

From: [Karen Izzo](#)
To: [Brady Smith](#)
Cc: [Laurie Sobel](#)
Subject: Re: 3-9-22 MCADB Meeting Update
Date: Friday, March 11, 2022 9:37:33 PM
Attachments: [image001.jpg](#)

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Hello Brady,

As you know, the hearing this past week went rather long. At that time, I stated that out of respect for the Board's time I would make brief rebuttal comments. It seems only prudent that given the extensive false accusations and inaccurate interpretations of engineering information that were provided to the Board by others that I make more extensive comments and ask the following information be made part of the hearing record. I will not speak to any of this at the continuation of the hearing in April but will make myself available to answer any questions. However, under separate cover I will submit a brief package of information to supplement my prior material. I will speak to the original and supplemental material.

All page references correspond to the documentation that was posted on the CADB website for the March 9 hearing. I will undoubtedly refer to my neighbor or Mansha or the adjacent property interchangeably.

Page 5. Mansha states that he is not working with any government entity. Conversely, I have relied extensively on the expertise of the helpful staff at the Natural Resources Conservation Services (NRCS). More on this later.

Page 20 and 21. This is a false narrative that is unsubstantiated and in fact contradicted by pictures and engineering data as I will demonstrate in subsequent comments.

Page 26. The erosion problem arises in earnest in 2017, fully 18 years after we moved in. Contrary to his claims, since we DID NOT change the topography of the land near our shared border with any of our neighbors, it is his construction of a 3 - 4 feet earthen wall that has drastically altered the original topography of the land. Evidence of his berm or earthen wall will be provided in my supplemental material. We never filled a drainage swale. His claims are unsubstantiated and refutable through engineering drawings and a site visit.

Page 29. This summarizes a deeply flawed analysis. A detailed critique follows.

Page 31. Please note, Mansha provides arrows to point out his interpretation of water flows. But as we will see, his interpretation is inconsistent with topographical maps. Also, he repeatedly points to a system of historical berms. This too is

unsubstantiated. The pictures only show typical undisturbed border vegetation. Also, why is no mention made of his pipe crossing on this page? The dark/wet area across Cranbury Neck Road is clearly being fed by both his and our pipe crossing which is highly suggestive that BOTH pipe crossings are an important part of the runoff infrastructure. In another set of documents I will show a series of fenceposts that stand 6 feet in height and offer no indication of ANY berm along his property boundary. Also note, his claim of a swale on our property is not supported by the aerial photo as there is no indication of wet soils or vegetation which would appear as a dark vertical line.

Page 32 and 33. Repeated claims of historical berms are not demonstrated here. All that is visible is typical undisturbed vegetation common to property boundaries. Note that border vegetation is visible throughout the photo in the agricultural area. . Are we to assume that all are berms? Some run north-south. Others run east-west. Many intersect at right angles suggesting water would be directed at an earthen barrier.

Page 36. His claims of historic water flows defy gravity. He suggests that water would prefer to flow across flat land rather than proceed downhill and that water will make a u-turn of its own accord (see bottom of photo).

Page 39. Please observe the contour lines. The natural flow of water is across (perpendicular) to the contours, not along the contours. Consequently, the natural flows are from the west and south onto our property and from the east and south onto our neighbor's property. Also, the contours also show that the lowest point along our southern borders is on the property of our neighbor approximately 30 - 40 yards east of our property. Please observe, the density of contour lines reflects the steepness of the grade. Mansha suggests a drainage swale in a location with the lowest number of contour lines. Low density of contour lines is indicative of flat land. His proposed lines of flow are inconsistent with the natural tendency of water to flow along steepest grades. He continues to make unsubstantiated claims of berms and misinterprets undisturbed vegetation.

Page 42. Why is there no mention of the pipe crossing on his property? Why are we to believe that the county constructed 2 pipe crossings within 40 yards of each other and intended for one to collect water from hundreds of acres (ours) and the other from only 3 acres (his)? There does not appear to be any noticeable difference in vegetation or soil moisture in the area that is identified as a clear, exclusive drain. However, there is a dark (probable wet) spot near the location of the current breach in this pre-1999 photo.

Page 43. Clearly a flow of water from the south and west for us and from the east and south for our neighbor. His arrows DO NOT follow the cross-contours laws of gravity for the flow of water. Again, at the bottom of the photo he suggests this unnatural u-turn for water flow. Note the dark coloration vertically across his southern border near the location of the more recent erosion.

