church is simply  
23 being gracious and providing a location and the space  
24 for the public hearing. Please respect Christ Church  
25 and refrain from fighting or arguing.

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1 1. Call to Order

2 CHAIRMAN SMOLINSKI: The meeting of the  
3 Rockaway Township Board of Adjustment is called to  
4 order.

5 2. Notice to the newspapers was via email

6 CHAIRMAN SMOLINSKI: This meeting is  
7 being held pursuant to the Open Public Meetings Act.  
8 Notice has been properly posted and filed with the  
9 Municipal Clerk with the Township of Rockaway. The  
10 meeting -- and mailed to all those persons requesting  
11 notification and was provided to the City and Morris  
12 County and The Record on February 23rd, 2022. Notice  
13 was provided to the paper via e-mail. Formal action  
14 may be taken at this meeting.

15 MS. KAHN: Mr. Smolinski?

16 CHAIRMAN SMOLINSKI: Here.

17 MS. KAHN: Mr. Loftus?

18 MR. LOFTUS: Here.

19 MS. KAHN: Mr. Scherwa?

20 MR. SCHERWA: Here.

21 MS. KAHN: Mr. Tahan?

22 VICE CHAIRMAN TAHAN: Here.

23 MS. KAHN: Ms. Royek?

24 MS. ROYEK: Here.

25 MS. KAHN: Ms. Platts?

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1 Thank you.

2 4. Approval of Minutes - February 15, 2022 and  
3 March 1, 2022

4 CHAIRMAN SMOLINSKI: Okay, the first  
5 item of the meeting is approval of the minutes from  
6 February 15, 2022, and March 1st. I think we're just  
7 going to do them one at a time.

8 VICE CHAIRMAN TAHAN: I make a motion  
9 to accept.

10 MR. LOFTUS: Second.

11 MS. KAHN: Mr. Smolinski?

12 CHAIRMAN SMOLINSKI: Yes.

13 MS. KAHN: Mr. Loftus?

14 MR. LOFTUS: Yes.

15 MS. KAHN: Mr. Scherwa?

16 MR. SCHERWA: Yes.

17 MS. KAHN: Mr. Tahan?

18 VICE CHAIRMAN TAHAN: Yes.

19 MS. KAHN: Ms. Royek?

20 MS. ROYEK: Yes.

21 MS. KAHN: Ms. Platts?

22 MS. PLATTS: Yes.

23 MS. KAHN: Mr. Lusardi?

24 MR. LUSARDI: Yes.

25 MS. KAHN: Mr. Deus?

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1 MR. DEUS: Yes.  
2 MS. KAHN: Ms. Garcia?  
3 MS. GARCIA: Should I abstain? I  
4 wasn't there.

5 MS. KAHN: Okay.  
6 Approved.

7 5. Correspondence

8 CHAIRMAN SMOLINSKI: I just want to  
9 ask, is there any correspondence.

10 MS. KAHN: No correspondence.

11 6. Open to the Public

12 CHAIRMAN SMOLINSKI: At this time, I'm  
13 going to open it to the public for any matter not on  
14 the agenda this evening.

15 Seeing none, I'll close it.

16 7. Regular Order of Business

17 8. Resolutions

18 CHAIRMAN SMOLINSKI: And I'll make note  
19 that this evening the resolution for BOA 22-01,  
20 Veenstra, is being moved to the next meeting, which  
21 is April 5th. And we'll hold the escrow resolution  
22 to the end of this week.

23 9. Committee Reports

24 10. Other Matters

25 11. Public Hearing

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1 be marked complete.  
2 And in addition to that, we have also  
3 submitted a revised site plan which incorporated  
4 several comments, questions, and additional  
5 information that were -- that was brought up at the  
6 last hearing. We have submitted that minor site plan  
7 as well.

8 CHAIRMAN SMOLINSKI: Mr. Novak?

9 MR. NOVAK: Yes, Mr. Chairman.

10 Good evening, everybody. My name is  
11 David Novak. I'm a partner with Burgis Associates.  
12 And we are the planning consultants for the Rockaway  
13 Township Zoning Board and Planning Board.

14 The board remembers at our prior meeting  
15 on February 15th, 2022, we addressed the completeness  
16 aspect of the application, and the board ultimately  
17 found that the application was incomplete. That was  
18 due to, as Mr. Rittie mentioned, the lack of interior  
19 drawings for the accessory structures onsite,  
20 particularly the stables and the barn.

21 That information has since been  
22 provided; thus, I feel like the board can proceed  
23 deeming that aspect of this application concluded.

24 One of the items that we did not  
25 address at our prior meeting regarding completeness

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1 CHAIRMAN SMOLINSKI: I don't believe we  
2 have any committee reports or any other matters, so  
3 at this juncture we're going to get right into the  
4 public meeting this evening. This is -- I want to  
5 call BOA 21-31, BEAUtiful Farms. This is a  
6 continuation for 91 Jacobs Road.

7 MR. RITTIE: Good evening.  
8 Can you hear me?

9 Good evening, ladies and gentlemen. My  
10 name is Jason Rittie. I'm a partner of the Law Firm  
11 of Einhorn, Barbarito, Frost & Botwinick in Denville.

12 As you'll recall, I am the attorney for  
13 the applicant.

14 At the last hearing, we spent much of  
15 the hearing going through completeness. Since that  
16 time, we have made additional filings to address the  
17 completeness items. And I think it would be  
18 appropriate to jump into the completeness review.

19 At the last hearing, there was an open  
20 checklist item requesting floor plans and dimensions  
21 for the various accessory structures, particularly  
22 the barns and the stable. We have provided by way of  
23 a cover letter March 4th, 2022, a series of photos as  
24 well as dimensions for those items.

25 So I believe that that item should now

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1 is a Tenancy/Minor Site Plan Checklist and  
2 Instructions for Application to the Planning Board  
3 form, which is in the application package. That  
4 includes information pertaining to the name of the  
5 tenant and the application, contacts, proposed hours  
6 of operation, nature of the work to be done on the  
7 site, a list of chemicals that will be used or stored  
8 on the site, deliveries, retail sales and operations  
9 that generate any odors or exterior noises.

10 The applicant did request waivers from  
11 some of these items, noting that they would be  
12 provided at the hearing presumably through direct  
13 testimony, specifically the proposed hours of  
14 operation, the nature of the work to be done on the  
15 site, and the delivery schedules.

16 That being said, Mr. Chairman, I would  
17 recommend the board grant those waivers, provided  
18 that these aspects of the application are discussed  
19 through direct testimony.

20 CHAIRMAN SMOLINSKI: Mr. Rittie, do you  
21 have anything to add?

22 MR. RITTIE: No.

23 I concur with Mr. Novak that those are  
24 items that are typically addressed during the time of  
25 the hearing, and particularly with this type of

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1 application where there's a number of specific uses.  
2 We will go through those in detail as to each use  
3 during the direct testimony.

4 CHAIRMAN SMOLINSKI: Okay. Do any  
5 members of the board have any questions regarding  
6 this matter? Okay.

7 Mr. Hantman, you may approach.

8 MR. HANTMAN: Mr. Chairman, I have a  
9 comment as to the submission, most particularly at  
10 this point on the site plan, which I indicated to the  
11 board in the form of a letter I hope that the board  
12 received.

13 This site plan has an amendment to it  
14 which did not exist before. There were questions  
15 that were being raised as to how this operation or  
16 how this site was going to perform and how it was  
17 going to deal with the members of the public that  
18 were supposedly coming there.

19 The applicant seems to have addressed  
20 that by a note indicating that he's putting  
21 port-a-potties on the site near the parking area.  
22 That's just not permitted, and therefore, that the  
23 site plan is incorrect. It's improper. This board  
24 doesn't even have the power to grant him that if they  
25 wanted. It's basically a state regulation as to what

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1 happening on the site, trying to find out during the  
2 application proceeding rather than knowing before you  
3 went in. Because it's almost impossible to determine  
4 what's complete and not complete unless you know  
5 what's happening.

6 But that's the recommendation I  
7 objected to before Mr. Novak made it. Counsel -- the  
8 board has to decide. I think that this board has to  
9 know what's being proposed for the site before they  
10 can make a determination of what they can and can't  
11 waive.

12 MR. PRYOR: All right. Well,  
13 Mr. Hantman, to the extent you made those objections  
14 at a previous hearing, they remain on record.

15 MR. HANTMAN: That specific objection  
16 was made on the previous record, yes.

17 This one tonight only dealt with the  
18 new site plan which was sent in on the 4th of March.

19 MR. PRYOR: Okay. Mr. Hantman, subject  
20 to any comments that Mr. Novak or Mr. Rittie may  
21 have, I think at this point Mr. Hantman has raised  
22 certain issues, but whether or not the application is  
23 in compliance with the State Code, et cetera, I think  
24 that's -- that's the reason we have to get into the  
25 hearing at some point here.

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1 temporary sanitary facilities can be, so therefore,  
2 you don't have a site plan which conforms with the  
3 law of the State of New Jersey, even with waivers  
4 being requested.

5 So I would suggest the application is  
6 not complete because the site plan is absolutely  
7 inaccurate.

8 THE COURT REPORTER: Mr. Chairman, may  
9 I have an appearance for the record?

10 MR. HANTMAN: Allen Hantman. The firm  
11 is Morris & Hantman, 64 Diamond Spring Road,  
12 Denville.

13 CHAIRMAN SMOLINSKI: Yes, Counsel.

14 MR. PRYOR: James Pryor, Counsel for  
15 this evening.

16 Mr. Hantman, as I understand it then,  
17 your objection in terms of the completeness is at  
18 this point the site plan and the issue of the  
19 port-a-potty as reflected on there, there's nothing  
20 else in terms of floor plans or anything like that?  
21 Just so we can narrow it down as to where we are.

22 MR. HANTMAN: As to the floor plan  
23 issue, as to the site plan issue, those were the two  
24 I limited it to. I had previously noted at the last  
25 meeting my objection to this waiver of what's

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1 I don't think that's actually a  
2 completeness determination. If the board thinks the  
3 application is complete, then we can proceed and the  
4 applicant can make its argument in terms of state  
5 health code regulations, et cetera. Mr. Hantman can  
6 make his argument. And obviously the board experts  
7 can weigh in as they feel is appropriate.

8 So subject to anything from the  
9 applicant or board professionals -- that's my comment  
10 on the issue.

11 MR. RITTIE: In terms of the  
12 port-a-potties, we are aware of Mr. Hampton's letter.  
13 It's not entirely accurate that the port-a-johns are  
14 not permitted uses. There's a time frame on those.

15 We have had discussions with the Health  
16 Department. We think we have come up with a solution  
17 that we testified to by Mr. Graham, our engineer.  
18 But the location of where those are proposed will  
19 remain the same.

20 CHAIRMAN SMOLINSKI: Mr. Novak.

21 MR. NOVAK: Mr. Chairman, I would offer  
22 that typically any resolution that's prepared by this  
23 board would include references to any and all outside  
24 and other approvals. So if there are additional  
25 approvals required by the State or by the Township

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1 Health Department, should any aspect of this  
2 application by approved, then that condition will be  
3 built into the resolution.

4 So I would agree with Mr. Pryor; I  
5 don't necessarily see it as a completeness item. If  
6 there's a concern that the outhouses constitute an  
7 additional D-1 use variance, the statute  
8 specifically...

9 MR. RITTIE: Mr. Novak, I'm sorry.  
10 While you're looking for that, we are not proposing  
11 an outhouse. The outhouse that is shown on the plan  
12 has been decommissioned. And I actually have an  
13 e-mail confirming that. Because my clients were  
14 cited for a summons for that previously, which has  
15 been rectified with the Health Department to confirm  
16 that the outhouse is not functioning, and we're not  
17 proposing to use that.

18 CHAIRMAN SMOLINSKI: I believe there is  
19 a handicap accessible port-a-potty shown on the plan  
20 currently that was submitted; am I correct.

21 MR. RITTIE: Yeah, two different -- I  
22 just want to make sure we're using the right  
23 terminology. A port-a-john is one thing. The  
24 outhouse is entirely different.

25 MR. NOVAK: Understood.  
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1 approval, they naturally would have to come back and  
2 address the issue. So I think, in my opinion, we're  
3 safe in moving forward.

4 CHAIRMAN SMOLINSKI: Thank you.  
5 With that, any questions from any of  
6 the board members?

7 (No Response.)

8 CHAIRMAN SMOLINSKI: Okay. At this  
9 juncture, I'm going to open it to the public specific  
10 to this topic only relative to completeness.

11 State your name.

12 MS. TEETER: Heather Teeter, 127 Jacobs  
13 Road.

14 My question has to do with the lumber  
15 crossing that they're requesting approval for. It's  
16 not shown on the map where they would do it. And the  
17 DEP has three different areas that this site is under  
18 which would require an approval by them for an a plan  
19 to be submitted so... And it really depends on where  
20 on the property they're conducting those activities.

21 So the DEP currently does not have a  
22 plan on file so...

23 CHAIRMAN SMOLINSKI: I think we'll wait  
24 until we get into the --

25 MS. TEETER: Okay. I thought that had  
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1 Getting back to the language of the  
2 Municipal Land Use Law pertaining to a D-1 use  
3 variance.

4 Again, this can be found in  
5 N.J.S.A. 40:55D. That's 7(d)(1), which is a use for  
6 a principal structure in a district restricted  
7 against use for a principal structure.

8 So the question for the board to  
9 consider is whether or not a port-a-potty would  
10 constitute a principal structure on the site, or if  
11 the principal structures on the site really pertain  
12 to the barns, stables and the structures that are  
13 generating the majority of the activity onsite.

14 I would you view a port-a-john or a  
15 port-a-potty as an accessory structure to the main  
16 use that's occurring onsite, which I think is the  
17 real focus of this hearing. That would be my  
18 opinion. I don't necessarily see a port-a-john as a  
19 principal use of the site or a principal structure of  
20 the site.

21 CHAIRMAN SMOLINSKI: Mr. Ten Kate, do  
22 you have anything to add?

23 MR. TEN KATE: Only to say that if  
24 there is a condition of approval for a higher  
25 authority that this gets denied after a resolution of

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1 to do with completeness really if the site plan is  
2 complete.

3 CHAIRMAN SMOLINSKI: I think we'll wait  
4 to see what's being testified to.

5 MS. TEETER: Okay.

6 CHAIRMAN SMOLINSKI: And because I  
7 can't 100 percent say I've seen that.

8 MS. TEETER: Okay, thank you.

9 CHAIRMAN SMOLINSKI: Thank you.  
10 Anyone else?

11 (No Response.)

12 CHAIRMAN SMOLINSKI: Seeing none, I'm  
13 going to close it at this juncture.

14 Oh, okay, that was quick.

15 MS. SCEUSI: Hi. My name is Ingrid  
16 Sceusi. I own property at 51 Jacobs Road, Rockaway  
17 Township.

18 At the last meeting, we asked that a  
19 traffic report or traffic study be made. I don't see  
20 that submitted here.

21 CHAIRMAN SMOLINSKI: That's not a  
22 completeness item at this juncture. But it may be a  
23 supplemental report that may be required, depending  
24 upon different things that are testified.

25 MS. SCEUSI: Okay, okay.

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1 MR. RITTIE: I can address that too.  
 2 We will have a traffic expert, based on the  
 3 questions. Jay Troutman is his name. He was not  
 4 available for tonight's meeting. And, obviously, he  
 5 has to submit his report ten days in advance. We  
 6 anticipate this is going to go for another meeting  
 7 and will be submitted in time for that, and he will  
 8 testify at the meeting.  
 9 MR. NOVAK: Mr. Chairman, if I can  
 10 explain one thing as well. The aspect of  
 11 completeness we had a discussion is really for  
 12 commencing a public hearing. So during the course of  
 13 this hearing tonight, the next hearing, if there's  
 14 another hearing after that, the board may have  
 15 questions or want additional information that has not  
 16 been provided at this time. Deeming the application  
 17 complete does not prevent you, the board, from asking  
 18 for additional items. It's really just for  
 19 commencing the start of the hearing.  
 20 So during the course of testimony, if  
 21 issues arise that the board wants more information  
 22 on, nothing prevents you from asking for that  
 23 information.  
 24 CHAIRMAN SMOLINSKI: Correct.  
 25 Is there anyone else?  
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1 MS. KAHN: Mr. Lusardi?  
 2 MR. LUSARDI: Yes.  
 3 MS. KAHN: Mr. Deus?  
 4 MR. DEUS: Yes.  
 5 MS. KAHN: Ms. Garcia?  
 6 MS. GARCIA: Yes.  
 7 MS. KAHN: Approved.  
 8 CHAIRMAN SMOLINSKI: Mr. Rittie?  
 9 MR. RITTIE: Thank you.  
 10 Mr. Pryor, will you swear Mr. Caine in?  
 11 MR. PRYOR: I can swear him in or the  
 12 -- do you want to swear him in, please.  
 13 THE COURT REPORTER: Sir, will you  
 14 please raise your right hand.  
 15 Will you solemnly swear or affirm the  
 16 testimony you're about to give will be the truth, the  
 17 whole truth, and nothing but the truth?  
 18 MR. CAINE: Yes, I do.  
 19 B R I A N C A I N E,  
 20 91 Jacobs Road, Rockaway, New Jersey, having been  
 21 duly sworn, testifies as follows:  
 22 THE COURT REPORTER: Will you Please  
 23 state your name and affiliation for the record?  
 24 MR. CAINE: My name is Brian Caine.  
 25 I live at 91 Jacobs Road in Rockaway,  
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1 (No Response.)  
 2 CHAIRMAN SMOLINSKI: Seeing none, I am  
 3 going to close it to the public at this time.  
 4 I'll look for a motion to deem the  
 5 application complete in its entirety at this juncture  
 6 and move forward with the application.  
 7 VICE CHAIRMAN TAHAN: I'll make a  
 8 motion to deem the application complete in its  
 9 entirety.  
 10 CHAIRMAN SMOLINSKI: Do we have a  
 11 second.  
 12 MR. LOFTUS: I second.  
 13 CHAIRMAN SMOLINSKI: Shelley.  
 14 MS. KAHN: Mr. Smolinski?  
 15 CHAIRMAN SMOLINSKI: Yes.  
 16 MS. KAHN: Mr. Loftus?  
 17 MR. LOFTUS: Yes.  
 18 MS. KAHN: Mr. Scherwa?  
 19 MR. SCHERWA: Yes.  
 20 MS. KAHN: Mr. Tahan?  
 21 VICE CHAIRMAN TAHAN: Yes.  
 22 MS. KAHN: Ms. Royek?  
 23 MS. ROYEK: Yes.  
 24 MS. KAHN: Ms. Platts?  
 25 MS. PLATTS: Yes.  
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1 New Jersey.  
 2 MR. PRYOR: Mr. Rittie, before you  
 3 commence testimony, I'll just make sure that we're  
 4 all on the same page procedurally.  
 5 You have an application which has  
 6 various forms of relief being requested. Those forms  
 7 of relief require various votes, some of which differ  
 8 because you have both an interpretation and the  
 9 C variance and site plan as well as the use variance.  
 10 It would seem to me that since the use  
 11 variance contains obviously a supermajority vote in  
 12 the statute, and since you are requesting an  
 13 interpretation, that we first deal with the  
 14 interpretation issues, because if the board grants  
 15 certain interpretation questions, then that it would  
 16 eliminate those issues as far as the use variance is  
 17 concerned and you can focus on whatever is not  
 18 granted by the board in that respect. And granted.  
 19 And that would it seem to me to be the course to  
 20 proceed in step by step so it makes sense as far as  
 21 what the board is hearing, what the evidence is, and  
 22 how the board proceeds with the vote-taking process.  
 23 MR. RITTIE: So I saw it a little  
 24 differently because of the uses that somewhat overlap  
 25 and there's a plethora of different uses.  
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1 Before we even get to the  
 2 interpretation, I believe we need testimony on the  
 3 activities. And then from that, we could either -- I  
 4 mean, I would suggest let us put the case in and as  
 5 part of the end, you will be able to take all of the  
 6 testimony, all of the of uses, the hours of operation  
 7 and everything else, and then be able to come to a  
 8 decision-making as to the interpretation of  
 9 potentially what some of the uses may automatically  
 10 be permitted and others that may need a use variance.  
 11 And then all that testimony would be in.