Page 44. His interpretation suggests that the dominant flow of water follows the lowest density of contours on the topographical map, in other words, along the flattest

land!

Page 45. Please note the dark area near our neighbor's southern border where they experienced their erosion and at his pipe crossing. Contour maps and arial photos confirm this is the lowest point on the southern border of his property. For the water to travel further east to our property, it must CLIMB roughly 40 yards to get to our border. Also, in all prior slides, Mansha claims there is a swale/drainage path on our property west of our common border. Clearly this isn't so. Here he shifts the claim to our common border due to the dark vegetation. There is no evidence of wet soil or vegetation further into our property which is probably why he has shifted his claim as to the location.

Page 46. The supposed drainage swale shifts once again! Undisturbed border vegetation is identified incorrectly as historic berms. And water along our southern border with Barton makes its unnatural u-turn yet again.

Page 47. We have repeatedly corrected these false statements. The house was positioned as shown for two reasons only. Upon move-in, we had young children and we wanted to stay away from Cranbury Neck Road and away from active farm equipment so we put the house in the middle of the property. We positioned it "sideways" to enjoy morning sun in our kitchen and afternoon shade on our patio. No limitations were imposed on us and we considered nothing but these two issues contrary to Mansha's repeated false statements.

Page 48. Each contour line represents a one foot change in height. Given the low density of these contour lines over the significant distance from front to rear of our property, it is logical for the property to appear flat especially compared to the steeper grades both properties possess to the south.

Page 50. Water flows naturally from the west and south onto our property. Water from the east and south flows to our neighbor. There is no new landscaping in this picture. The trees that are visible were on our land prior to our move in. Notice again the dark wet soil away from our property near the lowest point on his southern border where he has experienced erosion.

Page 51. False accusations. Nothing was done to block any water flow. It is obvious from the photo that our shared corner is still without landscaping yet the low spot on the property of our neighbor is highly visible. What evidence is there in this picture to suggest anything was done to block water? None. Because nothing was done!

Page 52. Here there is a claim that a berm was removed. Also not true. If a berm had been removed, wouldn't water flow even more freely? Why would this cause more water to flow on the property of our neighbor if we removed an impediment to flow on our property? This makes zero sense. Why did it take from 2002 to 2017 for a problem to occur yet only 2 years after building a new earthen wall the erosion has begun anew on our neighbor's property? His erosion occurs 30 - 40 yards away from our boundary. The flow from the east does not reach our property because water would need to go up hill ON HIS PROPERTY to reach us.

Page 53. No berm was removed. Even so, removing a berm on our property would not result in more water flowing onto our neighbor.

Page 54. His arrows make no sense. The water follows the topography of the land and is further consistent with the compacted service road of the Barton farm that borders both of us. Note, for us to be the cause of the current flow pattern we would have had to alter the topography not only on our property, but we would have needed to alter the topography both on the Barton farm and the property of our neighbor. We did no such thing. The water is simply trying to flow to the lowest point in this vicinity which is on the southern boundary of our neighbor fully 30 - 40 yards from our border. Notice, even at this time there was no sign of erosion on his property. The erosion does not appear to be due solely to the normal natural flow. Something changed in the volume of flow in the 2017 - 2019 timeframe. Notice the contradiction here. Previously it was claimed that we removed a berm here but now we are accused of raising a berm!

Page 55. Totally inaccurate interpretation of engineering drawing. This is a picture of the erosion taking place at our pipe crossing due to high flow rates of runoff from the actions of our neighbor. It has nothing to do with the modest changes in elevation described by Mansha as a swale.

Page 57. Note in 2006, no sign of erosion. Issue arises a decade later.

Page 58. The supposed swale moves again! This time it moves quite a bit west. It seems whatever is needed to fit his narrative is what will be drawn despite the reality of the land. The picture is labeled with more false claims of blockage that never occurred.

Page 59. Once again, the flows are clearly influenced by factors well away from our property boundary and wholly consistent with topographical maps including figure 6.3 in the latest Cranbury Master Plan.

Page 60. Unquestionably major erosion in 2017, 18 years after we moved in and 2-3 years after a change in the agricultural practices to our south. Our neighbor's solution -- build an earthen wall to shift all runoff to us.