12 The activities and the operations are  
 13 important to that sort of determination of, you know,  
 14 interpretation.

15 MR. PRYOR: Let me ask you this,  
 16 Mr. Rittie -- and I don't want to spend too much time  
 17 because I want to get into the substance of the case.  
 18 But obviously you have a planner that's going to  
 19 address the use variances. Based on what you're  
 20 saying in terms of how the process should go, your  
 21 planner is going to address the use variance for  
 22 everything requested in your application, even if the  
 23 board were to grant -- is okay as far as the  
 24 interpretation goes.

25 Some of the farming issues, for  
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1 your case on; you put the case on. But I don't...  
 2 I'm not sure that's the best process. But I'll let  
 3 you decide how to kind of go with it.

4 Mr. Chairman, I do see Mr. Hantman  
 5 standing there, and I suspect he has some comment.  
 6 Mr. Hantman, very briefly.

7 MR. HANTMAN: At the time -- at this  
 8 juncture last week, the same issue came up. My  
 9 position was, if you look at the notice, the notice  
 10 talks about sequential applications. That's what the  
 11 notice called for. I think that's what the procedure  
 12 calls for.

13 So I believe the interpretation should  
 14 be dealt with first. It's much more limited than the  
 15 use variance will be. And after the interpretation  
 16 is done -- because that's basically the ordinance --  
 17 then at that point anything that's in question should  
 18 be dealt with in the use variance. It should not be  
 19 done in one mess because you have to sort out what  
 20 things you're voting on and each of voting criteria  
 21 are different.

22 MR. PRYOR: Well, I can see  
 23 Mr. Hantman's point. Mr. Chairman, it's Mr. Rittie's  
 24 case to put in. He can put it in and go through it  
 25 but...

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1 example, you know, the horse riding lessons, you  
 2 know, we could get to that. You can take a vote on  
 3 the interpretation. If the board grants it, end of  
 4 story. If the board doesn't grant it, then your  
 5 planner can address that in the D variance case.

6 Because it seems to me that going -- if  
 7 you put the whole ball of wax in at one time then  
 8 take four votes at the end, it seems to me that  
 9 covers a lot of territory that may involve testimony  
 10 we don't need. I mean, it's your case. You can  
 11 proceed but...

12 MR. RITTIE: Yeah.  
 13 For the record, I would rather build  
 14 the entire case and put it in, especially the  
 15 activities and everything else.

16 If we proceed the way you're  
 17 suggesting, I think we still need to sort of start  
 18 with Mr. Caine and go through all the uses.

19 If we finish with that, I would need a  
 20 break because the planner is here. And then we could  
 21 kind of go through what has been testified as to the  
 22 uses and where does it fit, permitted or not  
 23 permitted. And then we can move into sort of the  
 24 site plan and everything else.

25 MR. PRYOR: As I say, you're putting  
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1 CHAIRMAN SMOLINSKI: It is. And as I  
 2 said -- and as I had asked you, and I asked you that,  
 3 Mr. Rittie, at the start of this case, you know, how  
 4 do you plan on proceeding?

5 I will tell you from -- you know, in  
 6 terms of reading through all the documents and  
 7 looking at it, the matter before us, in order to sort  
 8 this out, you know, I think it's probably best to  
 9 first see what the proposed things are and then  
 10 figure out based -- where they fall within the  
 11 ordinance.

12 And then as I think how we've discussed  
 13 in terms of just now, you know, some of the items  
 14 become may become moot, because they are permitted,  
 15 may be permitted under the ordinance. And then when  
 16 addressing what's not permitted under the variance  
 17 relief. And that would, I think, be a lot easier to  
 18 grasped based upon the site plan and those  
 19 activities. But, again, it's your matter.

20 MR. RITTIE: Well, I would say, we  
 21 still -- based on what you just said, I think we  
 22 still need to commence with Mr. Caine's testimony.

23 CHAIRMAN SMOLINSKI: I don't disagree.

24 MR. RITTIE: Let him finish his. And  
 25 then we can circle back with that issue.

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1 CHAIRMAN SMOLINSKI: Again, I don't  
2 disagree. I just think it's proper to get that out  
3 there.  
4 MR. RITTIE: Anything else?  
5 CHAIRMAN SMOLINSKI: The floor is  
6 yours.  
7 MR. RITTIE: Thank you.  
8 DIRECT EXAMINATION  
9 BY MR. RITTIE:  
10 Q. Brian, for the record again, just give  
11 us your name and your address?  
12 A. My name?  
13 Q. Yes.  
14 A. My name is Brian Caine. I live at 91  
15 Jacobs Road in Rockaway, New Jersey.  
16 Q. And who are the owners of 91 Jacobs  
17 Road?  
18 A. The owners of 91 Jacobs Road are myself  
19 and my wife, Christy Sami.  
20 Q. And when did you purchase the property?  
21 AUDIENCE MEMBER: Excuse me, we can't  
22 hear.  
23 AUDIENCE MEMBER: We can't hear the  
24 question.  
25

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1 disc, and we have hard copies.  
2 MR. PRYOR: Okay. But the board  
3 already has everything that's being provided,  
4 correct?  
5 MR. RITTIE: The board secretary. So  
6 these should be marked as exhibits.  
7 MR. PRYOR: That's my question, if  
8 you're marking it. I want to make sure we're all on  
9 the same page.  
10 MR. RITTIE: So we have -- I'll hand  
11 these out. One...  
12 MR. PRYOR: That's your submission that  
13 came in March 4th or so.  
14 MR. RITTIE: No. These are different.  
15 These are a series of photos of before and after of  
16 what the property looked like.  
17 MR. HANTMAN: Were these previously  
18 submitted or not.  
19 MR. RITTIE: No. These are hearings.  
20 MR. HANTMAN: Okay, fine.  
21 MR. RITTIE: If we can mark, I guess,  
22 this Exhibit A-1. I don't know if you have any  
23 preference.  
24 MR. PRYOR: Yeah. We'll start with  
25 A-1.

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1 BY MR. RITTIE:  
2 Q. All right. Let's backtrack. When did  
3 you purchase the property?  
4 A. I purchased -- my wife and I purchased  
5 it in July of 2019.  
6 Q. And who are the owners of BEAUtiful  
7 Farms?  
8 A. The owners of BEAUtiful Farms are my  
9 wife, Christy Sami, and myself.  
10 Q. And when you purchased the property,  
11 what structures were located on the property and in  
12 what type of condition?  
13 A. The structures that were on the  
14 property were three barns and a derelict house.  
15 MR. RITTIE: Gentlemen in the back, if  
16 we can put up Number 1, before and after photos?  
17 MR. CAINE: So this is what we did to  
18 the house. We totally took it from a ramshackle,  
19 which -- oh, that's not ramshackle. Where is my  
20 ramshackle?  
21 MR. PRYOR: Mister -- let me just  
22 interrupt you real quick for purposes of exhibits.  
23 Are these all in the application that was filed?  
24 MR. RITTIE: These are not. They were  
25 submitted before the prior hearing. They're on the

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1 Just make sure, Mr. Rittie, if you  
2 would, that your witness identifies using exhibit  
3 references the photographs that are up on the screen,  
4 and that you identify themselves clearly for us.  
5 (Whereupon, Packet of Nine Photographs,  
6 Including Before and After Photos, is  
7 received and marked as Exhibit A-1 for  
8 identification.)  
9 MR. CAINE: So, ladies and gentlemen,  
10 what you're looking at here is the house in the --  
11 pretty much the day we bought it. This house  
12 obviously needed some rehab. From what we found in  
13 the records, it was built in 1937. It had a hunters  
14 shack and farm. And it obviously was in need of a  
15 lot of love. It was not livable.  
16 However, after we purchased the  
17 property, we've made some significant improvements to  
18 the property. This is the back of the property from  
19 the same picture you saw prior. We've rebuilt the  
20 entire house. We've put new roofs on. Guttied it and  
21 replaced all the serviceable stuff inside. And we  
22 have rebuilt the deck on the back.  
23 Now, in terms of the auxiliary  
24 structures -- sorry, that's my pig. He's really  
25 cute.

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1 The auxiliary structures, this is the  
2 barn. I don't have a picture with me of the barn  
3 before we took it. But basically we've re-sided the  
4 whole thing. We changed all the fixtures inside and  
5 made a very functional and comfortable barn for  
6 animals and people alike.

7 MR. PRYOR: Mr. Rittie, I don't want to  
8 be a stickler for exhibits here, but we don't know  
9 what's going to happen in this case after this board  
10 closes. We have to make sure that everything is in  
11 the record.

12 So when your witness refers to the  
13 barn, that's going to be in the record as  
14 specifically what you're referring to. If you want  
15 to call this packet that you just handed out A-1 as a  
16 packet of photographs, that's fine. And you can  
17 refer to the barn photograph in this packet. Now we  
18 see it up there; that's fine. But we just have to  
19 make sure that the exhibits are clear. We'll call  
20 this packet A-1.

21 MR. RITTIE: The packet is A-1,  
22 consisting of nine photos.

23 Yeah, that's correct, nine photos,  
24 which are being displayed up on the board now.  
25

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1 marketing-related activities on the farm, including  
2 teaching children about animals and how they are  
3 raised, where we get our food from, and how we  
4 develop our current food supply. We also show them  
5 how to market and succeed in an agricultural world.

6 Part of what we do involves camps that  
7 teach children the benefits of animals and the world  
8 we live in. Part of our curriculum involves birthday  
9 parties, where kids get sometimes their first  
10 exposure to animals such as this.

11 We use all of the animals on the  
12 property for educational tools. The ones that are  
13 not used for educational tools are there for produce  
14 production. And that would be the proposed use.

15 Q. Let's take some time to go through each  
16 one of those.

17 A. Sure.

18 Q. In terms of the breeding and raising of  
19 poultry, where are they located and what's involved  
20 with the raising of poultry?

21 A. So the breeding and raising of poultry  
22 happens in our barn. That does not include stalls.  
23 It would be the one up to the right on your maps.

24 It contains a chicken coop that is  
25 8-by-25, a walk-in, fully furnished with brooder

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1 BY MR. RITTIE:

2 Q. Brian, to your knowledge, how was the  
3 property used historically in the past?

4 A. To our knowledge, when we first looked  
5 at the property, it was already set up with a riding  
6 range, pastures and barns. Historically, to our  
7 knowledge, it was always used as a farm. The  
8 previous owners -- we've had some communication with  
9 them -- they said they kept horses there and that  
10 they used it in a farming capacity.

11 Prior to that, it seems that the  
12 property, from what we've heard from them, was being  
13 used as a goat farm. And we have found evidence of  
14 such in our renovations from the unearthing of goat  
15 skeletons on the property.

16 But, yes, so what we found out is that  
17 this property has always been used as a farm.

18 Q. Okay. Now, let's get into the  
19 activities. Generally speaking -- and we'll get into  
20 them one by one -- what are you looking to use the  
21 property for, the various uses?

22 A. What we're looking to is we're looking  
23 to use the farm as a farm. We plan on breeding and  
24 raising horses. We currently breed fresh poultry for  
25 their eggs. We harvest the lumber. We do

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1 boxes, perches, light and collection devices, and a  
2 run that spans the same width and same distance and  
3 width.

4 What is involved in raising poultry is  
5 acquiring chicks from a day old and raising them  
6 through adulthood.

7 We currently do not slaughter chickens.  
8 Our chickens -- our chickens are strictly egg layers  
9 right now. But we do breed them, so we will hatch  
10 our own eggs and grow our flock in accordance with  
11 the agriculture laws.

12 Q. And do you sell them, the eggs?

13 A. Yes, we currently sell the eggs.

14 MR. RITTIE: While we are on the topic,  
15 gentlemen in the back, if we can -- under the folder  
16 Number 3, the March 15th hearing exhibits, if you can  
17 pull up the floor plans? No, the next folder. Thank  
18 you.

19 Mr. Pryor, this was submitted to the  
20 board.

21 MR. PRYOR: Would you identify it,  
22 please, Mr. Rittie.

23 MR. RITTIE: What we're referring to  
24 now are the floor layout and photos of the main barn,  
25 Barn Number 2, Storage Barn, chicken coop, and the

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1 parking area. It was a series of photos and floor  
2 plan -- floor plan submitted March 4, 2022, to the  
3 board.

4 MR. PRYOR: Why don't we call that that  
5 packet use -- that packet Exhibit B -- or A-2 rather.

6 (Whereupon, Packet of Photographs  
7 Submitted March 4, 2020, Including Photos of  
8 the Floor Plan, Barns, Chicken Coop and  
9 Parking Area, is received and marked as  
10 Exhibit A-2 for identification.)

11 MR. RITTIE: Sorry for the technical  
12 difficulty. But the photos should have been on the  
13 flash drive behind that. Well, let's continue.  
14 We'll circle around.

15 MR. CAINE: I have them on my laptop.

16 BY MR. RITTIE:

17 Q. Well, all right, let's go back to the  
18 uses.

19 For the forestry and the harvesting of  
20 lumber, explain those activities.

21 A. Forestry and harvesting lumber. So we  
22 have filed a plan with the Department of Forestry in  
23 accordance for our Right to Farm.

24 We have -- we filed a plan in  
25 accordance to be able to harvest lumber and to  
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1 These camps generally take place on the  
2 weekends in the afternoon between 4 and 6 p.m.,  
3 Saturdays and Sundays. And during the summer, we do  
4 a camp that involves kids between 10 and 3 p.m. in  
5 the afternoon. That involves the same sort of  
6 activities.

7 Q. The raising and harvesting of honey  
8 bees?

9 A. Currently we are setting out wild  
10 flower pots in the backyard to be able to feed the  
11 honey bees. Part of honey bee production is making  
12 sure that the natural environment is in accordance  
13 with what they eat. Honey bees require an inordinate  
14 amount of flowers to be able to do that and produce  
15 the best and healthiest and have a significant amount  
16 of wild flowers and native vegetation to be able to  
17 do that.

18 Q. The private riding lessons, the  
19 husbandry and horse care?

20 A. So the private riding lessons are  
21 twofold. They involve taking care of a horse, all  
22 the things that go into it. My wife is the  
23 instructor, primary instructor, of the property. So  
24 she's a Blue Ribbon Massage rider, and she's been  
25 doing this for ten years at least. So she's been  
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1 maintain a healthy forest. We do not have a plan in  
2 place to clear-cut anything. So if that was the  
3 concern of some people, that is not the case. We  
4 simply cut the diseased and dying trees to help  
5 promote healthy forest growth.

6 Q. Okay. The breeding and raising of  
7 horses?

8 A. So currently we have a few horses on  
9 the property. And we have been rehabbing a couple of  
10 them. And some of the horses that we're bringing in,  
11 we are planning to breed to then produce healthy  
12 horses for the equine community.

13 Q. And the boarding of horses?

14 A. We currently board three horses on our  
15 property right now. They are paying clients of ours.  
16 They keep their horses in stalls and in our fields.

17 Q. Okay. The agricultural related and  
18 farm-based related recreational activities?

19 A. So our agricultural based activities  
20 include uses with the chicken and the horses and our  
21 pot-bellied pig as well as our dogs.

22 We do a lot of desensitizing training.  
23 So that a lot of times when children come in they are  
24 very afraid of animals, and by the time, they are --  
25 they are very happy to be with animals.

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1 doing it for basically her whole life.

2 And she will then take them up to the  
3 riding arena, which was already on the property prior  
4 to when we bought. And she will teach them how to  
5 ride properly English style.

6 When they're done with the lessons,  
7 they tend to go on trail rides around the property  
8 and then come back and untack the horse and put the  
9 horse away.

10 Q. The nature and the forest education?

11 A. So our nature and forest education  
12 takes place in the woods in front of our house and  
13 behind the house, and also in the copper, it's the  
14 town park behind there. We use a friend of ours --  
15 her name is Dallas Woodby. She is a science teacher,  
16 a public school science teacher. And she teaches the  
17 children about ecology, nature, what to look for,  
18 what's a healthy environment, what's an unhealthy  
19 environment, and how to -- basically to be a little  
20 bit more connected with nature.

21 Q. Okay. The group programs for children  
22 focusing on riding lessons, husbandry and horse care?

23 A. The group riding lessons generally take  
24 place on the weekends between the hours of 1 to 3.  
25 They are either -- depending on the type of group we

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1 have, sometimes they're just individual lessons.  
 2 Other times they're two or three at a time.  
 3 They take place on Saturdays and  
 4 Sundays mostly during the summer. We have a few more  
 5 group opportunities, given the fact that there are  
 6 more kids available and more parents available for  
 7 summer activities.

8 Q. Okay. And birthday parties?

9 A. Birthday parties take place on the  
 10 weekends. We have two slots available for birthday  
 11 parties. They would take place between 11 and 1.  
 12 And they take place at the main barn area and on the  
 13 deck. And the other slot is between 2 and 4.

14 Q. Okay. And we're also asking for other  
 15 agricultural related activities, such as yoga  
 16 lessons.

17 A. Yoga lessons involving animals would be  
 18 our focus. We do not offer currently lessons -- yoga  
 19 lessons that don't necessarily change that. We use  
 20 the animals as a way to break into meditation and  
 21 relaxation.

22 Q. And we also asked for such other  
 23 agricultural activities and accessory activities.

24 A. That would be other accessory  
 25 activities. We don't currently have any plans to go

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1 Q. And the boarding of horses?

2 A. The same goes for the boarding of  
 3 horses; it's 24/7. These horses are monitored by us  
 4 constantly.

5 Q. The agricultural related and farm-based  
 6 recreational activities?

7 A. Those really only take place between  
 8 the hours of 9 and 7 p.m. at night. Occasionally  
 9 during the summer we will go a little later until 8  
 10 with private riding lessons.

11 Q. And raising and harvesting honey bees?

12 A. Raising and harvesting honey bees, as  
 13 with any other agricultural properties, they're 24/7.  
 14 It requires very little human input.

15 Q. And private riding lessons?

16 A. The private riding lessons take place  
 17 six days a week. We generally do not teach private  
 18 riding lessons on Mondays to allow for horse rest and  
 19 for time off. But we do generally teach horse  
 20 lessons in the hours of 9 a.m. until 7 p.m.

21 Q. And the group programs to focus on  
 22 riding lessons, is that the same thing?

23 A. Yes.

24 Q. And birthday parties?

25 A. The birthday parties are usually only

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1 beyond what we currently do. But certainly being  
 2 creative in this industry is what the name of the  
 3 game is. And certainly any future activities will be  
 4 directly linked to agriculture, farming, education  
 5 and any other inherently beneficial activity that  
 6 that would benefit the community.

7 Q. Okay, for each of the proposed uses,  
 8 let's go through them. And some of these you  
 9 touched. Again, we'll go through them again.

10 The hours of operation, the breeding  
 11 and raising o poultry.

12 A. That's kind of a 24/7 thing. But, you  
 13 know, we all go to sleep at night, so the chickens do  
 14 too.

15 Q. Forestry and harvesting lumber?

16 A. Forestry and harvesting lumber is a  
 17 very periodic sort of thing. Sometimes we'll need to  
 18 take out a bunch of the trees at once. Other times  
 19 we may not touch it for years.

20 Q. And the breeding and racing of horses?

21 A. Breeding and raising of horses is  
 22 fairly -- we do have a season for breeding horses.  
 23 It does not require, I guess, 100 percent attention.  
 24 But certainly having horses on the property is a 24/7  
 25 job.

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1 on weekends between the hours of 11 and 1 and 2 to 4.