Page 64. Mansha told me his erosion was due to water coming from the west. Laying rocks to direct water from the west to our property exclusively (despite its natural flow partly to his property) seemed like it could solve the problem. But the primary flow and problem for our neighbor is flow from the east, so his original thinking was wrong. We have never spoken to nor met with Mr. Barton. We had zero involvement with his attempted solution.

Page 67. Nothing is blocked here. This picture represents only normal undisturbed vegetation along our boundary bordered by an active farm road that is compacted. Our neighbor testified that this 2 - 3 INCH natural evolution is the reason why he needed to build a 3- 4 FEET earthen wall.

Page 69. Please come visit. This is a clearly undisturbed area of mature trees that were on the property prior to our purchase.

Page 72. We rely on the expertise of the NRCS.

Page 78. Yes, we have worked with NRCS but we never waived any of our rights.

Page 81. NRCS could not consider options on his land due to his refusal to participate. An optimal solution would involve reducing the runoff from the Barton farm, installing a collection structure at the low point on our neighbor's property and running underground piping to both of our culverts. Given the erosion that has started again on his property and continues on ours, it is abundantly clear that his attempted solution has solved nothing at all.

Thank you for your attention.

On 03/02/2022 8:56 AM Brady Smith <brady.smith@co.middlesex.nj.us> wrote:

Good morning Ralph,

Please note that a revised Applicant material packet has been uploaded to the County website for public access as it relates to the upcoming 3/9/22 MCADB meeting. You can find the document here:

<https://www.middlesexcountynj.gov/government/departments/department-of-transportation/office-of-planning/sustainability-resiliency/county-agriculture-development-board>

Enjoy your day,

Brady Smith

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From: [Karen Izzo](#)
To: [Brady Smith](#); [Laurie Sobel](#)
Subject: CADB hearing
Date: Monday, March 14, 2022 12:57:37 PM
Attachments: [IMG_3909.jpg](#)
[IMG_3903.jpg](#)
[IMG_3900.jpg](#)
[IMG_3898.jpg](#)
[IMG_3893.jpg](#)
[IMG_3897.jpg](#)
[IMG_3910.jpg](#)
[IMG_3915.jpg](#)
[IMG_3912.jpg](#)
[IMG_3907.jpg](#)
[IMG_3914.jpg](#)

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Dear Laurie and Brady,

The following comments and the attached documents are submitted to the hearing record concerning our complaint regarding the agricultural practices used for soil erosion by our neighbor at 53 Cranbury Neck Road. I will provide a more detailed explanation of each photo and document during the hearing but I will offer some summary comments here below.

IMG_3909. This figure is taken from the most recent Cranbury Township Master Plan. It shows how BOTH properties (ours at 55 Cranbury Neck Road and our neighbor at 53 Cranbury Neck Road) are subject to 5 - 10% slopes. Our property is downhill of slopes from the south and west. Our neighbor is downhill from slopes from the south and east. Thus, water naturally runs onto BOTH of our properties and explains why BOTH properties have culverts located on them.

IMG_3909. This 1995 aerial photo precedes our purchase of the land in 1999. Dark areas are either vegetation or wet soils or both. Please observe a location along the southern border of our neighbor, significantly away from our shared (north-south) border, that shows a significant dark spot. As the area is part of an active farm and there is no vegetation nearby, this is an area of wet soil due to its low lying nature. Topographical maps confirm this to be the lowest point on the southern border and coincides with the location of recent severe erosion.

IMG_3900. This 2002 photo is 3 years after we have moved into our home. Notice there are no plantings at our shared southern corner. There is runoff onto our property from the south and runoff onto our neighbor's property from the east. The water crosses our neighbor's property at the lowest point along his southern border which is also where the greatest erosion occurred. Both of these flows are consistent with topographical maps of the properties.

IMG_3898. This 2006 aerial photo taken 7 years after we moved in shows no erosion at the low point along our neighbor's southern property border.

IMG_3893 and 3897. These two aerial photos are undated. We know for certain they were taken before 2012 because Superstorm Sandy caused major damage along our driveway and many trees were lost. This picture shows those trees still standing. Please notice the absence of any landscaping at the shared corner with our neighbor, clear vegetation and a low lying area well onto his southern border that corresponds with his more recent erosion, and the complete absence of any visible changes to our border with the Barton farm. These photos completely discredit the unsubstantiated claims made by our neighbor in his presentation to the Board.