2 Q. And the agricultural activities like  
 3 the yoga lessons?

4 A. Those are typically one-off type events  
 5 that are set up to take place once a month.

6 Q. And how many employees does BEAUtiful  
 7 Farms have, if any?

8 A. Currently the only people who work  
 9 there are myself and my wife. We have several  
 10 volunteers, though, that come, and they will work for  
 11 riding time or animal time.

12 Q. Now, in terms of the activities,  
 13 there's been concern from the members of the public  
 14 between people coming to the site. Let's go through  
 15 them again. I know a lot of this is sort of  
 16 backtracking.

17 The breeding and raising of poultry is  
 18 really your avenue?

19 A. Yes, that is correct. The chickens are  
 20 obviously -- you know, it's an ancillary activity, I  
 21 guess, to the -- to what we do normally.

22 Q. And the forestry and the harvesting of  
 23 lumber, is that handled by yourself, or do you have  
 24 somebody that comes in and does that?

25 A. We harvest the lumber ourselves. And

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1 then any lumber we would sell is sold directly to  
2 market.

3 Q. And the breeding and raising of horses,  
4 is that -- is that participated in by members of the  
5 public, or is --

6 A. No. That's agricultural that we just  
7 -- that just takes place on the farm.

8 Q. The boarding of horses, do members of  
9 the public come and how often?

10 A. Yes. So we currently have three  
11 boarders. And they each keep a horse there. So that  
12 would be three people that generally come, not every  
13 day. Most of them, when the weather is nice, they do  
14 come once, maybe twice a day. They ride the horse on  
15 the property and in the park surrounding our area.

16 Q. Okay. The agricultural related and  
17 farm-based recreational activities. Well, let's hold  
18 that one.

19 The raising and harvesting of honey  
20 bees, is that strictly you and Christy?

21 A. Yeah. That's strictly myself and my  
22 wife; we do that. And then a beekeeper.

23 Q. Will the private riding lessons and the  
24 husbandry and the horse care, how many people come to  
25 the site for that?

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1 We also have an activity that involves,  
2 you know, just open time at the farm where you can  
3 do, say, you know, bring your own wine and cheese,  
4 pet the horses, and learn about the horses from our  
5 instructor, Christy.

6 Q. Jumping now -- what types of deliveries  
7 do you anticipate to receive for, like, supplies and  
8 feed and such?

9 A. So currently we contract with Down 2  
10 Earth. They are our manure removal company. So they  
11 take our manure off. But they only really come once  
12 a year. So it's not much.

13 The real traffic generator and delivery  
14 would be the hay that we have. We have 50 bails of  
15 hay delivered once every two weeks. And it comes in  
16 a pickup truck.

17 We also have a delivery of grain that  
18 also comes usually on a flatbed. And it's forklifted  
19 off by our tractors.

20 Q. And where are those deliveries made,  
21 and where are the items stored?

22 A. The food is stored in the barn and in  
23 the chicken coop in the loft. And the newer company,  
24 they have a roll-on/roll-off dumpster. We then take  
25 our tractor and remove it generally in the parking

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1 A. So I don't have the specific numbers in  
2 front of me. I'm not sure directly. But the  
3 one-on-one riding lessons generally include a student  
4 and their guardian or a parent. And it generally is  
5 two people for one private riding lesson.

6 Q. And the birthday parties?

7 A. The birthday parties, we have capped at  
8 15 -- 15 children. And they generally have a couple  
9 parents that come with them.

10 Q. And the yoga lessons?

11 A. Yoga lessons are also capped at 15.  
12 And that's generally just 15 people and an  
13 instructor.

14 Q. And your other agricultural related and  
15 farm-based activities, one-on-one, can you give an  
16 idea for the board what you anticipate?

17 A. Sure. So we have a plan right now to  
18 have a grafting class at the farm. It involves  
19 grafting different types of fruit from, say, you can  
20 graft a pear branch onto an apple tree. You know,  
21 you can have different varieties of apples come out  
22 of a tree.

23 We plan on doing a class to show them  
24 how you can produce multiple varieties in your own  
25 backyard.

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1 areas that we plan on.

2 Q. How is the garage and refuse handled?

3 A. The garbage disposal is removed by  
4 myself. We have a truck. And it's removed and  
5 disposed offsite at the company's office in Mountain  
6 Lakes.

7 Q. Okay. And what about the horse manure  
8 and other related animal waste, how is that handled  
9 and disposed of?

10 A. Right. So the horse manure and animal  
11 waste is disposed of by Down 2 Earth. Down 2 Earth  
12 is a professional manure removal company. And they  
13 take that manure and they turn it into -- they use it  
14 in the agricultural industry for growing things like  
15 mushrooms and other vege -- and other compost-related  
16 crops.

17 Q. And where do you propose to have the  
18 storage onsite?

19 A. So the manure right now is posted up  
20 behind the three-stall barn. It stays back there  
21 until it gets full, clear of weapons and all that  
22 other hazardous possibilities of run-off. Then, like  
23 I said, it's taken off in an 40-yard container.

24 Q. I know Mr. Graham, our engineer, will  
25 discuss this in greater detail, but can you discuss

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1 the parking, the proposed parking onsite?  
 2 **A.** Sure, not a problem.  
 3 So the proposed parking situated in the  
 4 parking area is on that front piece of grass right  
 5 there, so a little bit of the front field.  
 6 Mostly when people come to visit the  
 7 farm, they just park right up on there, or they park  
 8 in front of the front horse paddock. There's a nice  
 9 pull-off area there, making sure to keep the driveway  
 10 open and clear for any emergency vehicles or people  
 11 exiting or entering the parking.  
 12 **Q.** Can you also -- Mr. Graham will cover  
 13 the lighting -- discuss generally where the lighting  
 14 is proposed and what the hours you intend to have the  
 15 lights on?  
 16 **A.** So the lighting -- the proposed  
 17 lighting is simply the existing lighting that is on  
 18 the building already. We propose no additional  
 19 lighting for any of the parking areas.  
 20 Generally we don't operate at night.  
 21 We don't foresee needing any extra -- any extra  
 22 lighting working under pollution of the sky.  
 23 **Q.** Is it also your intention -- part of  
 24 the reason for that is to kind of keep the  
 25 residential character instead of making it a true

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1 **MR. PRYOR:** Mr. Rittie, since we're  
 2 referring -- since you're referring to the sign  
 3 that's sitting there, can you just for purposes of  
 4 the record -- I don't think we actually have a  
 5 photographer of that -- just have your client take a  
 6 picture of it, and you send it to the board so it's  
 7 part of the record. That will do it.  
 8 **BY MR. RITTIE:**  
 9 **Q.** Do you propose for that sign to be lit?  
 10 **A.** We do propose for it to be lit but with  
 11 ground-based landscape lights, solar.  
 12 **Q.** And I believe you indicated it is your  
 13 intention eventually to have this property Farmland  
 14 assessed; is that correct?  
 15 **A.** Correct.  
 16 We are currently -- we currently  
 17 submitted all the paperwork for the farm to be  
 18 Farmland assessed. It was previously Farmland  
 19 assessed under the owners, but when they lost the  
 20 property, unfortunately to foreclosure, the Farmland  
 21 Assessment lapsed, and therefore, it's no longer  
 22 valid. However, we do intend to bring that  
 23 assessment back and make it a fully functioning farm.  
 24 **Q.** In terms of the products being sold,  
 25 you mentioned the eggs. Is there anything else that

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1 commercial site?  
 2 **A.** Yeah. We live there. You know, I  
 3 don't want a Walmart parking lot. I don't think  
 4 anybody else in here really does either. So part of  
 5 the way we're building this is to make it so it feels  
 6 like home, because to us it is home.  
 7 **Q.** If term of the hours of the lighting,  
 8 what do you anticipate that to be, and how do you  
 9 control it?  
 10 **A.** Most of the -- all the lights on our  
 11 house and barn are motion sensor dimmer LED lights.  
 12 They're all angled downward. And they're controlled  
 13 with just your typical light switch.  
 14 **Q.** Okay. And part of the application,  
 15 we're proposing a freestanding sign; is that correct?  
 16 **A.** Yes, it is. An I actually -- if you  
 17 guys look over here, I actually brought the  
 18 freestanding sign. It's sitting on the pillar. That  
 19 is the exact sign that we want to put in front of the  
 20 property. It's not a replica. It is original. My  
 21 wife made it.  
 22 **Q.** And that's the actual sign?  
 23 **A.** That's the actual sign. I put two  
 24 bolts in it. If I'm approved, put it right on the  
 25 front on a couple poles.

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1 you intend to sell to the public?  
 2 **A.** Yes. Going forward, we plan to sell  
 3 the honey from the honey bees. And we will be  
 4 selling firewood as well.  
 5 **Q.** There were some questions that were  
 6 raised by the professionals. Just let me just take a  
 7 peak here.  
 8 There was a question raised: The  
 9 maximum number of vehicles you anticipate to be  
 10 parked on the site for an activity?  
 11 **A.** For farm-based activities, we  
 12 anticipate having a maximum of 15 to 20 cars.  
 13 For personal activities, like when we  
 14 have friends and family over, that number may grow.  
 15 But, you know, that's just friends and family. We  
 16 have a big family.  
 17 **Q.** Are there parents dropping off and  
 18 picking up the children for the activities, or are  
 19 they required to stay on the site for an activity  
 20 that their child is attending?  
 21 **A.** So for the camps, we recommend that the  
 22 parents drop off and pick up. It gives the kids more  
 23 independence.  
 24 And then for private riding lessons, we  
 25 recommend the parents stay there so that they can see

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1 what their child is learning.

2 Q. Let's just go over it again. The  
3 anticipated length of time for the activities, for  
4 lessons, I know you gave a full window, but for the  
5 actual activity, itself.

6 A. So for the actual private riding  
7 lesson, the one-on-one with the instructor, it's an  
8 hour-long lesson.

9 Q. And the summer programs?

10 A. The summer programs are five-hour-long  
11 sessions. They go from 10 a.m. to 3 p.m.

12 Q. And are you proposing any other  
13 overnight stays?

14 A. No. We are not proposing any  
15 overnights at all.

16 Q. And the birthday parties?

17 A. Birthday parties take place between  
18 11 and 1 and 2 to 4. Parents generally stay with  
19 their kids during those parties. Although sometimes  
20 kids are carpooled together. They have the same  
21 friends.

22 MR. RITTIE: That's all I have for  
23 Mr. Caine. Actually, I take that back. Let me.  
24 BY MR. RITTIE:

25 Q. There was a discussion I just saw in my  
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1 However, we've also learned that a portable toilet  
2 being picked up and dropped off also allows for a  
3 longer term use of that toilet. So if the portable  
4 toilet is removed for, say, the summer and it's  
5 brought back for the winter, we've also found that  
6 that is acceptable.

7 Q. Now, describe for the board the -- the  
8 proposal shows the port-a-johns, but you're talking  
9 about composting the toilets.

10 Can you give the board a little  
11 information on that?

12 A. Sure. So composting toilets is kind of  
13 what it sounds like. But they're actually very clean  
14 technology. Basically the difference between a  
15 port-a-john and a composting toilet is the use of  
16 pine shavings.

17 So the way it works is there's a  
18 contained sealed bin under the toilet. And the  
19 person does their business in it. And then a small  
20 shelf full of pine shavings is then placed on top of  
21 the human waste. When that build-up of waste is  
22 full, the bin is then removed and disposed of  
23 appropriately, according to composting toileting  
24 regulations.

25 There are options to either A, spread  
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1 notes. The outhouse that was onsite.

2 A. Correct.

3 Q. Can you discuss for the board, has that  
4 been decommissioned?

5 A. Yes. The outhouse has 100 percent been  
6 decommissioned. The structure itself still sits on  
7 my property. It is my intent to turn that into a  
8 portable toilet or a composting toilet by way of the  
9 structure. It's a versatile structure.

10 But yes, the outhouse has been 100  
11 percent sealed. It is no longer being used. The pit  
12 has been filled in and has been taken care of.

13 Q. Okay. You've heard some discussion --  
14 and some of this was covered by our engineer. But in  
15 terms of the port-a-johns, obviously we did submit  
16 the application showing the port-a-johns.

17 Tell the board, you've been in  
18 communication with the Health Department; is that  
19 correct?

20 A. Yeah. So I've spoken with James over  
21 at the Health Department. And I've also talked to  
22 some people at the DCA about the use of portable  
23 toilets.

24 Portable toilets, from what we've  
25 garnered, have a 180-day lifetime at the site.

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1 the material, or B, mix it in with the manure and  
2 have it removed off the site.

3 There is no smell with respect to that.  
4 They smell like pine. Currently Oaksides Farms in  
5 Rockaway as well uses a composting toilet system that  
6 they use to help their clients.

7 Q. Okay, let's jump back to the camps.  
8 Let's get into that a little bit in terms of  
9 services.

10 Can you walk us through what a typical  
11 day of camp would look like? Tell me, you know, how  
12 many times they're dropped off, what activities  
13 occur.

14 A. Sure.

15 So, typically -- this is a Monday in  
16 the middle of July. So this is a typical busy  
17 day.

18 Typically the way it works is kids  
19 start showing up for camp around 9:45 in the morning  
20 for the 10 p.m. -- 10 o'clock start. Parents will  
21 drop them off and walk them to the deck where they'll  
22 meet with their teacher, who is a New Jersey  
23 certified teacher for 35 years, Terry Hammer. She  
24 then greets them and they work on some morning  
25 activities, which would include anything from

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1 meditation to, you know, working with -- with animals  
2 to, you know, figuring out plans for the day,  
3 organizing groups, things like that.

4 The kids are then off with Terry, who  
5 plans the curriculum. It can include a little bit of  
6 horse time during the day. It includes nature walks.  
7 It includes arts and crafts projects, where they  
8 build things out of things they find in nature.  
9 They'll do games that involve, you know, stuff that  
10 they find in nature. Mostly just nature stuff.

11 Q. And how many students do you have in  
12 camp?

13 A. Generally we allow no more than ten  
14 students in a session, just given the fact that this  
15 is really an individualized camp. We don't really  
16 want more than a certain amount of campers to  
17 teachers. So we try to keep the ratio fairly low.

18 Q. And do the campers use the house at  
19 all, or is that strictly your residence?

20 A. No. Our residence, they do not use our  
21 inside the house at all. The only -- the only part  
22 of our house that they actually use is the deck that  
23 wraps around. At no point are they allowed in our  
24 house.

25 Q. I've got to try to get the photos up,

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1 difficulty, which is probably a lawyer-related  
2 technical difficulty, but...

3 CHAIRMAN SMOLINSKI: You may proceed  
4 with your witness.

5 MR. CAINE: All right. So if we could  
6 please just pull up those pictures that we just had.  
7 All right. This is our barn too.

8 MR. RITTIE: Let me just interrupt.

9 For the board's reference, now we're  
10 referring to the document that was submitted on March  
11 -- what was the date of that? March 4th.

12 MR. PRYOR: That's part of the packet  
13 that I call A-2.

14 MR. RITTIE: Yes. Go ahead, Brian.

15 MR. CAINE: All right. Sorry, these  
16 are in no particular order, but we're going to try to  
17 get them. I'm trying to get to the main barn real  
18 quick. Where is the clicker.

19 This is the inside of our chicken coop.

20 Our chicken coop runs -- all right.

21 So right now what you guys are looking  
22 at is inside of our main barn. It's our four-stall  
23 barn. It's the floor layout plan. It includes the  
24 center aisle. This is where most of the children's  
25 activities take place in terms of barn education.

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1 but this was submitted.

2 Let's go through the accessory  
3 structures. If you can explain for the board, you  
4 know, what each structure is, the size and  
5 dimensions, who has access to them and what  
6 activities occur?

7 A. Not a problem. So the main barn, which  
8 is the four-stall barn -- if we can go back to number  
9 -- I guess the first group on the slide show.  
10 Actually, I have a picture of that.

11 Q. Before and after?

12 A. Yeah, the before and after photos.

13 MR. RITTIE: If we can maybe take a  
14 five-minute break, Mr. Caine said he has the photos  
15 that were submitted? I think we may be able to pull  
16 them up on the computer.

17 CHAIRMAN SMOLINSKI: I make a motion to  
18 take a five-minute break.

19 MR. PRYOR: You have the authority.

20 CHAIRMAN SMOLINSKI: Done deal. Off  
21 the record, please.

22 (Whereupon, a brief recess is held.)

23 CHAIRMAN SMOLINSKI: On the record.

24 MR. RITTIE: Thank you.

25 I think we worked out the technical

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1 In the back there's a tack closet and  
2 tack along the sides. And you're looking at stalls  
3 1, 2, 3 and 4 right in front.

4 This is the exterior of the barn.

5 There are two windows and a large double sliding door  
6 measuring about 8 feet across.

7 You'll see in the lower left a gray  
8 object with a -- with double spouts. They are hot  
9 and cold water. This is also a place where we wash  
10 horses but also our hands and sanitation.

11 Another angle of the barn. You can see  
12 a sink again and the mess that we have from the...

13 Once again, inside of stall 1 and 2,

14 And stall 3 and 4.

15 This is a sealed well in the parking  
16 area that I know was raised at the last meeting.  
17 This is where we store most of our feed. The upper  
18 part of this barn is where our hay and food goes for  
19 the animals. This is also the side where we -- 211  
20 is where the chicken coop is, which I had shown some  
21 brief pictures of before.

22 Inside of the barn. Right now it's  
23 just being used as storage. Most of these things  
24 will be relocated to the inside of the house in the  
25 lower garbage where I have my workshop set up.

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1 This is the backside of the barn. This  
2 is Barn 2, by the way. And once again, the well with  
3 the lighting on top of it.

4 I'm trying to get some. Yeah, well,  
5 the right button wasn't working.

6 I think that's the end of the slides.  
7 So I'll go back to the beginning and show the other  
8 barn where we had the three stalls, which are simply  
9 just stalls in an overhanging structure. There we  
10 go. All right.

11 So this is our three-stall barn. This  
12 is where three other horses are kept. Mostly  
13 boarders are kept up in these upper stalls. But this  
14 is three stalls, a 10-by-30 run in shed. An it's  
15 simply three stalls 10-by-10.

16 BY MR. RITTIE:

17 Q. In terms of the structures you were  
18 just referring to, when you have children onsite for  
19 either birthday parties or camps and the like, of  
20 those structures, do they have access to all of them  
21 or some of them?

22 A. Generally this structure is kept to the  
23 lower barn -- I mean the main barn, which is what we  
24 call the four-stall. But we do allow kids to go up  
25 there and pick stalls, clean them, walk the horses up

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1 didn't discuss the riding activities. Where do those  
2 usually occur?

3 A. So the riding activities occur usually  
4 at the riding rink, which is that big arched area in  
5 the back of the property. That was there, so we just  
6 put down some new footings, which is just stone dust.  
7 And we use -- most of our activities take place up  
8 there, riding. And the area is enclosed, so it  
9 creates a nice safe space for the kids to learn.

10 Q. And the horses, whether they're your  
11 horses or boarding horses, are they grazed, and if  
12 so, where?

13 A. Yeah. So we have three large paddocks  
14 on the property. One at the very front of the  
15 property. You'll see on the diagram. And then two  
16 in the back, which are grass paddocks that are quite  
17 large, about an acre-and-a-half a piece. And so yes,  
18 they have free range to graze on the rest of the  
19 backyard.

20 Q. Going back to the Farmland Assessment  
21 that we talked about. We have applied during the  
22 course of this application; is that correct?

23 A. Yes, we have.

24 Q. And were we denied initially?

25 A. Yes. Initially we were denied. That's  
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1 there. But in terms of instruction, not much  
2 instruction happens up here. It's not really  
3 conducive to it.

4 Q. In terms of inclement weather, bad  
5 weather, raining and the like, do you still have the  
6 activities?

7 A. It depends on the activity. A lot of  
8 times if it's bad weather for the summer camp, we'll  
9 spend a lot of time in the barn because it's  
10 obviously dry. And we'll focus on doing arts and  
11 crafts in the barn, working with the horses, dressing  
12 up horses, making them -- you know, taking care of  
13 horses, you know, all that kind of stuff.