IMG_3910 and 3915. A series of aerial photos over September 2013, April 2016, October 2017, and May 2019. Notice the flow onto our neighbor's property from the east and south occurs throughout the period. There is no observable erosion as late as April of 2016 -- 17 years after we moved in. Larger copies of the 2017 and 2019 photos will follow.

IMG_3912. During June 2014, farmland bordering on both our property and that of our neighbor is auctioned. Reasonable to assume that the earliest the new use went into effect was 2015.

IMG_3907 and 3914. Enlarged photos shown above for October 2017 and May 2019. Notice the appearance of increased flow from the south onto our neighbor's property and the accelerated erosion at his low point away from our shared border. All of these flows are now blocked by his construction of an earthen wall and redirected to our property thereby doing nothing more than shifting a serious erosion problem from his property to ours.

In conclusion, the presentation given to the CADB at its hearing on March 9 was riddled with false claims and wholly inaccurate interpretations of engineering drawings. Official township data, engineering drawings, and aerial photos show two properties (53 and 55 Cranbury Neck Road) are downhill of 200+ acres of farmland. Our property receives water from the west and south, his receives water from the east and south. For these reasons, the county wisely positioned TWO pipe crossings -- one on each property -- in locations that match the contours of the land and the natural flow. All photos, from 1995 to 2019, consistently show the lowest point along the two properties' southern border is clearly well onto 53 Cranbury Neck Road by at least 30 - 40 yards. This location is the primary natural collection point for runoff and corresponds exactly with the location of maximum erosion. While the flow is visible throughout the past two decades, the erosion problems began 18 years after our move in.

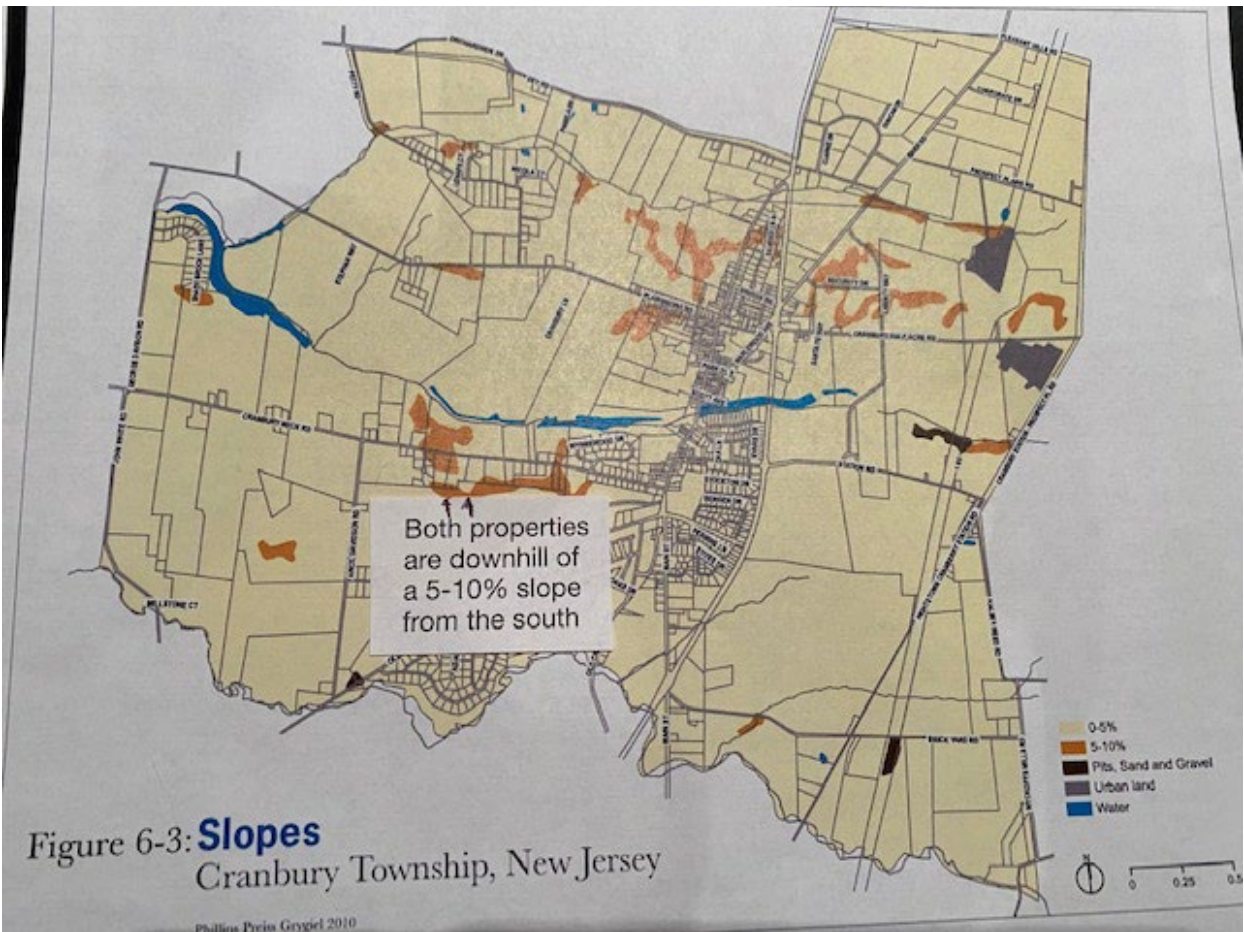
Our neighbor's solution was to ignore the advice of the Natural Resources Conservation Services and build a 3 - 4 feet earthen wall which did not eliminate any erosion but simply shifted it 30 - 40 yards further west onto our property. So now every drop of rain and runoff from hundreds of acres of farmland drain onto our property and county culvert leaving his land with no runoff and a virtually dry culvert. Why would the county position two culverts next to each other but overload one (on our property) to the point where its use overwhelms it and necessitates additional tax