14 Q. In terms of first-aid and safety?

15 A. In terms of first-aid and safety, I'm a  
16 current firefighter with town of Mountain Lakes and  
17 former EMT. I have all my certifications for infant,  
18 adolescent and adult that are all current.

19 In terms of medical safety and things  
20 like that, we keep an EMT kit in the house. That  
21 includes wraps, bandages, burns, things, all the  
22 stuff you find on your traditional ambulance. We  
23 also intend on installing an AV at the main barn and  
24 another one on the right.

25 Q. Going back to some of my notes. We

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1 actually standard practice for applying for Farmland  
2 Assessment. They tend to make it difficult so that  
3 not everybody can just apply for it. They really  
4 want to make sure that you're going to farm, that  
5 you're going to really go for it.

6 So they denied us the first -- we've  
7 been denied for our first year. We anticipate being  
8 denied for our second year.

9 MR. PRYOR: Can I ask, where are you  
10 going with that testimony.

11 MR. RITTIE: The Farmland Assessment.

12 MR. PRYOR: Well, he's bordering on  
13 legal testimony at this point.

14 MR. RITTIE: How so? It's based on his  
15 experience in what denials are.

16 MR. PRYOR: Well, Mr. Rittie, unless  
17 you want to qualify him as providing a basis for him  
18 to testify about Farmland Assessment in the way he's  
19 testified about it -- plus, the reason you're here is  
20 that was denied by the -- by the board, so I don't  
21 know where this testimony is going. I mean, if it's  
22 going somewhere, fine. I don't know how long you're  
23 going and where it's going.

24 MR. RITTIE: Well, I'm not going to  
25 belabor the point. But the point is that we're in

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1 the process of applying for the Farmland Assessment.  
 2 MR. PRYOR: Right. We know that.  
 3 MR. CAINE: Okay. So, yeah, having our  
 4 full Farmland Assessment and Right to Farm in 2024.

5 MR. PRYOR: Okay. That's understood.  
 6 But this board doesn't have any -- you know, it  
 7 doesn't affect what this board does. You applied.  
 8 You got denied. And obviously you folks, you know,  
 9 are proceeding now with this board. So I was just  
 10 wondering where it was going.

11 MR. CAINE: No. I just wanted to make  
 12 sure the board had a clear idea of how this kind of  
 13 stuff works. It's a little weird, especially given  
 14 that most of the stuff we deal with in residential.

15 MR. PRYOR: Mr. Caine, I understand  
 16 your position. It just doesn't bear on how the board  
 17 decides this case. I appreciate the fact that, you  
 18 know, you would prefer to be granted by that board.  
 19 It was denied. But it doesn't affect what this board  
 20 does. This board has a different statutory criteria  
 21 in terms of living. I'll just leave it at that.

22 MR. RITTIE: We get it. It's on the  
 23 record. I think that's it now.

24 MR. CAINE: All right.

25 CHAIRMAN SMOLINSKI: That concludes  
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1 on some testimony you gave the first day about the  
 2 use of the facility.

3 You mentioned BYO beer and wine tasting  
 4 parties. You mentioned showers, bridal showers.

5 MR. CAINE: We didn't mention bridal  
 6 showers in our -- in our testimony.

7 MR. DEUS: Do you hold bridal showers  
 8 there.

9 MR. CAINE: We have not yet held a  
 10 bridal shower.

11 MR. DEUS: Do you advertise bridal  
 12 showers.

13 MR. CAINE: That's possible in the  
 14 future, but that's not before the board right now.

15 That's not on our application.

16 MR. DEUS: Because you were listing the  
 17 activities that take place, and you didn't mention  
 18 the showers, bridal showers, adult birthday parties.

19 MR. CAINE: Adult birthday parties are  
 20 related to the birthday parties. But bridal showers  
 21 are not part of our application.

22 MR. DEUS: Okay. So you're not going  
 23 to have those at the location.

24 MR. CAINE: Not at this time. If we  
 25 were, we would have to come back and apply to the

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1 your testimony at the moment, correct.

2 MR. RITTIE: For Mr. Caine, correct.

3 CHAIRMAN SMOLINSKI: For Mr. Caine. So  
 4 at this time I'll open it up to members of the board.  
 5 And then I'll turn it to Mr. Hantman. But at this  
 6 time, I'm opening it to the members of the board. So  
 7 let's see.

8 Yes. Any questions? I know Adam asked  
 9 before. Adam, I'll let you go first.

10 MR. LUSARDI: I just have a question  
 11 regarding all the buildings that you went through.

12 MR. CAINE: Sure.

13 MR. LUSARDI: Were they all existing  
 14 prior to moving there, or are any of them new.

15 MR. CAINE: No, none of them.

16 MR. LUSARDI: Every one of them that  
 17 you showed was an existing building.

18 MR. CAINE: Correct, yes.

19 MR. LUSARDI: And you've only just  
 20 renovated them.

21 MR. CAINE: Yeah. We basically just  
 22 scraped them, cleaned the siding and redone, yes.

23 MR. LUSARDI: Okay.

24 CHAIRMAN SMOLINSKI: Mr. Deus?

25 MR. DEUS: I just need a clarification

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1 board for permission.

2 MR. DEUS: How about weddings.

3 MR. CAINE: At the current time that is  
 4 not on our application.

5 MR. DEUS: And as far as the traffic  
 6 study, will that include weddings.

7 MR. CAINE: The traffic study will

8 include activities related to the farm that are  
 9 proposed before the board tonight.

10 MR. DEUS: So all the activities that

11 you mentioned the first time that are on your  
 12 website, you're not going to do there at the present  
 13 time.

14 MR. CAINE: Not at this time, and it's  
 15 not on our application.

16 MR. DEUS: Okay. You indicated that  
 17 you're running a camp there. Is this a licensed  
 18 camp.

19 MR. CAINE: We've gone back to the Camp  
 20 Association in New Jersey, and they deemed that we do  
 21 not need any licensures to perform what we're doing  
 22 there.

23 MR. DEUS: Okay. Do you plan on having  
 24 EpiPens and the defibrillators there.

25 MR. CAINE: Yes, we absolutely do. I'm

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1 actually allergic myself to bee stings. So we have  
 2 EpiPens on the property just for me personally but  
 3 also for the children and the adults and any other  
 4 guests that come to the farm.  
 5 MR. DEUS: Okay. You also indicated on  
 6 your application there are no hazardous chemicals on  
 7 the property.  
 8 MR. CAINE: No. Nothing more than the  
 9 typical household items that are found on any other  
 10 property.  
 11 MR. DEUS: No gasoline, oil stored  
 12 there, fertilizer.  
 13 MR. CAINE: There's no fertilizer  
 14 stored there. We have gasoline and oil for the  
 15 tractors, which will be moved to the interior of the  
 16 residence in the lower garage.  
 17 MR. DEUS: Okay. Because in the  
 18 pictures the --  
 19 MR. CAINE: Yeah. I mentioned in my  
 20 testimony that all that stuff would be moved to the  
 21 lower garage where the campers and public do not have  
 22 access.  
 23 MR. DEUS: Okay.  
 24 CHAIRMAN SMOLINSKI: Ms. Platts?  
 25 MS. PLATTS: You testified that there's

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1 up to 15 children at the camps.  
 2 MR. CAINE: Correct, yes.  
 3 MS. PLATTS: And they take place two or  
 4 more days in the same week when you have camps.  
 5 MR. CAINE: So during the summers,  
 6 that's a five-day -- it's really a seven-day-a-week  
 7 thing between the weekend camps and the midweek  
 8 summer camp.  
 9 On the weekends during the school year,  
 10 it's just two days a week in the afternoons.  
 11 MS. PLATTS: And when was the last time  
 12 that you had a camp.  
 13 MR. CAINE: I guess that would be  
 14 President's Day.  
 15 MS. PLATTS: And when did you  
 16 decommission the outhouse.  
 17 MR. CAINE: The outhouse was  
 18 decommissioned back in October.  
 19 MS. PLATTS: And since then you haven't  
 20 gotten the port-a-potties yet, correct.  
 21 MR. CAINE: No, we have not. We  
 22 explicitly stated we have no restroom facilities at  
 23 the property, so anybody who would like to come, to  
 24 use the facilities before they get there and they can  
 25 then come back.

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1 MS. PLATTS: So, I'm sorry, you  
 2 decommissioned the outhouse -- I didn't remember --  
 3 what was the date, or what month, approximately.  
 4 MR. CAINE: October.  
 5 MS. PLATTS: So since October, you've  
 6 had a series of camps, and the children were not --  
 7 did not have a place to go to the bathroom during --  
 8 since October?  
 9 MR. CAINE: That is correct.  
 10 We have not operated in full capacity  
 11 because of the time we were here, and we chose to  
 12 limit that access.  
 13 MS. PLATTS: But you've had camps in  
 14 December and in February, correct.  
 15 MR. CAINE: Correct.  
 16 MS. PLATTS: And children were there  
 17 all day.  
 18 MR. CAINE: No.  
 19 MS. PLATTS: What were the hours in  
 20 December and January, since October.  
 21 MR. CAINE: I would say it was --  
 22 honestly, I can't remember. I don't know.  
 23 MS. PLATTS: You don't recall since  
 24 October the times that you offered camp.  
 25 MR. CAINE: No.

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1 MS. PLATTS: But no matter how long  
 2 that period was, the campers had no place to use the  
 3 bathroom during that time period, correct.  
 4 MR. CAINE: That is correct. Generally  
 5 our camps, in the winter do not -- are not long  
 6 enough to necessitate a bathroom break for children.  
 7 MS. PLATTS: What is long enough to  
 8 necessitate a bathroom break, in your opinion.  
 9 MR. CAINE: I would say anything over  
 10 two hours.  
 11 MS. PLATTS: So all the camps since  
 12 October have only been a maximum of two hours.  
 13 MR. CAINE: To the best of my  
 14 knowledge. But I'm not sure. I don't know.  
 15 MS. PLATTS: And you didn't -- once you  
 16 decommissioned the outhouse, you didn't immediately  
 17 bring in port-a-potties, and to date there are no  
 18 port-a-potties, correct.  
 19 MR. CAINE: Correct.  
 20 MS. PLATTS: How do you -- when you  
 21 mentioned that you have -- you made some application  
 22 to the State. Who directed you that you did not have  
 23 a legal obligation to have your camp licensed?  
 24 MR. CAINE: I believe I spoke with the  
 25 Town Health Department. They had received an e-mail

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1 saying that it did not qualify under -- I spoke with  
2 James at the Health Department. He said we got an  
3 e-mail stating that it didn't really fall under the  
4 licensure and all that stuff.

5 MS. PLATTS: Didn't really fall under  
6 the licensure. So you didn't have any formal  
7 application with the State, or have -- you didn't  
8 have --

9 MR. CAINE: No.

10 MS. PLATTS: -- communication with the  
11 State at any point asking them about --

12 MR. CAINE: I did send an e-mail. I  
13 have not heard back. That was -- and that was three  
14 weeks ago.

15 MS. PLATTS: So you believe -- in  
16 October of 2021 did you receive the report, or did  
17 you have an opportunity to review the report of our  
18 town engineer, Allison Ferrante, regarding these  
19 issues relating to the potential need for licensure  
20 of your camp.

21 MR. CAINE: I believe my attorney had a  
22 chance to review that. I did not personally review  
23 it.

24 MS. PLATTS: And three weeks ago --  
25 that would be in February of 2022 -- was the first

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1 need.

2 MS. PLATTS: And you're not currently  
3 raising or harvesting honey bees; is that correct.

4 MR. CAINE: No. We're currently  
5 raising a crop to raise and harvest honey bees. We  
6 currently are planting in wild flowers in the back so  
7 that they have the ability to then feed.

8 MS. PLATTS: Have you registered for  
9 the annual fire inspection for safety that was  
10 recommended or directed by the fire department in  
11 their report in October of 2021.

12 MR. CAINE: We have not registered for  
13 a fire inspection of that lately. But the house was  
14 recently completed within the past two years  
15 obviously, and it's been fully inspected, to the best  
16 of my knowledge and they've approved it.

17 MS. PLATTS: I didn't hear the last  
18 part.

19 MR. CAINE: They have approved it.

20 MS. PLATTS: Who is "they"?

21 MR. CAINE: The fire marshall.

22 MS. PLATTS: That's just of the house.

23 MR. CAINE: That was for the house.  
24 But nothing else changed in the barn, so according to  
25 that, it should be fine.

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1 time that you reached out via e-mail as to whether or  
2 not the camp needed to be licensed?

3 MR. CAINE: Yes.

4 MS. PLATTS: And you've run camps  
5 between October and your request to the State,  
6 correct.

7 MR. CAINE: To the best of my  
8 knowledge, yes.

9 MS. PLATTS: And who did you send that  
10 e-mail to.

11 MR. CAINE: I don't have the e-mail  
12 address in front of me, but it was the person in  
13 charge on the State website for licensing of camps,  
14 requesting what type of license we need, if any.

15 MS. PLATTS: And you didn't follow up  
16 with them? You never spoke to anybody in the State,  
17 correct.

18 MR. CAINE: No. The State currently  
19 works remotely mostly, and they are very tough to  
20 deal with.

21 MR. RITTIE: As was indicated, this  
22 application is pending. I understand your line of  
23 questioning. But this is prospective as well. If  
24 this board grants it, I mean, it's going to be  
25 subject to any and all licensing that the center may

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1 MS. PLATTS: But you're aware that  
2 there was -- did you see the report from the fire  
3 inspector relating to the need for fire inspections.

4 MR. CAINE: I mean, I'll defer to my  
5 attorney on that.

6 MR. RITTIE: Yeah, we have seen it.

7 MS. PLATTS: Did you take any action in  
8 relation to the fire inspector back in October or  
9 November of 2021 directing that there would need to  
10 be annual fire inspections.

11 MR. CAINE: We have not taken any  
12 action yet, but I assume we will be taking action as  
13 soon as we are granted permission.

14 MR. RITTIE: A lot of those approvals  
15 that you're talking about are prospective again. We  
16 have to get the approvals from this board in order to  
17 get them. He's not going to come out and inspect it  
18 until the use has been approved.

19 MS. PLATTS: Well, you're currently  
20 having camps at the property right now, correct.

21 MR. CAINE: We were operating the  
22 property according to what we believe the code says.

23 MS. PLATTS: That's not what I asked.  
24 I asked, you're currently running camps at the  
25 property, correct? That's not just prospective.

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1 That's going on now, right?  
 2 MR. CAINE: That's my answer to you, is  
 3 that we are running our property as we perceive the  
 4 codes are set and as we are applying for an  
 5 interpretation.

6 MS. PLATTS: Okay, so you're not  
 7 answering my question. Are you running camps  
 8 currently, yes or no.

9 Sir, it's a very simple question.  
 10 You're making the application. Yes or no, are you  
 11 running camps?

12 MR. CAINE: We are using the property  
 13 as it is zoned for currently, and that's why we're  
 14 here before to have.

15 MS. PLATTS: All right, that's not  
 16 responsive. You are currently running -- having  
 17 riding lessons at the property?

18 MR. CAINE: Yes.

19 MS. PLATTS: And birthday parties.

20 MR. CAINE: No.

21 MS. PLATTS: But you are conducting  
 22 affairs that require the public enter the property  
 23 for business currently, correct.

24 MR. CAINE: Yes.

25 MS. PLATTS: I have nothing further.

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1 MR. LOFTUS: Twelve feet. And what are  
 2 the -- I don't see on the backside. Is it chicken  
 3 wire, or there's not spindles?

4 MR. CAINE: Oh, that was a picture  
 5 taking before the deck was complete. That is all  
 6 spindled in. There's no open holes in that railing.

7 MR. LOFTUS: Okay. All right, thank  
 8 you.

9 CHAIRMAN SMOLINSKI: Okay. Any other  
 10 questions from members?

11 Just a couple. I guess a few I have  
 12 real quick.

13 You indicated you filed a plan with the  
 14 Department of Forestry?

15 MR. CAINE: Correct, yes.

16 CHAIRMAN SMOLINSKI: Okay. So that  
 17 plan has been filed, and you also did that as an  
 18 exhibit.

19 MR. CAINE: Yes, that's not a problem.  
 20 Mr. Graham prepared it. And I would be more than  
 21 happy to submit it.

22 CHAIRMAN SMOLINSKI: Do you know when  
 23 that was filed.

24 MR. CAINE: November. Early November.

25 CHAIRMAN SMOLINSKI: Okay. Let's see.

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1 CHAIRMAN SMOLINSKI: Yes, Jim.

2 MR. LOFTUS: Thank you.

3 A couple questions regarding the house  
 4 and the deck that you said is being used during your  
 5 -- some of the activities there.

6 It looks like the deck has been  
 7 expanded as compared with the before and after?

8 MR. CAINE: Yeah. It's around the same  
 9 size, maybe a little further out. But yeah, it's  
 10 about the same size.

11 MR. LOFTUS: Was the work permitted  
 12 through the town.

13 MR. CAINE: The permits are currently  
 14 going through right now. We have changed the -- the  
 15 use from residential to -- well, I guess assembly.

16 So we have to change what we're doing to the deck.  
 17 So that would involve a raised -- a raised railing  
 18 bar and also handrails that were not previous.

19 MR. LOFTUS: So it's being used now  
 20 prior to all of that being satisfied.

21 MR. CAINE: Yes.

22 MR. LOFTUS: Looking at the fall  
 23 height, how high is that.

24 MR. CAINE: The fall height is about 12  
 25 feet.

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1 Now, you indicated they're looking to do group  
 2 programs. Basically, the way my understanding is, is  
 3 that during the summer it's basically a 7 to -- to 7,  
 4 8 o'clock operation?

5 MR. CAINE: Yeah.

6 CHAIRMAN SMOLINSKI: Seven days a week.  
 7 In terms of -- I know -- I understand it's going to  
 8 be 24-hour a day operation to run a farm --

9 MR. CAINE: Yeah.

10 CHAIRMAN SMOLINSKI: -- to take care of  
 11 the animals and those things.

12 In terms of interaction with the  
 13 outside public, it's going to be roughly a 7 to 7, 7  
 14 to 8, basically seven days a week?

15 MR. CAINE: Yeah. I would say we wake  
 16 up and start feeding horses around 8 o'clock in the  
 17 morning, and we're done somewhere around 8 o'clock at  
 18 night.

19 CHAIRMAN SMOLINSKI: Okay. But in  
 20 terms of outside activities, in terms of riders --

21 MR. CAINE: 9 to 9, 9 to 7, 9 to 8  
 22 generally.

23 CHAIRMAN SMOLINSKI: Okay. I just want  
 24 -- I just wanted to make that clear. That's what I  
 25 gathered with all the different --

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1 MR. CAINE: Yeah, there was a lot.  
 2 CHAIRMAN SMOLINSKI: -- general uses  
 3 that were being proposed.  
 4 MR. CAINE: Yeah. We propose no  
 5 overnight uses. We propose (witness mumbling).  
 6 CHAIRMAN SMOLINSKI: Now, the way I was  
 7 looking at it with, you know, and just looking at the  
 8 way the time slots are, and -- will there be times  
 9 where you will have more than outside public? I  
 10 understand you say you have a birthday party and you  
 11 have riders that have no personal horses there, and  
 12 they bring maybe a friend or another family member to  
 13 ride with them, because it is their horse that you're  
 14 boarding.  
 15 MR. CAINE: Right.  
 16 CHAIRMAN SMOLINSKI: I'm assuming  
 17 that's allowed. Should I make that assumption or...  
 18 MR. CAINE: Yes, that's correct.  
 19 CHAIRMAN SMOLINSKI: Okay. So there  
 20 might -- so there might be a time where you have more  
 21 than 15 to 20 vehicles on the site.  
 22 MR. CAINE: Very rarely. But that is  
 23 -- that is possible.  
 24 CHAIRMAN SMOLINSKI: Okay. So I  
 25 understand that there's going to be a traffic study

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1 stalls on the property. Whenever the -- I guess the  
 2 statute in town allows for the amount of horses, the  
 3 amount we could keep. But we prefer to keep the  
 4 numbers low based on use.  
 5 CHAIRMAN SMOLINSKI: So would it be one  
 6 per stall potentially.  
 7 MR. CAINE: Yeah. Most horses are kept  
 8 one per stall, yeah.  
 9 CHAIRMAN SMOLINSKI: Yes.  
 10 MR. CAINE: We have a mini -- we have a  
 11 mini pony.  
 12 CHAIRMAN SMOLINSKI: Maybe a comfort  
 13 animal in there or something of that nature.  
 14 MR. CAINE: Yeah.  
 15 CHAIRMAN SMOLINSKI: But generally  
 16 speaking it's one per stall.  
 17 MR. CAINE: Correct.  
 18 CHAIRMAN SMOLINSKI: And you currently  
 19 have three that belong to somebody.  
 20 MR. CAINE: Correct.  
 21 CHAIRMAN SMOLINSKI: Okay. Did I catch  
 22 it, you say you have two of your own as well.  
 23 MR. CAINE: Three of our own.  
 24 CHAIRMAN SMOLINSKI: Three of your own.  
 25 Is that a donkey or is that...

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1 done so --  
 2 MR. CAINE: Yeah.  
 3 CHAIRMAN SMOLINSKI: -- in terms of  
 4 circulation of those vehicles within that -- just  
 5 within the property itself --  
 6 MR. CAINE: Right.  
 7 CHAIRMAN SMOLINSKI: -- might be  
 8 something that needs to be looked at.  
 9 MR. CAINE: Yeah. I'm going to defer  
 10 to my traffic engineer.  
 11 CHAIRMAN SMOLINSKI: Understandable.  
 12 That's not your place. I just wanted to confirm that  
 13 that's generally a possibility that may occur because  
 14 of some of the way the activities may overlap,  
 15 there's not a prohibition on if I have a horse  
 16 stabled there.  
 17 MR. CAINE: No. If you have a horse  
 18 stabled there, you have access between 8 a.m. and  
 19 8 p.m.  
 20 CHAIRMAN SMOLINSKI: And then just --  
 21 and thank you for providing the interior layout of  
 22 the stables.  
 23 By my count, approximately how many  
 24 horses could you stable, I guess?  
 25 MR. CAINE: We have -- we have seven

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1 MR. CAINE: We don't have a donkey.  
 2 Not yet.  
 3 MR. RITTIE: He's asking about the  
 4 miniature horse.  
 5 MR. CAINE: Oh, yeah. We have a mini  
 6 pony. His name is Buddy. He bunks with one of the  
 7 other horses.  
 8 CHAIRMAN SMOLINSKI: That's one of --  
 9 that's one of the three, or is that -- that's a  
 10 fourth?  
 11 MR. CAINE: Sorry, I'm going to ask my  
 12 wife. How many horses do we have?  
 13 MS. SAMI: There's nine horses at the  
 14 farm. One is Buddy. He's a mini horse.  
 15 MR. CAINE: How many do we have, first  
 16 of all?  
 17 MS. SAMI: Five.  
 18 MR. PRYOR: Mr. Rittie, do you want to  
 19 put on the record who is saying that?  
 20 MR. CAINE: Yes. That was my wife,  
 21 Christy Sami, at 91 Jacobs Road. She lives with me.  
 22 CHAIRMAN SMOLINSKI: So full occupancy,  
 23 I think?  
 24 MR. CAINE: Correct.  
 25 CHAIRMAN SMOLINSKI: I think at this

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1 point that answers all my questions. I'm going to  
2 turn it to Mr. Hantman.

3 MR. RITTIE: Before Mr. Hantman, one  
4 follow-up question, Chairman.

5 MR. RITTIE: In terms of birthday  
6 parties, are those staggered so that you avoid the  
7 overlap.

8 MR. CAINE: Yes. So for that  
9 information we, yeah, we stagger things on purpose  
10 because we don't want a crowd at the farm. We prefer  
11 to keep things slow and easy.

12 CHAIRMAN SMOLINSKI: Thank you.

13 CROSS-EXAMINATION

14 BY MR. HANTMAN:

15 Q. Mr. Caine, the information you gave as  
16 to how the farm operates, is that what you've been  
17 doing over the past year, or is that what you want to  
18 do going forward?

19 A. The information that we have given is  
20 what we want to do going forward.

21 Q. So that has nothing to do with how  
22 you've been operating the farm in the past  
23 year-and-a-half?

24 A. Oh, it does, because we've been doing  
25 exactly as we've said we've been doing.

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1 think it is -- it's clear that what you're here  
2 before the board for is what you're proposing to do.  
3 But it seems to me, unless I'm mistaken, that some of  
4 what Mr. Caine has testified to is based upon his  
5 understanding as to how things have gone over the  
6 past year. Unless I'm mistaken about that.

7 And so I would say that I would grant,  
8 subject to the Chairman's view on this, some leeway  
9 to Mr. Hantman. But I don't think we want to get too  
10 far into everything that's -- you know, if you're  
11 going to pick dates, Mr. Hantman, what were you doing  
12 October 21st, that's getting very specific. We'll  
13 give a little bit of leeway in that.

14 MR. HANTMAN: With all due respect --

15 MR. PRYOR: Subject to you,

16 Mr. Chairman.

17 MR. HANTMAN: With all due respect, we  
18 would like to be somewhat specific. I have a group  
19 of clients who are who have been watching and been  
20 unhappy with BEAUtiful Farms. They have observed  
21 what they see, and it's not what we heard today. And  
22 I wanted to be able to ask specific questions as to  
23 the observance, things that were observed by my  
24 clients and how they relate to how BEAUtiful Farms  
25 operates.

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1 Q. So then the testimony should be  
2 consistent with what's been happening at the farm?

3 A. In theory, yes.

4 MR. RITTIE: I think that's a little  
5 vague of a question. I mean --

6 MR. HANTMAN: Let me rephrase the  
7 question.

8 BY MR. HANTMAN:

9 Q. Do you have any idea what you were  
10 doing with the farm -- what was happening on the farm  
11 on the weekends of October 2021?

12 MR. RITTIE: I object to this line of  
13 questioning. This is stuff that is in the past.

14 This is not what we're here for. We're here for the  
15 use going forward.

16 We're here in part because of the  
17 issues with the Municipality of siting violations.  
18 We're here to cure those. And we've put forth the  
19 application for what we intend to do to be in  
20 compliance.

21 MR. HANTMAN: With all due respect --

22 MR. PRYOR: If I can comment.

23 MR. RITTIE: This is not a municipal  
24 trial on the past activities.

25 MR. PRYOR: You know, Mr. Rittie, I

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1 MR. PRYOR: I think as long as it's  
2 relevant to what the board is considering in terms of  
3 what the applicant is proposing, that's not a  
4 problem. But let's try to focus -- let's try to tie  
5 those in, if we can.

6 MR. RITTIE: See, I'd object to that.  
7 I mean, we're going to be bringing up past  
8 transgressions, if you will. There's a pending  
9 municipal court matter. I'll instruct my client to  
10 plead the Fifth on some of these.

11 MR. PRYOR: Mr. Rittie, clearly this  
12 board does not have any enforcement authority.

13 MR. RITTIE: Exactly.

14 MR. PRYOR: Any decision of this board  
15 is going to be based on any claims or accusations as  
16 to what your client has or has not done that may or  
17 may not be consistent with any ordinances. But to  
18 the extent that Mr. Hantman can raise something as to  
19 what his clients have seen going on at the farm, if  
20 he can tie that into what's proposed, I think that --  
21 I think that can be relevant.

22 But as far as this board is concerned,  
23 the board has to make its decision based upon what  
24 your client is proposing to do.

25 MR. RITTIE: That's right.

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1 MR. PRYOR: To the extent that there  
2 may be some relevancy to what's transpired, I think  
3 that can be relevant. But the board can only decide  
4 what your client can or cannot do in the future.

5 MR. RITTIE: The past activities, I  
6 don't think, is relevant.

7 MR. HANTMAN: With all due respect, it  
8 is relevant.

9 MR. PRYOR: We haven't heard the  
10 question. So let's see where Mr. Hantman is going.  
11 If there's an objectionable question, object.

12 BY MR. HANTMAN:

13 Q. The question that was asked was  
14 basically, do you remember or recall the activities  
15 at the farm in October of 2021?

16 MR. RITTIE: I object to the question.

17 MR. PRYOR: Well, Mr. Hantman, you  
18 obviously have in mind that transpired on that date.  
19 Instead of asking him does he remember that  
20 particular day, can you be more specific.

21 MR. HANTMAN: Sure. I'll make it  
22 simple.

23 BY MR. HANTMAN:

24 Q. In the month of the week ending on  
25 October 2021, there were 128, 84, 41 and 88 cars

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1 Next question.

2 BY MR. HANTMAN:

3 Q. Is the lighting that is presently on  
4 the farm, used on the farm, shown on your site plan?

5 A. Yes, it is.

6 Q. Is there a particular light that lights  
7 up the riding area?

8 A. Yes.

9 Q. And where is it?

10 A. At the riding area.

11 Q. And where is it on the site plan?

12 A. I apologize. I guess it's not on the  
13 site plan.

14 Q. Okay. And isn't the light source one  
15 of the buildings?

16 A. No.

17 Q. There's a light pole of some type?

18 A. Yes.

19 Q. And does it extend past the border of  
20 your property when it's lit?

21 A. No.

22 Q. And when was the last time that that  
23 light was lit?

24 A. When my wife was riding last night.

25 Q. So it was -- I think the question was

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1 coming and going from BEAUtiful Farms. What was  
2 happening?

3 MR. RITTIE: I object to question.

4 Mr. Hantman is not a traffic person. And we have no  
5 information to support the data that he's giving.

6 MR. PRYOR: Well, I assume Mr. Hantman  
7 is going to rephrase that along the lines of, do you  
8 know if that happened or not.

9 MR. HANTMAN: No. I know that  
10 happened. And I'm going to produce testimony at the  
11 time necessary that it did happen.

12 MR. PRYOR: Right. That's the  
13 question. He's not rephrasing it, Mr. Rittie. If  
14 your client can answer, he can answer. If he can't,  
15 he can't.

16 MR. RITTIE: I object to the question.  
17 I don't see how that is relevant to what's being  
18 proposed. Mr. Hantman will have an opportunity to  
19 cross-examine the traffic engineer from what is being  
20 proposed. What happened in October and November  
21 doesn't have any relevance to the testimony.

22 MR. PRYOR: Well, he's not rephrasing  
23 it. You're objecting. Your client is not going to  
24 answer.

25 Mr. Hantman, he's not going to answer.

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1 asked of you before, how late the lights go on. And  
2 I think you were talking about 8 o'clock?

3 A. Yes.

4 Q. How late were the lights on last night?  
5 MS. SAMI: 8:15.

6 MR. PRYOR: No, no, no. Wait. You  
7 can't -- Mr. Caine is the witness. If he answers  
8 question, he answers the question. Nobody else.

9 MR. CAINE: So the lights were on until  
10 8:15 last night. Regardless if we are allowed to do  
11 this as a business or personally, we intend to use  
12 our property as a farm regardless. So it would make  
13 no difference.

14 BY MR. HANTMAN:

15 Q. And it is your position that that light  
16 does not extend beyond your property?

17 A. Correct.

18 Q. And it's located on a pole, according  
19 to you, at the riding area?

20 A. Correct.

21 Q. Mr. Caine, question, what activities do  
22 you presently have permission to do at BEAUtiful  
23 Farms?

24 A. Permission from who?

25 Q. From anyone who is supposed to give it.

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1 You're here looking for certain permissions from this  
 2 board. There were discussions about permissions  
 3 you're looking for from the State.  
 4 The question is, what permissions, if  
 5 any, do you presently have properly?  
 6 **A.** According to the code, we are currently  
 7 allowed to be doing what we are doing. We are here  
 8 to settle a dispute as to what we are allowed to do.  
 9 **Q.** And what code are you talking about  
 10 that allows you --  
 11 **A.** 54:1.31, I believe.  
 12 **Q.** Are you talking about the code of  
 13 Rockaway Township?  
 14 **A.** Yeah.  
 15 **Q.** Now, Rockaway Township's code, you're  
 16 talking about, divides farms into two criteria --  
 17 **A.** Correct.  
 18 **Q.** -- commercial farms and regular farms.  
 19 **A.** Correct.  
 20 **Q.** Do you think you're a commercial farm?  
 21 **A.** I believe we are a farm on a commercial  
 22 property. And the only difference -- no, look, and  
 23 the only difference is preferential tax treatment  
 24 through the ag board.  
 25 **Q.** According to you, you believe that the

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1 **Q.** It does.  
 2 **A.** So...  
 3 **Q.** It distinguishes between the two.  
 4 **A.** And what would be the difference, sir?  
 5 **Q.** All the things you want to do.  
 6 **A.** Unfortunately, that's not how the code  
 7 reads.  
 8 **Q.** Oh, that's for the board to decide, I  
 9 believe.  
 10 Now, you attempted to go to the Farm  
 11 Bureau, correct?  
 12 **A.** Correct.  
 13 **Q.** And that wasn't anything to do with  
 14 taxation?  
 15 **A.** Yes, it actually did. The only reason  
 16 we weren't qualified under Right to Farm --  
 17 **Q.** And that's the reason why you were  
 18 rejected. But that wasn't the reason you went there.  
 19 They can't give you tax relief; am I correct?  
 20 **A.** Yes, they can, actually.  
 21 **Q.** Really?  
 22 **MR. CAINE:** Jason, would you mind  
 23 clarifying this a little bit.  
 24 **MR. RITTIE:** Well, we're getting into  
 25 semantics again, Mr. Pryor, of the Farmland

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1 only difference between a farm and a commercial farm  
 2 is the tax treatment?  
 3 **A.** Correct.  
 4 **Q.** Isn't it a fact -- and I don't know how  
 5 you can answer this. Isn't it a fact that the major  
 6 difference between a commercial farm and a regular  
 7 farm are all of these accessory uses that you say you  
 8 want to do?  
 9 **A.** That is incorrect.  
 10 **Q.** You think they're permitted on a  
 11 regular farm?  
 12 **A.** Yes, they are. According to the code,  
 13 they are.  
 14 **Q.** And that was the code you quoted?  
 15 **A.** I believe those were the numbers. But  
 16 my attorney can properly clarify the exact numbers.  
 17 **Q.** Okay. So that, according to you, if  
 18 your interpretation of the code is correct, that once  
 19 the board considers what you're doing, these  
 20 accessory uses and these educational uses, since a  
 21 farm is entitled to do that, you don't have to be a  
 22 commercial farm, that once the interpretation is  
 23 decided it should be done?  
 24 **A.** I believe your code says farms and  
 25 commercial farms.

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1 Assessment. So I object to that line of questioning.  
 2 If he wants to say why did we apply,  
 3 it's because we needed to settle a jurisdictional  
 4 question.  
 5 **MR. PRYOR:** Mr. Hantman, I didn't shut  
 6 down Mr. Caine on that question. So I don't know  
 7 where you're going either. So unless you can find a  
 8 particularly relevant point as to the application  
 9 before the board for the proposed uses, that's where  
 10 we are.  
 11 **MR. HANTMAN:** The reason that the  
 12 question was asked, as I understand it, is that their  
 13 position is that they have a right to do these  
 14 things. That's the position he takes, that there is  
 15 no distinguish-ment as far as permission between a  
 16 commercial farm and a regular farm.  
 17 That's the issue, I think, before the  
 18 board. But I needed to get his position on this so I  
 19 know what he thinks he's entitled to do, even though  
 20 he's building summonsed.  
 21 **MR. PRYOR:** You've asked the question.  
 22 It's been answered.  
 23 **MR. RITTIE:** Just for clarity, our  
 24 position is, as Mr. Caine indicated, the ordinance  
 25 has farms and commercial farms. When you look in the

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1 ordinances and you look at the definitions -- we'll  
 2 get into legal arguments later on just briefly -- we  
 3 satisfy everything except for the fact that we are  
 4 not Farmland assessed. We meet the acreage. We meet  
 5 the uses. The only thing we don't have is the two  
 6 years of Farmland Assessment. And that's what  
 7 knocked us out of the box for the Agricultural Board.

8 MR. PRYOR: Now you've had your say.  
 9 Mr. Hantman has had his say on that issue.

10 MR. RITTIE: Let's move on.

11 MR. PRYOR: I was going to say that.

12 BY MR. HANTMAN:

13 Q. Mr. Caine, do you understand that all  
 14 of -- let me start again.

15 Of the things that you testified to  
 16 that were, quote, farming, okay, you indicated that  
 17 you sell eggs?

18 A. Correct.

19 Q. You talked about forestry?

20 A. Correct.

21 Q. Timbering, is that a proper term?

22 A. Sure.

23 Q. Did you know that that's prohibited in  
 24 the R-88 Zone?

25 A. It is not prohibited.

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1 now, which is what we're proposing for the future  
 2 use, the harvesting. I don't understand the  
 3 relevance of the question.

4 MR. CAINE: It's a cart before the  
 5 horse question, Mr. Hantman.

6 BY MR. HANTMAN:

7 Q. And you talked about breeding horses.

8 How many horses have been bred on the site since  
 9 you've owned it?

10 A. We currently have three mares, and  
 11 they've all been bred already.

12 Q. Are there foals on the property?

13 A. No, there are not.

14 Q. They've been sold?

15 A. They were prior to us acquiring the  
 16 mares, yes.

17 Q. Oh, they were prior. Since you've  
 18 acquired the mares and the property, how many horses  
 19 have been bred where the foals have been sold?

20 A. None.

21 Q. Have you bought and sold horses?

22 A. Yes.

23 Q. How many?

24 A. Two.

25 Q. Mr. Caine, would it be fair to say that

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1 MR. RITTIE: Well, the timbering is.  
 2 But they're harvesting. It's distinct. It's not  
 3 running a timber mill here.

4 BY MR. HANTMAN:

5 Q. Now, all of the other things we talked  
 6 about other than this deck, the honey that you've  
 7 contemplated is not produced yet, correct?

8 A. No. You have to build a cropland so  
 9 that you can produce honey.

10 Q. I understand. But it's not being done  
 11 now?

12 A. Yes, it is. It's in the process of  
 13 being done. It's not like you just grow honey on  
 14 trees.

15 Q. Well, are there bees in hives there?

16 A. They should be incoming in the next  
 17 year.

18 Q. Let me ask the question again. Are  
 19 there bees in hives there?

20 A. That's not relevant.

21 MR. RITTIE: I object. I mean, there's  
 22 bees on every property. It's not an appropriate  
 23 question.

24 MR. HANTMAN: I said bees in hives.

25 MR. RITTIE: Well, there's no hives

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1 the major income source of BEAUtiful Farms are the  
 2 educational or other than farming activities?

3 MR. RITTIE: I object to the question.

4 We're getting into the financial aspects, which is  
 5 not relevant to this application.

6 MR. PRYOR: I'm sorry, could you repeat  
 7 that question, Mr. Hantman.

8 MR. HANTMAN: Sure. The question that  
 9 I was asking was whether or not the major source of  
 10 income is other than the farming activities.

11 MR. PRYOR: What's the relevancy,  
 12 Mr. Hantman?

13 MR. HANTMAN: It's the same relevancy  
 14 -- the concept of a Farmland Assessment, or the  
 15 Farmland per se. Were these accessory uses to  
 16 supplement the farming installation? That's what the  
 17 basis of this whole -- if you look at what the  
 18 farmland was, these other supplementary things like  
 19 educational, like hayrides, were done so that farms  
 20 could succeed and keep their farms alive.