payer expense for its expansion?

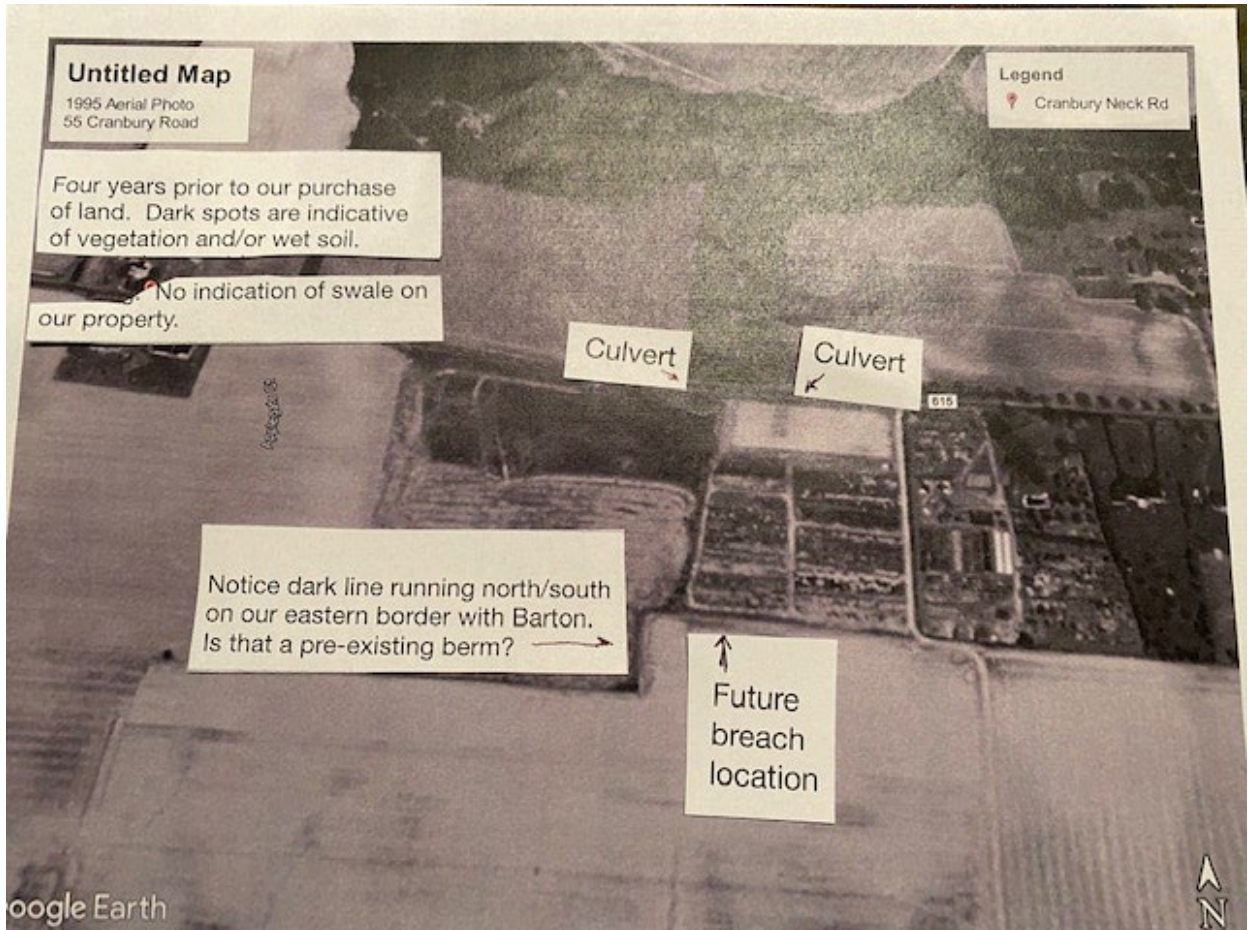
How can this be an acceptable agricultural management practice -- to shift a serious erosion problem onto adjacent land in complete contra-indication to the natural topology of the land?

Thank you.

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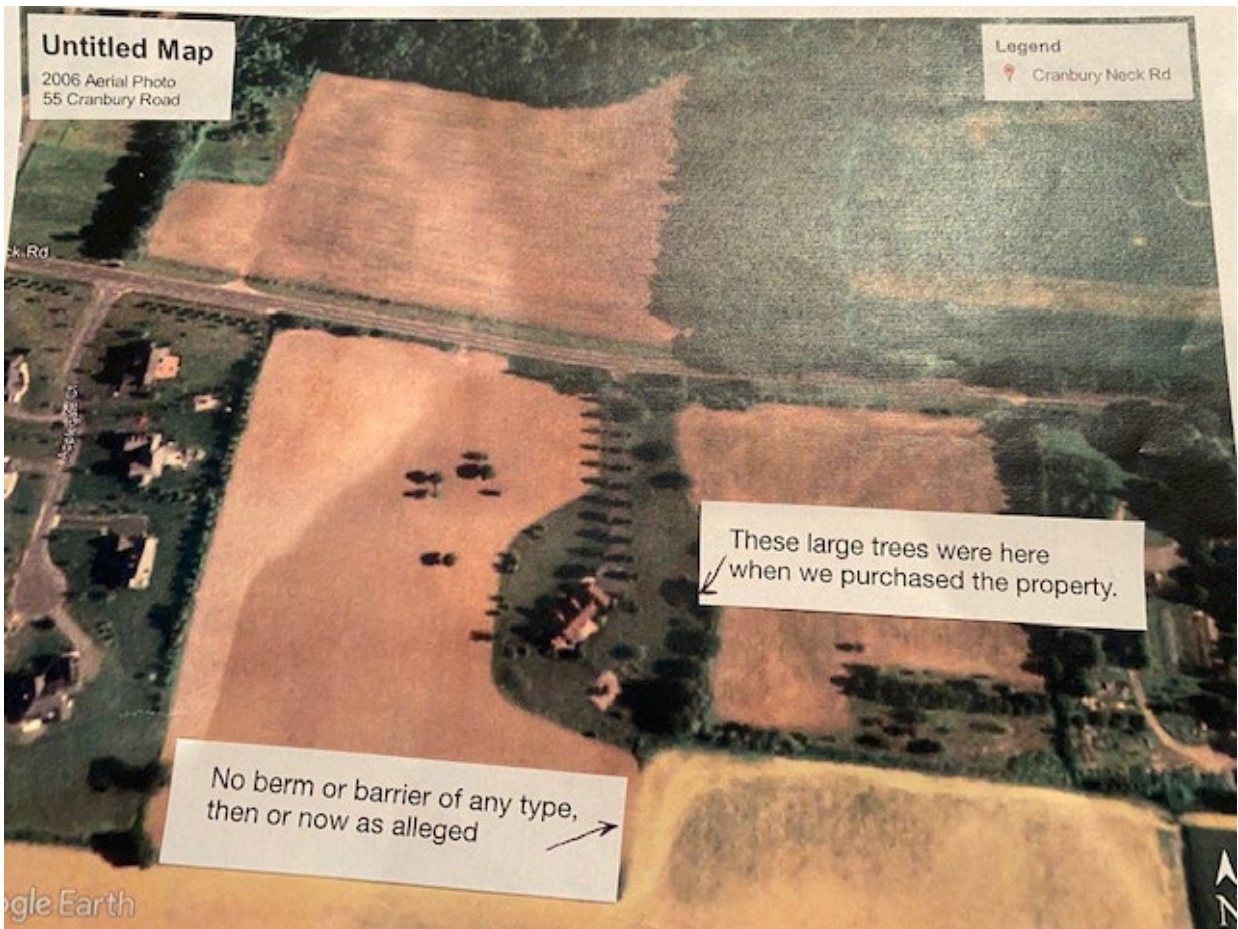
IMG_3909