21 Here, it's our position, that that's  
 22 the tail swinging the dog. This whole operation is  
 23 not for farming. Other than the fact that it's  
 24 called a farm, it really doesn't do much farming.

25 It's all for these educational uses and these

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1 celebration uses, birthdays, et cetera, et cetera.  
 2 That's what the purpose of this is. It is not a  
 3 supplementary farm use.  
 4 MR. PRYOR: I think, Mr. Rittie,  
 5 whether or not one agrees or disagrees with  
 6 Mr. Hantman's argument, it seems to be relevant for  
 7 purposes at least of making his argument. I don't  
 8 know if it's a valid argument or not, but I think  
 9 it's relevant for that purpose.  
 10 MR. RITTIE: I don't see how the income  
 11 is relevant. I mean, they're all uses combined. And  
 12 that's what we're proposing here. The fact that one  
 13 may make more money than the other, I don't think is  
 14 really -- what did he say -- the tail wagging the  
 15 dog. I don't think it is relevant.  
 16 MR. PRYOR: Well, I think it's relevant  
 17 from legal standpoint in terms of his argument as to  
 18 whether or not the board should grant the relief that  
 19 you're requesting in terms of the board looking at  
 20 the use variance and all the criteria that go into  
 21 it, whether or not the board should grant use  
 22 variance relief.  
 23 I mean, from my standpoint, subject to  
 24 the Chairman's position, I think it's a relevant  
 25 question.

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1 questions.  
 2 MR. NOVAK: I do have a couple  
 3 questions.  
 4 CHAIRMAN SMOLINSKI: Help us go through  
 5 this in your testimony.  
 6 MR. PRYOR: May I ask, are you asking  
 7 Dave to limit his questions to just the  
 8 interpretation now.  
 9 CHAIRMAN SMOLINSKI: Well, again, I  
 10 think the way that we need to handle this is really  
 11 to take the testimony and sort of get a feel for  
 12 where we fall within our ordinance.  
 13 MR. PRYOR: Right. I'm just --  
 14 CHAIRMAN SMOLINSKI: As to aspects of  
 15 his testimony.  
 16 MR. PRYOR: Okay. All right.  
 17 MR. NOVAK: Mr. Chairman, in terms of  
 18 the interpretation aspect of this, I can walk the  
 19 board through what I see as the interpretation  
 20 issues.  
 21 Before I do that, though, I would like  
 22 to ask the applicant a few questions and then would  
 23 also like to hear at some point the public ask  
 24 questions regarding his activities. We could take  
 25 all that information together and then walk through

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1 MR. RITTIE: I disagree and I object.  
 2 Whether one use makes more money than the other,  
 3 that's not really for this board.  
 4 MR. PRYOR: I think it's a relevant  
 5 question. I think your client can answer it. If you  
 6 direct him not to answer, the board -- I can't make  
 7 him answer. But that's my position. And I think you  
 8 should answer. But that's up to you, Mr. Rittie.  
 9 MR. RITTIE: I'm going to instruct him  
 10 not to answer that question.  
 11 MR. PRYOR: Mr. Hantman, he has  
 12 instructed his client not to answer. The board will  
 13 take that into consideration, to the extent the board  
 14 feels it may or may not be relevant.  
 15 MR. HANTMAN: I have no further  
 16 questions.  
 17 CHAIRMAN SMOLINSKI: I would propose,  
 18 Mr. Novak, the question -- I'm going to turn this  
 19 over to you. Because I know we're wondering what's  
 20 relative to the interpretation that's before us and  
 21 relative to our ordinance. And if you could maybe  
 22 assist us here.  
 23 MR. NOVAK: Regarding the  
 24 interpretation aspect of this.  
 25 CHAIRMAN SMOLINSKI: Yes. If you have

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1 the interpretation after that. But I can certainly  
 2 give the board a little bit of a preview of what that  
 3 interpretation process will look like.  
 4 Before I can get to that, though, I did  
 5 have some questions about the operations being  
 6 conducted on the site.  
 7 CHAIRMAN SMOLINSKI: Yes, please.  
 8 MR. NOVAK: I apologize. Allergy  
 9 season, I think, is upon us.  
 10 So just going back through the  
 11 testimony, I wrote down a few questions. Let's begin  
 12 with some of the things that are sold onsite. I  
 13 believe that you mentioned that eggs are sold?  
 14 MR. CAINE: Correct, yes.  
 15 MR. NOVAK: And I already misspoke.  
 16 Are those eggs sold onsite, or are they sold offsite.  
 17 MR. CAINE: We sell them both onsite  
 18 and offsite. The offsite location is in Mountain  
 19 Lakes at the farm offices.  
 20 MR. NOVAK: And you mentioned that you  
 21 sell horses as well. Is that the same strategy.  
 22 MR. CAINE: I mean, yeah, they have to  
 23 be picked up from the farm.  
 24 MR. NOVAK: Okay. Regarding the  
 25 activities that are being conducted onsite, one of

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1 the things that may help me and possibly the board  
2 dissect what's going on is perhaps some sort of  
3 rubric identifying the activities that are being  
4 conducted, the days of the week on which they're  
5 being conducted, the hours of operation, and  
6 typically how many people are there. It sounds like  
7 there are a few different activities going on.

8 My question is, do some of those  
9 activities overlap with one another? For example, is  
10 there the potential that there may be a birthday  
11 party at the same time that there's group instruction  
12 or a camp that's occurring onsite?

13 MR. CAINE: Generally we don't run  
14 birthday parties and camps at the same time. It's  
15 just not that kind of facility.

16 MR. NOVAK: Okay. What about camps  
17 and, say, riding lessons, or camps or educational  
18 classes.

19 MR. CAINE: So we block everything out  
20 so that we wouldn't have a camp and an educational  
21 class -- like, say, our class for grafting, we  
22 wouldn't run that at the same time.

23 We would, however, run private riding  
24 lessons and the camp at the same time, as they're  
25 taught by two different people.

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1 during a given activity or during a given shift? I  
2 don't know what the proper nomenclature would be.

3 MR. CAINE: Yeah.  
4 We recommend for specific activities.

5 For birthday parties we like to have like two  
6 volunteers or and myself and a volunteer do it, or my  
7 wife and a volunteer for, say, birthday parties.  
8 Then for the camps, there's usually one instructor or  
9 volunteer.

10 So generally you're looking at three  
11 instructors or volunteers dealing with the -- or  
12 taking care of actual public. And then there's  
13 always this run-around, you know, volunteers who are  
14 cleaning stalls, just doing, you know, farm chores.

15 MR. NOVAK: And if you do prepare the  
16 rubric outlines of those activities, that might be  
17 helpful.

18 MR. CAINE: Not a problem.

19 MR. RITTIE: We'll prepare that for the  
20 next meeting.

21 MR. NOVAK: Great. We appreciate it.  
22 Thank you.

23 You had mentioned in your testimony  
24 that the permitting for the deck on the dwelling is  
25 being changed from a residential use to an assembly

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1 MR. NOVAK: So can you just go into a  
2 little bit more detail on potentially what activities  
3 would overlap with one another.

4 MR. CAINE: So on the weekends, there  
5 is a potential for birthday parties and private  
6 riding lessons to overlap. And really the only thing  
7 that overlaps the way we schedule it is with the  
8 private riding lessons, which is the one person, one  
9 instructor, and then, say, a camp. There is a slight  
10 potential for a birthday party and the camp to  
11 overlap, but we've generally fixed that through  
12 scheduling.

13 MR. NOVAK: Okay. So in a worst case  
14 scenario, if you do have overlapping events taking  
15 place on the site, a rough estimate, how many members  
16 of the public would typically be there, not including  
17 staff or yourselves.

18 MR. CAINE: This is a rough estimate,  
19 but generally I would say 30 people.

20 MR. NOVAK: And that would be 30  
21 members of the public, correct.

22 MR. CAINE: Correct.

23 MR. NOVAK: You had mentioned that you  
24 do have a staff of volunteers. Typically how many  
25 staff members or volunteers would you have onsite

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1 use?

2 MR. CAINE: Yeah. We are currently --  
3 we built the deck during -- during the first  
4 lockdown, and we are catching up on our paperwork.  
5 So we're going to instead just have it set up for  
6 assembly use.

7 MR. NOVAK: So is the intent to have  
8 the deck utilized by the public for this.

9 MR. CAINE: Correct, yes. We have  
10 tables and chairs out there for them to use.

11 MR. NOVAK: Okay. Would you have any  
12 drawings for the deck for the next board hearing that  
13 you can share.

14 MR. CAINE: Yes. That's not a problem.

15 MR. NOVAK: Getting back to some of  
16 your comments and responses that you had to Mr.  
17 Hantman regarding the Rockaway Township code. And  
18 I'll ask these knowing that you do have a planner who  
19 will be addressing some of these issues as well.

20 But, in your opinion, is your operation  
21 a commercial farm as defined by the Rockaway Township  
22 code?

23 MR. CAINE: Yeah.

24 MR. NOVAK: Okay. So, Mr. Chairman, to  
25 get back to your question, part of this

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1 interpretation aspect is going to be examining the  
2 Rockaway Township code and looking at what the  
3 permitted uses are in the R-88 District. And the  
4 R-88 District permits, among other uses, those  
5 activities and uses set forth in accordance with  
6 Section 54:31, like Right to Farm.

7 Section 54:31 permits farms and  
8 commercial farms. Both of those are defined  
9 differently.

10 The commercial farm definition refers  
11 to the Right to Farm Act, which has three separate  
12 definitions for the farm. Which, if you'd like, I  
13 can go over now, or we can wait until public comment  
14 and then provide more detail.

15 In addition to that commercial farm  
16 definition, there's a separate definition just for  
17 farms.

18 The reason that this will place some  
19 importance -- not just some but a lot of importance  
20 to this application -- is that commercial farms have  
21 certain additional protections from the State from  
22 the Right to Farm Act.

23 CHAIRMAN SMOLINSKI: Correct.

24 MR. NOVAK: Those protections include  
25 certain activities. So one of the cruxes of this

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1 farm, as:

2 "A farm management unit of no less  
3 than 5 acres producing agricultural or  
4 horticultural project products worth \$2,500.00  
5 or more annually, and satisfying the  
6 eligibility criteria for differential property  
7 taxation pursuant to the Farmland Assessment  
8 Act of 1964, or a farm management unit less  
9 than 5 acres producing agricultural or  
10 horticultural products worth \$50,000.00 or  
11 more annually and otherwise satisfying the  
12 eligibility criteria for differential property  
13 taxation pursuant to the Farmland Assessment  
14 Act of 1964, or a farm management unit that is  
15 a beekeeping operation producing honey and/or  
16 agricultural or horticultural, apiary-related  
17 products, or providing crop pollination  
18 services worth \$10,000.00 or more annually."

19 So there's three categories to classify  
20 as a commercial farm, all of which are defined by the  
21 State's Right to Farm Act.

22 Locally, the Township has a specific  
23 definition for farm, not commercial farm, but farm.

24 That is:

25 "An area of land made up of single or  
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1 application will be examining whether or not this  
2 site meets the definition of a commercial or a farm,  
3 and then based on that, digging in deeper and seeing  
4 what uses and activities are generally permitted with  
5 a farm, as defined by Rockaway Township, or as a  
6 commercial farm with Right to Farm protections.

7 I don't know if you want to get into  
8 that discussion tonight or if you'd like to hear more  
9 questions from the public first. That is essentially  
10 the crux of this interpretation aspect.

11 CHAIRMAN SMOLINSKI: I think, as a  
12 matter of background, I think it's important to lay  
13 out those definitions and specific differences  
14 between them.

15 MR. NOVAK: Absolutely. So I can lay  
16 out those definitions right now.

17 The commercial farm, as I mentioned, is  
18 defined by the Rockaway Township Ordinance -- I just  
19 lost my spot. Bear with me.

20 CHAIRMAN SMOLINSKI: Go right ahead.

21 MR. NOVAK: So a commercial farm is:

22 "Shall be defined as provided in the  
23 Right to Farm Act N.J.S.A. 4:1C-3.f."

24 So when we look to the Right to Farm  
25 Act, it defines a farm, specifically a commercial

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1 multiple parcels which are organized as a  
2 management unit actively devoted to  
3 agricultural or horticultural use, including  
4 but not limited to cropland, pasture, idle or  
5 fallow land, woodlands, wetlands, farm ponds,  
6 farm roads, and other farm buildings and other  
7 enclosures relating to agricultural pursuits  
8 which occupy a minimum 5 acres exclusive of  
9 the land upon which the farmhouse is located  
10 and such additional land as may actually be  
11 used in connection with the farmhouse, as  
12 provided by the Farmland Assessment Act of  
13 1965."

14 So the way I see this application is  
15 really the first question of the interpretation  
16 aspect, is does this meet the definition of  
17 commercial farm, or does it meet the Township  
18 definition of farm?

19 After that, then we would have to  
20 examine what the Township defines as farming  
21 activities and agricultural activities which are  
22 associated with farms.

23 CHAIRMAN SMOLINSKI: Thank you, Dave.  
24 I believe you have a few questions.

25 MR. PRYOR: Mr. Caine, a couple  
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1 questions, fact questions.  
 2 You had said the birthday parties that  
 3 you're proposing, you mentioned 15 children as the  
 4 number; is that correct?  
 5 MR. CAINE: Yeah. Generally it's less,  
 6 but maximum of 15.  
 7 MR. PRYOR: Maximum 15.  
 8 MR. CAINE: Maximum.  
 9 MR. PRYOR: Okay. Because if the board  
 10 approves any of these activities, there's going to be  
 11 a resolution that specifies those activities.  
 12 MR. CAINE: Of course.  
 13 MR. PRYOR: And we'll have to have  
 14 numbers on them. So you're talking maximum 15 on the  
 15 birthday parties, right.  
 16 MR. CAINE: Correct, yes.  
 17 MR. PRYOR: Okay. The educational  
 18 classes, I think you said that's a session of ten  
 19 children; is that right?  
 20 MR. CAINE: Correct, yes.  
 21 MR. PRYOR: That's a maximum.  
 22 MR. CAINE: Yes.  
 23 MR. PRYOR: All right. And the classes  
 24 would be -- I think you said class would be a  
 25 certified -- would it be a certified teacher involved

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1 MR. CAINE: I mean, you would go for, I  
 2 mean, a background in science.  
 3 MR. PRYOR: You would go for what.  
 4 MR. CAINE: You would want a teacher  
 5 who has a background in science.  
 6 MR. PRYOR: In science.  
 7 MR. CAINE: Yes.  
 8 MR. PRYOR: So would it be a teacher  
 9 that's certified to teach in the public schools.  
 10 MR. CAINE: Correct, yes.  
 11 MR. PRYOR: Okay. And that would be a  
 12 -- that will be some part -- some teacher teaching  
 13 part-time at the farm is what you're looking at then,  
 14 right.  
 15 MR. CAINE: Correct, yes.  
 16 MR. PRYOR: Okay. And how often would  
 17 the classes take place.  
 18 MR. CAINE: During the school year,  
 19 they would take place twice a weekend in the  
 20 afternoons. During the summer they would take place  
 21 -- because the camp is an educational camp, it would  
 22 take place from 10 to 3.  
 23 MR. PRYOR: Okay. And the birthday  
 24 parties, I think you said those would take place, if  
 25 I recall the numbers, 11 to 1 or 2 to 4, that was the

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1 in those?  
 2 MR. CAINE: Yes, there would.  
 3 MR. PRYOR: And the teacher will be  
 4 certified by what agency.  
 5 MR. CAINE: New Jersey Education.  
 6 MR. PRYOR: I'm sorry.  
 7 MR. CAINE: Department of Ed.  
 8 MR. PRYOR: Department of Education.  
 9 MR. CAINE: Yeah.  
 10 MR. PRYOR: Is there a particular  
 11 certification for the activity that you're talking  
 12 about.  
 13 MR. CAINE: I don't believe so at this  
 14 time. But we generally adhere to meet the  
 15 educational standards so...  
 16 MR. PRYOR: I mean, I know to teach,  
 17 you know, elementary school you have to have an  
 18 elementary school --  
 19 MR. CAINE: Right.  
 20 MR. PRYOR: -- certificate. If you  
 21 want to teach a class at a farm --  
 22 MR. CAINE: I mean, you would want a  
 23 science --  
 24 MR. PRYOR: There's no farm  
 25 certificate, is there.

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1 time frame.  
 2 MR. CAINE: Correct, yes.  
 3 MR. PRYOR: Okay. As far as the  
 4 activities for which you're seeking approval, are the  
 5 riding lessons the ones that would end latest in the  
 6 day.  
 7 MR. CAINE: Yeah. The riding, the  
 8 individual riding lessons are the ones that go --  
 9 MR. PRYOR: All right. I think you  
 10 said 9 o'clock or thereabouts, or something. What  
 11 time are we looking at here.  
 12 MR. CAINE: For ending riding lessons.  
 13 MR. PRYOR: Right.  
 14 MR. CAINE: The absolute latest we  
 15 would end riding lessons would be 9 o'clock.  
 16 MR. PRYOR: 9 p.m..  
 17 MR. CAINE: 9 p.m., yes.  
 18 MR. PRYOR: So if the board were  
 19 approved the application, you don't have a problem  
 20 with there being a 9 p.m. cut-off as far --  
 21 MR. CAINE: Riding lessons.  
 22 MR. PRYOR: That would be the riding  
 23 lessons, yes.  
 24 MR. CAINE: Correct.  
 25 MR. PRYOR: In the application you

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1 submitted, it references agricultural related  
2 activities. This is Number 4 under the agricultural,  
3 educational, et cetera. It says:  
4 "Agricultural-related activities, such  
5 as yoga lessons, incorporating and utilizing  
6 livestock to assist with nature and  
7 agricultural lessons."

8 My question is, it says "such as yoga  
9 lessons," right? Would it be yoga, or are there  
10 things other than yoga that you're proposing as far  
11 as the lessons?

12 MR. CAINE: Yoga and holistic type  
13 classes. Reiki is one of them. Those are just a  
14 couple of examples. But they all incorporate the use  
15 of animal energy in classes.

16 MR. PRYOR: Would those be adult  
17 lessons?

18 MR. CAINE: Generally, yes.

19 MR. PRYOR: And when would they take  
20 place.

21 MR. CAINE: Those usually take place --  
22 we'll do some morning yoga. We've done morning yoga  
23 classes around 9 a.m. And we'll do sunset yoga  
24 classes around 7 in the evening.

25 MR. PRYOR: 7 at night.

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1 questions about that because I can't think about any  
2 more questions about that.

3 Mr. Chairman, I think that would  
4 conclude my questions for now.

5 MR. NOVAK: I'm sorry, Mr. Chairman, I  
6 just have one more question.

7 CHAIRMAN SMOLINSKI: Is it the same one  
8 I have.

9 MR. NOVAK: You go first. We'll find  
10 out.

11 CHAIRMAN SMOLINSKI: Does the goat have  
12 to be certified?

13 MR. CAINE: Only if it's top breed. We  
14 brought them out of retirement just to work on the  
15 farm.

16 CHAIRMAN SMOLINSKI: It's all yours.

17 MR. NOVAK: So my question was not  
18 regarding the goat. I think you had mentioned that  
19 typically the maximum number of people on site would  
20 be, you know, at a worst case scenario 30 members of  
21 the public.

22 MR. CAINE: About that, yeah.

23 MR. NOVAK: Okay. So on a typical  
24 summer day where you have a full range of activities  
25 and programs going, what would be your rough estimate

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1 MR. CAINE: Yeah. They generally are  
2 about an hour. They would go to 8.

3 MR. PRYOR: And how many people would  
4 be involved in those.

5 MR. CAINE: There's generally about  
6 ten.

7 MR. PRYOR: Maximum ten.

8 MR. CAINE: Yeah.

9 MR. PRYOR: Is there an instructor for  
10 those.

11 MR. CAINE: Yes, there is.

12 MR. PRYOR: I assume that's not a  
13 certified teacher.

14 MR. CAINE: They are. They have their  
15 own certification that they do. You have to be  
16 certified to teach Reiki and yoga their own  
17 organizations.

18 MR. PRYOR: It's a subject about which  
19 I know virtually nothing.

20 MR. CAINE: I probably know about as  
21 much as you. But I know it works for a lot of people  
22 so...

23 MR. RITTIE: There are certifications  
24 that yoga instructors can get.

25 MR. PRYOR: All right. I have no more

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1 of the number of people that would be onsite coming  
2 and going from morning to evening.

3 MR. CAINE: Are you talking about --  
4 sorry, I'm trying to make sure I answer this

5 correctly. Are you talking about the amount of  
6 people who are traveling to drop off and pick up, or  
7 are you talking about the entire range throughout the  
8 day?

9 MR. NOVAK: Talking about the entire  
10 range throughout the day, how many typical members of  
11 the public would be visiting onsite.

12 MR. CAINE: A rough guess -- this is  
13 rough -- 50 to 80 total.

14 MR. RITTIE: I think, Mr. Novak, your  
15 request for the rubric, I think we can put something  
16 together in writing so that we can work off of that  
17 instead of speculation.

18 MR. CAINE: Yeah, I don't...

19 MR. RITTIE: We'll submit that before  
20 the next hearing. That way we have it so we can  
21 physically look at it.

22 MR. PRYOR: Mr. Rittie, when you submit  
23 that, could you include the number of persons, not  
24 just the time and the activities?

25 MR. RITTIE: Yes, we will.

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1 CHAIRMAN SMOLINSKI: Then I guess with  
2 respect to that, I had one more question. I'm  
3 assuming a lot of this is seasonal as well?

4 MR. CAINE: Yes, it is.

5 CHAIRMAN SMOLINSKI: So if you could  
6 break it down by season.

7 MR. CAINE: Yeah.

8 MR. RITTIE: I was going to chime in.  
9 I mean, we'll probably give you, like, a snapshot for  
10 the summer and then what the fall would look like.

11 Because you would have obviously different schedules.

12 CHAIRMAN SMOLINSKI: Yeah, I appreciate  
13 that. Any members of the board have any additional  
14 questions for this witness.

15 VICE CHAIRMAN TAHAN: I just have two  
16 quick questions.

17 CHAIRMAN SMOLINSKI: Yes, Ray.

18 VICE CHAIRMAN TAHAN: Mr. Caine, you  
19 said that you decommissioned the outhouse. Will that  
20 outhouse be removed.

21 MR. CAINE: The actual structure itself  
22 will be converted into either a portable toilet or an  
23 composting toilet. The structure itself, though,  
24 will remain.

25 VICE CHAIRMAN TAHAN: When you say a  
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1 CHAIRMAN SMOLINSKI: Mr. Ten Kate.

2 MR. TEN KATE: Are the children  
3 supervised at all times? And the reason I'm asking  
4 is, how do they prevent them from wandering into  
5 places they shouldn't be, like, accessing the manure  
6 pile or things like that?

7 MR. CAINE: Yeah, they're supervised at  
8 all times so that at no point are they left  
9 unattended.

10 MR. TEN KATE: Okay. Is that manure  
11 pile protected or somewhere that -- I mean, how do  
12 you make sure they don't go up there.

13 MR. CAINE: I mean, it's hidden behind  
14 the barn. So we generally try to keep people from --  
15 I don't want to put it where everybody else is going  
16 to be.

17 MR. TEN KATE: Okay. Thank you.

18 I have a number of operational  
19 questions, but I'll wait until the traffic.

20 CHAIRMAN SMOLINSKI: Okay. At this  
21 time, I'm going to open it up to members of the  
22 public. I'm going to have a hard stop at 10:30 for  
23 testimony.

24 This witness will come back and provide  
25 additional testimony based on his testimony tonight  
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1 portable toilet, do you mean like...

2 MR. CAINE: The structure itself is  
3 actually built on a shipping pallet, and so it picks  
4 up with a fork. So I basically just pick it up and  
5 move it wherever it needs to go.

6 VICE CHAIRMAN TAHAN: My question is,  
7 if you're not going to use it, why have it.

8 MR. CAINE: Well, we intend on  
9 converting it to a portable toilet or a containing  
10 vessel, so it would no longer be an outhouse, just a  
11 portable toilet, just without the yellow, green, the  
12 colors.

13 VICE CHAIRMAN TAHAN: My next question  
14 is, the sink on the side of the barn, where does that  
15 drain to?

16 MR. CAINE: It's a farm sink, so onto  
17 the concrete. It's just a -- just an outdoor sink.  
18 We can also provide hand sanitation stations with  
19 hand sanitizer. It does not require running water.

20 VICE CHAIRMAN TAHAN: And that drains  
21 just on the concrete pad? Does it drain into the  
22 dairy mud around it.

23 MR. CAINE: Well, it's all rock. It's  
24 QP. It's paved QP. So it doesn't really drain much.

25 VICE CHAIRMAN TAHAN: Thank you.

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1 and additional questions, if there are more  
2 questions.

3 But we have a hard stop at 10:30 to  
4 finish the rest of our business.

5 MR. PRYOR: Mr. Chairman, can I just  
6 add to that.

7 CHAIRMAN SMOLINSKI: Yes.

8 MR. PRYOR: These are questions only  
9 from the public, not testimony. And that you might  
10 identify yourself to the court reporter, please.

11 CHAIRMAN SMOLINSKI: Yes, Mr. Kelley.

12 MR. KELLEY: Chairman, Tucker Kelley,  
13 16 Meggins Road, Rockaway, New Jersey.

14 I apologize in advance for my voice. I  
15 went to a karaoke concert, and I came in second. So  
16 I'm just trying to bring myself back. I apologize.

17 Many of the members up here had already  
18 asked some really great questions. And I may just  
19 step on some of what they had asked, based on the  
20 testimony of Mr. Caine that's here.

21 And just for the record too, I believe  
22 everybody here, members of the public and the board,  
23 really have the safeguard of the children at heart in  
24 addition to the tranquility of the neighboring  
25 properties that surround this property that's in

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1 question with this application.  
2 So with that being said, a couple  
3 things. Again, I may just follow off from some of the  
4 comments that were made from some of the members  
5 where they stopped that I'd like to pick up.

6 Mr. Caine, in your testimony you had  
7 stated before, some of these parties may congregate  
8 on the deck area of the house?

9 MR. CAINE: Yes. And currently have  
10 any of the parties congregated on that deck area of  
11 the house.

12 MS. PLATTS: What was the question.

13 MR. RITTIE: I object to the question.  
14 We're not here to discuss past activities.

15 MR. CAINE: Yeah. We're here to  
16 discuss what's proposed.

17 MR. KELLEY: Okay. Being that you're  
18 not going to answer that question, if we can go  
19 through A-1. If we can go on the screen that the  
20 photo it is.

21 CHAIRMAN SMOLINSKI: Mr. Kelley, could  
22 you pull that a little closer.

23 MR. KELLEY: It's my voice too, so I  
24 apologize.

25 MR. RITTIE: Gentlemen in the back,

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1 it's number one, the before and after photos.

2 MR. KELLEY: I believe there was  
3 another. If we can just go to the original state of  
4 the deck. There you go.

5 Currently right there on the original  
6 state of that portion of that home, there is a  
7 supporting roof that's being supported by the deck.  
8 There are angled footings that go against and that  
9 are anchored to the wall for supports of that deck.

10 And of course we can see how narrow the right side of  
11 that deck is where those columns or 4-by-4s are.

12 If we can go back to that rebuilt  
13 portion of that. One more. One more. We see that  
14 we've removed those angled footings that are against  
15 that house that are there. And obviously you see a  
16 cantilever that's over the actual supports of that  
17 deck. And the width of the distance from where the  
18 deck comes off the side has actually been elongated  
19 to much greater than it was existing. Not to mention

20 you've taken off the upper roof line of the house,  
21 which was originally supported from the original  
22 deck. Is that accurate information?

23 MR. CAINE: Yes.

24 MR. KELLEY: Now, with placing the  
25 footings, we're having children that are going to

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1 congregate on top of here with these parties, as you  
2 have stated, the footing supports for that structure,  
3 they were inspected.

4 MR. CAINE: Yes.

5 MR. KELLEY: By the construction  
6 official.

7 MR. CAINE: Yes.

8 MR. KELLEY: And when were they  
9 inspected.

10 MR. CAINE: He came by three days ago.

11 MR. KELLEY: Three days ago. And at  
12 any time between three days ago and prior, you have  
13 not had any parties of any children on top of that  
14 deck?

15 MR. CAINE: Once again, it's not part  
16 of this testimony.

17 MR. KELLEY: And where the children  
18 congregate on top of that deck, where are the  
19 facilities located if a child would have to go to the  
20 bathroom or use the facilities.

21 MR. CAINE: They're proposed to be on  
22 the plan that was already distributed.

23 MR. KELLEY: I'm asking you right there  
24 where the photos are, where would it be, the location  
25 of that.

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1 MR. CAINE: They would be up by the  
2 other barns.

3 MR. KELLEY: So a child would have to  
4 then walk all the way around the deck, go -- I'm not  
5 even sure if there's even a set of stairs anymore on  
6 that deck to walk across the landing to go to another  
7 area where the facilities are.

8 MR. CAINE: Generally, yes.

9 MR. KELLEY: Have you received a  
10 Certificate of Occupancy or a Certificate of  
11 Improvement with regard to that deck.

12 MR. CAINE: No. That is currently  
13 pending.

14 MR. KELLEY: How many inspections have  
15 you had so far with the deck.

16 MR. CAINE: One preliminary.

17 MR. KELLEY: One preliminary. What  
18 would that preliminary inspection be.

19 MR. CAINE: The construction official  
20 came to inspect other permits at the property. And  
21 while he was there, he acknowledged and saw the  
22 construction quality of the deck.

23 MR. KELLEY: So the deck itself was  
24 installed before you actually issued -- or you made  
25 an application for the permit.

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1 MR. CAINE: Yes.  
 2 MR. RITTIE: Just for the record, his  
 3 testimony was it's in the process of being converted  
 4 from the residential use, which was permitted. It is  
 5 now in the process of being changed to assembly use,  
 6 which is part of this application.  
 7 MR. KELLEY: And I understand that.  
 8 But under the Administrative Code N.J.S.A. -- I'm  
 9 sorry A.C. 5:23-4, you still need a permit in order  
 10 to erect that. You need a prior approval. You need  
 11 to have a subcode review plan that would be submitted  
 12 before that. And there would be an issuance of a  
 13 permit.  
 14 MR. CAINE: The construction office has  
 15 all those required documents.  
 16 MR. KELLEY: Okay. You have submitted  
 17 all of that and received a permit for that.  
 18 MR. CAINE: The permit is in process.  
 19 MR. KELLEY: The permit hasn't been  
 20 issued.  
 21 MR. CAINE: The permit is in process.  
 22 MR. KELLEY: Has the permit been  
 23 issued? Just a yes or no.  
 24 MR. CAINE: The permit is in the  
 25 process.

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1 MR. PRYOR: And children going to the  
 2 bathroom facilities and having to walk down, et  
 3 cetera.  
 4 MR. KELLEY: Correct.  
 5 MR. PRYOR: Legitimate questions. As  
 6 far as permits, you know, this board can't decide  
 7 based -- doesn't have the jurisdiction on permits.  
 8 The applicant has to comply with any permit  
 9 requirements. And Mr. Rittie's objection is well  
 10 taken.  
 11 MR. KELLEY: Mr. Pryor, I appreciate  
 12 that. I respectfully disagree, but I understand.  
 13 Going into Mr. Deus had made some  
 14 questions with regard to what's being assembled on  
 15 this particular property. We talked about weddings.  
 16 We talked about birthday parties. We talked about  
 17 horse training.  
 18 On your website in the past you have  
 19 talked about equipment rentals. Do you propose if  
 20 you're going to do equipment rentals?  
 21 MR. CAINE: The farm currently has a  
 22 tractor which it rents offsite. It is not related to  
 23 the zoning application, nor is it relevant.  
 24 MR. KELLEY: Will the tractor be used  
 25 for any function, as in hayrides, tractor rides.

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1 MR. KELLEY: Mr. Pryor, in the process  
 2 is an application that's been submitted. The  
 3 issuance of a permit is something completely  
 4 different. So I'm asking this board to ask the  
 5 applicant if in fact that a permit has been issued.  
 6 MR. RITTIE: Well, I object to this  
 7 whole line of questioning anyway. I mean, you're  
 8 getting into construction code issues.  
 9 MR. KELLEY: Well, for the safety of  
 10 the children that will be occupying that location on  
 11 that deck.  
 12 MR. PRYOR: I think Mr. Rittie raises  
 13 -- Mr. Rittie, seems to raise a valid question.  
 14 You're getting into construction code issues.  
 15 MR. KELLEY: Well, the construction  
 16 code that we have here with getting a permit, which  
 17 is another portion of the use of this property for  
 18 children to congregate, to meet, to assemble on top  
 19 of this deck. I've sat here and I listened to this  
 20 applicant who says that a construction official came  
 21 and inspected this. But a construction official  
 22 can't inspect without a permit.  
 23 MR. PRYOR: You can ask -- and you have  
 24 asked about children on the deck.  
 25 MR. KELLEY: I have.

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1 MR. CAINE: I'm not at liberty to  
 2 discuss that right now.  
 3 MR. KELLEY: So would you allow  
 4 children to be on a tractor, to take a ride as part  
 5 of an experience of a farm.  
 6 MR. CAINE: Have you ever been to a  
 7 farm, Mr. Kelley.  
 8 MR. KELLEY: I'm asking you a question.  
 9 I've never been to your farm, no. And I don't think  
 10 I would let my child --  
 11 MR. RITTIE: I object to this. This is  
 12 not public comment.  
 13 MR. KELLEY: He's asking me a question.  
 14 I'm trying to do my best, Chairman.  
 15 With regard to the functions of this  
 16 farm and the proposal, we'll allege that there's  
 17 tractor rides, or we know there's the potential for  
 18 riding, and there's also birthday parties and so  
 19 forth and so on.  
 20 MR. RITTIE: We've stated there's no  
 21 weddings being proposed so...  
 22 MR. KELLEY: Do you have in place  
 23 insurance, an insurance policy.  
 24 MR. RITTIE: I object to this line of  
 25 questioning. This is not within this board's

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1 jurisdiction.  
2 MR. KELLEY: Just so I can proffer,  
3 Mr. Pryor, to the board, what I'm trying to bring out  
4 of the applicant is that they're going to do their  
5 due diligence on something that is very concerning  
6 again on the safety and wellbeing of children and  
7 other occupants as well as volunteers, teachers and  
8 so forth.

9 MR. PRYOR: Mr. Kelley, safety of  
10 children and everyone else at the place is a concern  
11 of this board. But whether the applicant has  
12 insurance is not up to this board. If people want to  
13 go there and he doesn't have insurance, they do that  
14 at their own risk.

15 MR. KELLEY: You know what, Mr. Pryor,  
16 I understand that. What I was trying to finish was,  
17 if they're not willing to answer some of those  
18 simple, which would be a responsible and due  
19 diligence effort of a individual to show of  
20 compliance that they're trying to evade, that would  
21 show that they're going to do the same thing for  
22 everything else that his testimony is revealing that  
23 he's going to do or not going to do.

24 MR. PRYOR: Well, Mr. Kelley, the  
25 applicant has hired Mr. Rittie to make a case and  
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1 make appropriate objections. He made an appropriate  
2 objection on insurance, and that's where we are.

3 MR. KELLEY: With regard to birthday  
4 parties, Mr. Caine, you had mentioned that there's  
5 going to be potential of 15 maximum children to be at  
6 the party.

7 Now, let's just assume that each child  
8 has two parents. They have an uncle and aunt, maybe  
9 another family friend or member.

10 Can all those people attend at the same  
11 time with the children to be a participation of this  
12 birthday party?

13 MR. CAINE: I don't see why not.

14 MR. KELLEY: So you stated before that  
15 there's only 30 people max that would be during one  
16 of those efforts. If we have 15 children. Then we  
17 would have two parents for each of those child -- or  
18 children. That's another 30 people. If we had aunts  
19 and uncles, two people at one setting. Would you  
20 limit that to only 30 people like you testified  
21 earlier?

22 MR. CAINE: We try to keep the amount  
23 of people as low as possible. But, certainly, some  
24 kids come with parents, some kids don't come with  
25 parents.

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1 MR. KELLEY: As Mr. Pryor was  
2 mentioning before during his questioning, that there  
3 could be conditions that are set forth with regard to  
4 the potential approval of this application.

5 So would you be willing to break down  
6 the amount of occupants?

7 MR. CAINE: Mr. Kelley, I'm not in a  
8 position to limit a child's birthday party in terms  
9 of the application. But if that's what you're  
10 suggesting, then I will do what I need to do to have  
11 this application approved before the board.

12 MR. KELLEY: Mr. Caine, there's nobody  
13 that's trying to reduce the ability of a child's  
14 experience at a birthday party. But your own  
15 testimony -- and correct me if I'm wrong -- you did  
16 say 30 occupants, so I'm only responding to what you  
17 stated.

18 MR. CAINE: You're assuming that they  
19 have maximum occupancy at every single party.

20 MR. KELLEY: I'm going based on your  
21 testimony. If you're changing your testimony --

22 MR. CAINE: I'm not. I'm outlining the  
23 situation. Generally we max out at 30 people at a  
24 birthday party.

25 MR. KELLEY: Okay. That's exactly what  
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1 you said, that's why I asked the question.

2 With regard to the certified teacher --  
3 and this was addressed by Mr. Novak and some others  
4 that talked about the certification of the Board of  
5 Education. The volunteers as well as that teacher,  
6 is there any certification requirements for the  
7 volunteers for different levels of the events that  
8 are taking place?

9 MR. CAINE: They are required to show  
10 up and they -- that's about it, yeah.

11 MR. KELLEY: So just showing up would  
12 be your requirement as far as a certification, a show  
13 up certification.

14 MR. CAINE: Sir, they're kids.

15 MR. KELLEY: Now, with all these  
16 individuals, we keep speaking about children, what  
17 about background checks.

18 MR. RITTIE: I object to this line of  
19 questioning too, I mean, whatever is going to be  
20 required for licensing, et cetera. But you're  
21 getting into aspects that's not within the proposed  
22 uses or what this board's jurisdiction is looking at  
23 land use and zoning. I understand your intentions,  
24 and I applaud you for that. But it's not relevant to  
25 this board.

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1 MR. PRYOR: From a land use  
2 perspective, Mr. Kelley, Mr. Rittie is correct, you  
3 can't get into requiring background checks.

4 MR. KELLEY: Okay. So we can get into  
5 certification by a teacher. It has nothing to do  
6 with land use. That's okay for the members of the  
7 board and for others to ask. But I'm asking about  
8 background checks. I mean, I don't understand why  
9 one doesn't have any dealings with land use, again  
10 certification of that teacher, Board of Education or  
11 a background in science, but having a background  
12 check on them -- I don't know if I would feel  
13 comfortable not knowing if somebody had a prior issue  
14 or whatever. Again, trying to establish somebody  
15 doing due diligence to make the neighbors comfortable  
16 because they wouldn't want somebody working on that  
17 farm that has some background issues, because they  
18 have children surrounding there as well the children  
19 participating there as well as others that are  
20 volunteering.

21 MR. PRYOR: Mr. Kelley, this board  
22 doesn't have the authority to go that -- as far as  
23 you want us to go.

24 MR. KELLEY: Again, I was just  
25 following the line of questioning, which was

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1 unrelated to --

2 MR. PRYOR: I understand.

3 MR. KELLEY: -- the land use under the  
4 MLUL and our local land use.

5 You stated in one of the building  
6 structures you have hot water?

7 MR. CAINE: Correct.

8 MR. KELLEY: Did that building always  
9 have hot water.

10 MR. CAINE: To the best of my  
11 knowledge, yes.

12 MR. KELLEY: It did. And when you  
13 restored the hot water -- is it an electric water  
14 heater.

15 MR. CAINE: How is this relevant to the  
16 testimony.

17 MR. KELLEY: We're talking about water.  
18 It's a requirement for the building. We saying about  
19 potentially scolding children.

20 MR. RITTIE: I object to the statement  
21 of scolding children. Come on.

22 MR. KELLEY: We're talking about hot  
23 water.

24 MR. RITTIE: Brian, answer the question  
25 if it's a hot water heater or not.

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1 MR. CAINE: There's a hot water heater.

2 MR. KELLEY: Is it a new hot water

3 heater, or an old one.

4 MR. CAINE: Yes. It's a new one. It's

5 all been checked and certified by the plumber, First  
6 Call Protection.

7 MR. KELLEY: There's a permit that was  
8 taken out for that water heater.

9 MR. CAINE: Correct. It was approved.

10 MR. PRYOR: Mr. Kelley, I don't want to  
11 cut you off now, but there are -- we haven't had any  
12 other members of the public had an opportunity to ask  
13 questions.

14 MR. KELLEY: I understand. And I'll  
15 make this pretty quick, sir. I'm sorry about that.  
16 I didn't know there was a time limit on it.

17 And at no time, Mr. Caine -- Ms. Platt  
18 had hit about having some events before now that took  
19 place with no bathrooms for any of the children that  
20 were there. At any times, are any of the occupants,  
21 volunteers, employees, children, guests allowed to  
22 use the home bathroom?

23 MR. CAINE: No.

24 MR. KELLEY: And my other question is,  
25 with regard to safety, you talked about being a

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1 volunteer fireman. Thank you for your service.

2 Are there ample areas for a fire truck  
3 to enter and turn around?

4 MR. CAINE: Absolutely.

5 MR. KELLEY: Is there areas that an  
6 ambulance could come in and turn around.

7 MR. CAINE: Absolutely.

8 MR. KELLEY: And that's proposed on the  
9 plan.

10 MR. CAINE: I believe so, yes.

11 MR. KELLEY: I didn't see any.

12 MR. RITTIE: Our engineer will testify  
13 to those.

14 MR. KELLEY: With that, I'll let others  
15 ask some questions.

16 Thank you.

17 CHAIRMAN SMOLINSKI: Thank you,  
18 Mr. Kelley.

19 Any other members of the public wish to  
20 ask questions of this witness on the testimony given  
21 this evening?

22 Ms. Teeter. We will reserve you next.

23 MS. TEETER: I'll be quick. Heather  
24 Teeter, 127 Jacobs.

25 I was also wondering if I could get

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1 clarification from Mr. Novak on the commercial farm  
 2 definition since he had it in front of him.  
 3 CHAIRMAN SMOLINSKI: I believe you can  
 4 do that.  
 5 MS. TEETER: I looked it up a long time  
 6 ago, and it had a limitation of no more than 15  
 7 percent dedicated to equine activities. I was  
 8 wondering if that -- because this was a while ago  
 9 when I looked it up. I was wondering if that was  
 10 still in place, or if that's an old definition that I  
 11 had. I know that will take a second. I'll move on  
 12 to my next question.  
 13 You mentioned 9 p.m. will be the latest  
 14 riding lessons. Would that be all year long?  
 15 Because the application says no activities after  
 16 dusk. Is that year --  
 17 MR. CAINE: Year-round. Year-round.  
 18 MS. TEETER: So that's essentially  
 19 after dusk.  
 20 MR. CAINE: Yeah, generally. Generally  
 21 obviously dark, a lot earlier. So, you know, but  
 22 also riding lessons taper off in the winter because  
 23 it's cold.  
 24 MS. TEETER: Yeah. And the application  
 25 for the New Jersey Forest Service -- and the reason I

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1 MS. TEETER: So most likely no live  
 2 trees.  
 3 MR. CAINE: No, no, no. We propose to  
 4 keep the environment as natural as possible.  
 5 MS. TEETER: Okay. But the application  
 6 is just submitted, so there's not approval yet.  
 7 MR. CAINE: Well, yeah. I mean, it was  
 8 given to -- it's part of the -- it's part of the --  
 9 how do I say this? Yeah. It's part of the farm  
 10 assessment package. When we put it in, part of your  
 11 land that you use for forestry, it has to go to  
 12 forestry so that they can approve it.  
 13 MS. TEETER: Yeah. That particular  
 14 part is just the forestry, not the farmland? That's  
 15 a different department.  
 16 MR. CAINE: Yes. They work hand in  
 17 hand.  
 18 MS. TEETER: Okay, thank you.  
 19 MR. NOVAK: And to respond to the  
 20 question regarding limitation on equine activities,  
 21 I'm not familiar with anything in the ordinance that  
 22 would do so. I will certainly take a look before the  
 23 next hearing, because it will not be the first time  
 24 I've ever been wrong in my life. But I will defer to  
 25 the board.

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1 ask is because portions of the property are Rank 3 on  
 2 the NJ DEP Project Bald Eagle. The whole thing is  
 3 Rank 2 due to toads and turtles. And then you have  
 4 the Wildlife Protection Act and the Highlands  
 5 Preservation Act. So they all have slightly  
 6 different requirements. So I was just wondering how  
 7 broad the potential area for lumbering is.  
 8 MR. CAINE: I don't know potential area  
 9 for lumbering or forest conservation. The perimeter  
 10 of the property, the center -- if you look at the our  
 11 diagram, the center of the property is basically  
 12 clear for fields and our buildings.  
 13 The areas surrounding the property are  
 14 part of our Woodland Management Plan. And they  
 15 conform to all the standards. We don't propose  
 16 clear-cutting anything. We don't propose -- we would  
 17 -- basically forest management includes, say,  
 18 diseased, dead ash trees, trees that would be a  
 19 danger to life and property, things of that nature.  
 20 MS. TEETER: So no live trees on the  
 21 western edge and the northwestern edge.  
 22 MR. CAINE: Yeah. The forestry would  
 23 come in. They would mark the trees that were  
 24 appropriate to take down. And that way we would have  
 25 appropriate --

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1 MR. RITTIE: You're not supposed to  
 2 admit that.  
 3 MR. NOVAK: All that time.  
 4 CHAIRMAN SMOLINSKI: Please do so.  
 5 MR. RITTIE: Only unless your wife  
 6 tells you.  
 7 CHAIRMAN SMOLINSKI: Please approach.  
 8 MS. SCEUSI: Ingrid Sceusi, 51 Jacobs  
 9 Road, Rockaway Township.  
 10 As far as your farm product, what breed  
 11 --  
 12 MR. PRYOR: Can you use the mike,  
 13 please.  
 14 MR. CAINE: A little closer. It's got  
 15 to speak into...  
 16 MS. SCEUSI: Okay. What breeds of  
 17 horses do you intend to breed as farm product.  
 18 MR. CAINE: Generally thoroughbreds.  
 19 MS. SCEUSI: Thoroughbreds, okay. Do  
 20 you know what size brood mare stalls should be, if  
 21 she's pregnant and she's going to foal.  
 22 MR. CAINE: I believe it's 14-by-14.  
 23 MS. SCEUSI: Well, a minimum is  
 24 12-feet-by-18-feet, and ideal is 20-by-20. Do you  
 25 have any stalls like that in your barn now?

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1 MR. CAINE: No. But they could be  
 2 constructed.  
 3 MS. SCEUSI: So you would have to make  
 4 extra barn space or stalls.  
 5 MR. CAINE: No. We could just take  
 6 down the wall.  
 7 MS. SCEUSI: Then what happens to the  
 8 other horses that use that other stall if you take  
 9 down a wall between the other horses?  
 10 MR. CAINE: They can live outside.  
 11 MS. SCEUSI: Okay.  
 12 MR. CAINE: You know, they're horses.  
 13 They live outside.  
 14 MS. SCEUSI: As long as -- I'm just  
 15 concerned about the safety of the mares and the  
 16 foals. Thank you.  
 17 CHAIRMAN SMOLINSKI: Thank you. Yes,  
 18 please come up. Name and address.  
 19 MS. DOORLY: My name is Erin Doorly. I  
 20 live at 86 Jacobs Road, directly across from the  
 21 barn.  
 22 My question, if I could ask you a  
 23 question, actually. If this application goes through  
 24 and all these stipulations are put in, who is going  
 25 to monitoring that all of the stuff is actually  
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1 types of applications that come before this board  
 2 where the board grants approval. And that's how it's  
 3 dealt with in terms of enforcement.  
 4 MS. DOORLY: Would the neighbors or  
 5 surrounding houses be given some sort of idea of what  
 6 those regulations are? I mean, how many people he  
 7 would have at a party, or they would have at a party,  
 8 or how many campers they're supposed to have.  
 9 MR. PRYOR: If the board approve the  
 10 application, there would be a resolution adopted by  
 11 this board with specific conditions. It's a public  
 12 document. And presumably those conditions would --  
 13 there would probably be a laundry list of conditions  
 14 as to when they could undertake certain activities,  
 15 and when they had to stop certain activities, a  
 16 particular time of day and that sort of thing.  
 17 It's kind of hard at this point to give  
 18 you any kind of general sense. There have been  
 19 commercial applications come before this board where  
 20 the board imposes a restriction as to access, you can  
 21 only access the property via this road, or this  
 22 driveway, or something like that. And that's the  
 23 sort of thing that we put in the resolution.  
 24 This gets a resolution, whether it's  
 25 approved or denied. It's going to run probably 20 to  
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1 happening and happening correctly?  
 2 MR. PRYOR: If the board approves any  
 3 element -- if the board approves any element of the  
 4 application, there are agencies within the Township,  
 5 such as the Zoning Department, Construction Office,  
 6 et cetera, that monitor compliance.  
 7 But I'll say -- I'll say this --  
 8 generally speaking, and not just specific to this  
 9 applicant, those agencies don't go out looking for  
 10 violations generally speaking. They have to have a  
 11 phone call, or an e-mail, or something from someone  
 12 that says, hey, there's something going on here in  
 13 violation. If this board were to approve the  
 14 application, there would be a very specific  
 15 resolution drafted which says you can do X, Y and Z,  
 16 and you can do X, Y and Z during this hour with so  
 17 many people, et cetera. And if they were in  
 18 violation, it would have to be brought to the  
 19 attention of the Township. Then the Township would  
 20 have to take appropriate action, which could be by  
 21 way of a summons and various other things.  
 22 Theoretically you can go to the point of retracting  
 23 approval and that sort of thing.  
 24 That's just in a general sense. And  
 25 that applies pretty much across the board to all  
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1 25 pages. I'm really looking forward to that, by the  
 2 way. And that will have all the conditions.  
 3 But as far as the public knowing what's  
 4 in it, it's just it's a public document and, you  
 5 know, available for anyone.  
 6 MS. DOORLY: Okay, thank you.  
 7 Mr. Caine, Brian -- I can call you  
 8 Brian?  
 9 MR. CAINE: Yes.  
 10 MS. DOORLY The riding lessons, are you  
 11 going to continue riding lessons -- having the riding  
 12 lessons on the street, or are you just going to keep  
 13 them on the property.  
 14 MR. CAINE: We don't actually have  
 15 riding lessons on the street. What's going on the  
 16 street are just our boarders. And they go for trail  
 17 rides. Yeah. I mean, yeah, it's just kind of like  
 18 we walk into the wood for the trails, you know, that  
 19 kind of -- yeah.  
 20 MS. DOORLY Okay, thank you.  
 21 And the last question is -- it's not  
 22 really a question, I guess. You said, you mentioned  
 23 that there might be more horses coming onto the  
 24 property possibly, potentially?  
 25 MR. CAINE: Maybe, maybe.  
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1 MS. DOORLY So maybe in terms of the  
2 manure, as your across the street neighbor, would it  
3 be possible that the manure is picked more than once  
4 a year? Because it's springtime.  
5 MR. CAINE: Yes. We actually have a  
6 container coming next week because it's gotten to be  
7 about that time so...  
8 MS. DOORLY Okay. So would it be  
9 possible for more than one container.  
10 MR. CAINE: Yeah. That's not a  
11 problem.  
12 MS. DOORLY: The air is...  
13 MR. CAINE: We would be more than  
14 amenable to having it come more than once a year.  
15 MS. DOORLY Thank you.  
16 MR. CAINE: Thank you.  
17 CHAIRMAN SMOLINSKI: Somebody stood up.  
18 I'm going to take one more here for this evening.  
19 MS. PIERCE: All right, I'm shorter  
20 than the last one.  
21 My name is Kate Pierce.  
22 CHAIRMAN SMOLINSKI: Take the  
23 microphone. It's movable.  
24 MR. CAINE: Mr. Chairman, Kate Pierce  
25 is represented by Mr. Hantman.

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1 MR. CAINE: My wife is the primary  
2 teacher. And no, they're not. Actually, they work  
3 as volunteers, so they get riding lessons from my  
4 wife, or they get, you know, some sort of credit  
5 toward farm. They basically work for riding lessons;  
6 that's what they work for.  
7 MR. FOX: They get compensated? It's a  
8 bartering.  
9 MR. CAINE: Well, yeah, it's  
10 volunteering. They're volunteering their time; we're  
11 volunteering ours.  
12 MR. FOX: Well, I was a volunteer  
13 fireman, and I didn't get a compensation for that.  
14 MR. RITTIE: That's not --  
15 MR. FOX: I don't understand the term  
16 "volunteer."  
17 MR. CAINE: Well, then I don't either.  
18 But apparently it's when we volunteer our time and  
19 when they volunteer theirs. That's volunteers.  
20 MR. FOX: And my other question is, you  
21 work the farm 24 hours taking care of all the horses.  
22 How did you not know how many horses you have.  
23 MR. CAINE: Because my wife seems to  
24 make things add up and disappear real quick.  
25 MR. FOX: He volunteered that.

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1 MS. PIERCE: Allen, do you object?  
2 CHAIRMAN SMOLINSKI: No, we cannot.  
3 MR. HANTMAN: You can't go. The  
4 questions you to as, you have to give them to me. I  
5 thought I explained that to everybody.  
6 MS. PIERCE: Okay, no problem.  
7 CHAIRMAN SMOLINSKI: Okay, yeah. Any  
8 other members of the public at this time? There you  
9 go. Come on down.  
10 MR. FOX: Pete Fox, Durham Road.  
11 CHAIRMAN SMOLINSKI: You're not  
12 represented.  
13 MR. FOX: Excuse me? No, I am not.  
14 MR. RITTIE: I missed the address.  
15 MR. FOX: 6 Durham Road.  
16 When you bought the property, did you  
17 know it was a residential zone?  
18 MR. CAINE: The property was listed as  
19 an R-88 Zone, which is a residential zone that allows  
20 farming.  
21 MR. FOX: Are the children paying for  
22 these lessons? Are these classes that you're giving.  
23 MR. CAINE: Of course.  
24 MR. FOX: Then everybody that  
25 volunteers is not getting paid to teach them.

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1 CHAIRMAN SMOLINSKI: Okay. So at this  
2 time I'm going to close testimony.  
3 MR. PRYOR: Chairman, you're closing.  
4 CHAIRMAN SMOLINSKI: For the evening.  
5 MR. PRYOR: For questions from the  
6 public this evening only for this witness at this  
7 time.  
8 CHAIRMAN SMOLINSKI: Correct. It's  
9 been a long day, for me.  
10 MR. PRYOR: Could I ask? Mr. Rittie,  
11 what do you have in the way of future witnesses.  
12 MR. RITTIE: We have Tom Graham, our  
13 engineer. We will have Jay Troutman, our traffic  
14 engineer, and Donald. Certainly Brian will be back  
15 to supplement his testimony.  
16 MR. PRYOR: So you're bringing  
17 Mr. Caine back then two more witnesses.  
18 MR. RITTIE: Three.  
19 MR. PRYOR: Three more, okay.  
20 CHAIRMAN SMOLINSKI: So Mr. Caine will  
21 be open for questions of the public, because I'm  
22 shutting it down at 10:30, the next time we come  
23 back. And then we'll move to testimony from new  
24 witnesses from there. What is the date?  
25 MS. KAHN: April 5th at the Municipal

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1 Building.  
 2 CHAIRMAN SMOLINSKI: So the next  
 3 hearing will be April 5th at Municipal Building  
 4 without further notice.  
 5 MR. PRYOR: At 7:30, with no further  
 6 notice to the public.  
 7 CHAIRMAN SMOLINSKI: 7:30, no further  
 8 notice to the public.  
 9 MR. RITTIE: Thank you very much. And  
 10 if anybody didn't know, wish a happy birthday to  
 11 Ms. Platts. She spent her night here of all places.  
 12 MS. GARCIA: Happy birthday.  
 13 MR. RITTIE: I'm not going to ask how  
 14 long. I probably crossed a line.  
 15 8. Resolutions  
 16 CHAIRMAN SMOLINSKI: All right. Let's  
 17 go back to the resolutions. We have resolution for  
 18 escrow payment for professional services.  
 19 Do I have a motion? Did everybody  
 20 review the...  
 21 MR. LOFTUS: Motion.  
 22 CHAIRMAN SMOLINSKI: Do I have a  
 23 second.  
 24 MR. SCHERWA: Second.  
 25 CHAIRMAN SMOLINSKI: Quick vote.

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1 CHAIRMAN SMOLINSKI: All in favor.  
 2 (Chorus of ayes.)  
 09:53PM 2  
 09:53PM 3 CHAIRMAN SMOLINSKI: Adjourned.  
 4 (Whereupon, the Board of Adjustment  
 5 Meeting is adjourned at 10:38 p.m.)  
 6  
 7  
 8  
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**LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C.**  
**201-641-1812**

1 MS. KAHN: Mr. Smolinski?  
 2 CHAIRMAN SMOLINSKI: Yes.  
 3 MS. KAHN: Mr. Loftus?  
 4 MR. LOFTUS: Yes.  
 5 MS. KAHN: Mr. Scherwa?  
 6 MR. SCHERWA: Yes.  
 7 MS. KAHN: Mr. Tahan?  
 8 VICE CHAIRMAN TAHAN: Yes.  
 9 MS. KAHN: Ms. Royek?  
 10 MS. ROYEK: Yes.  
 11 MS. KAHN: Ms. Platts?  
 12 MS. PLATTS: Yes.  
 09:53PM 13 12. New Business.  
 09:53PM 14 CHAIRMAN SMOLINSKI: Do we have any new  
 09:53PM 15 business?  
 09:53PM 16 MS. KAHN: No.  
 09:53PM 17 13. Old Business  
 09:53PM 18 CHAIRMAN SMOLINSKI: Any old business?  
 09:53PM 19 MS. KAHN: No.  
 09:53PM 20 14. Adjourn  
 09:53PM 21 CHAIRMAN SMOLINSKI: Can I get a motion  
 22 to adjourn.  
 23 MS. PLATTS: Motion to adjourn.  
 24 CHAIRMAN SMOLINSKI: Second.  
 25 MR. LOFTUS: Second.

**LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C.**  
**201-641-1812**

1 C E R T I F I C A T E  
 2  
 3 I, RONDA L. REINSTEIN, a Certified Court  
 4 Reporter of the State of New Jersey, authorized to  
 5 administer oaths pursuant to R.S.41:2-2, do hereby  
 6 certify that the foregoing is a true and accurate  
 7 transcript of the testimony as taken stenographically  
 8 by and before me at the time, place and on the date  
 9 herein before set forth, to the best of my ability.  
 10 I DO FURTHER CERTIFY that I am neither a  
 11 relative nor employee nor attorney nor counsel of any  
 12 of the parties to this action, and that I am neither  
 13 a relative nor employee of such attorney or counsel,  
 14 and that I am not financially interested in the  
 15 action.  
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 25 RONDA L. REINSTEIN, CCR No. 30X100217800

**LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C.**  
**201-641-1812**

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