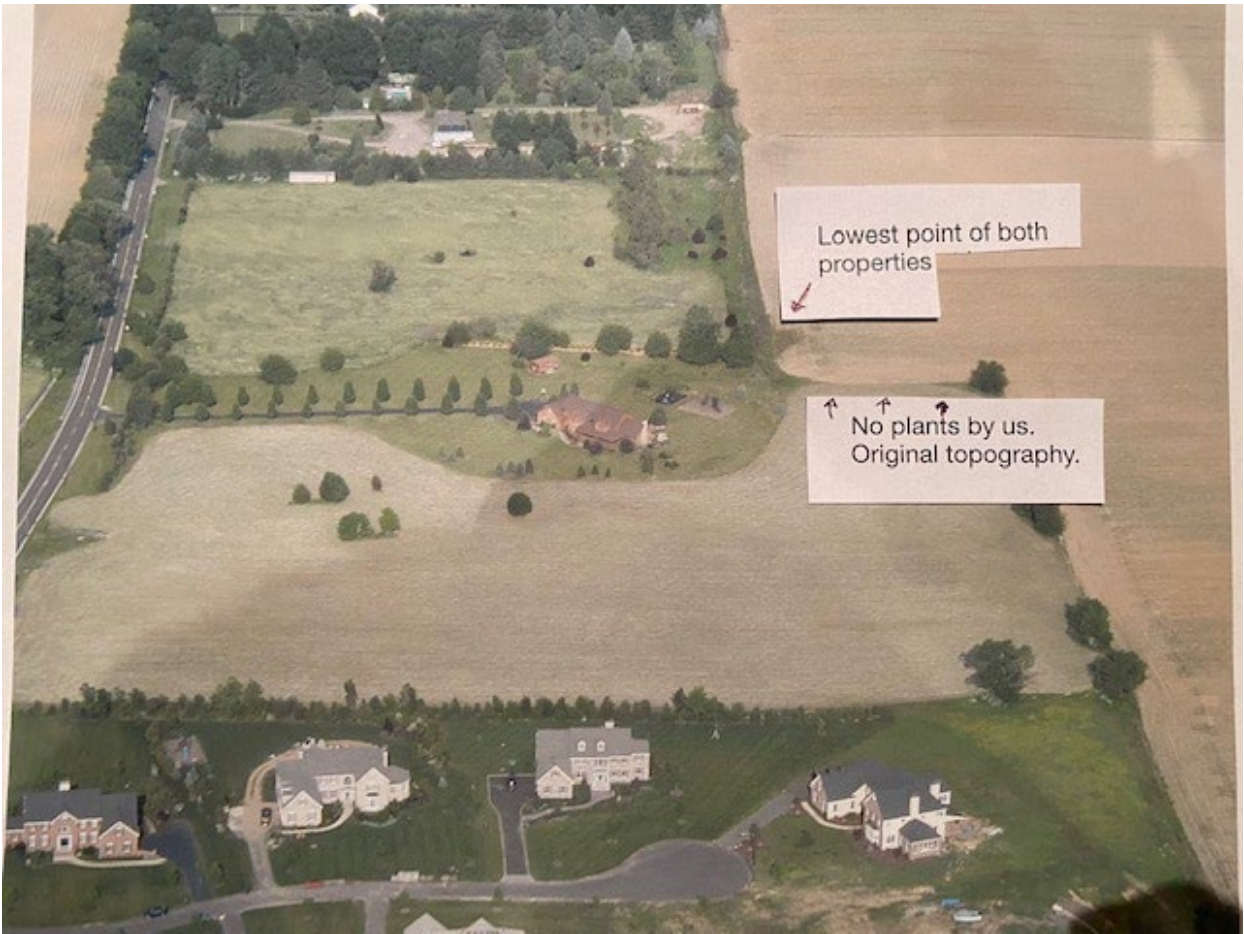
IMG_3903



IMG_3900



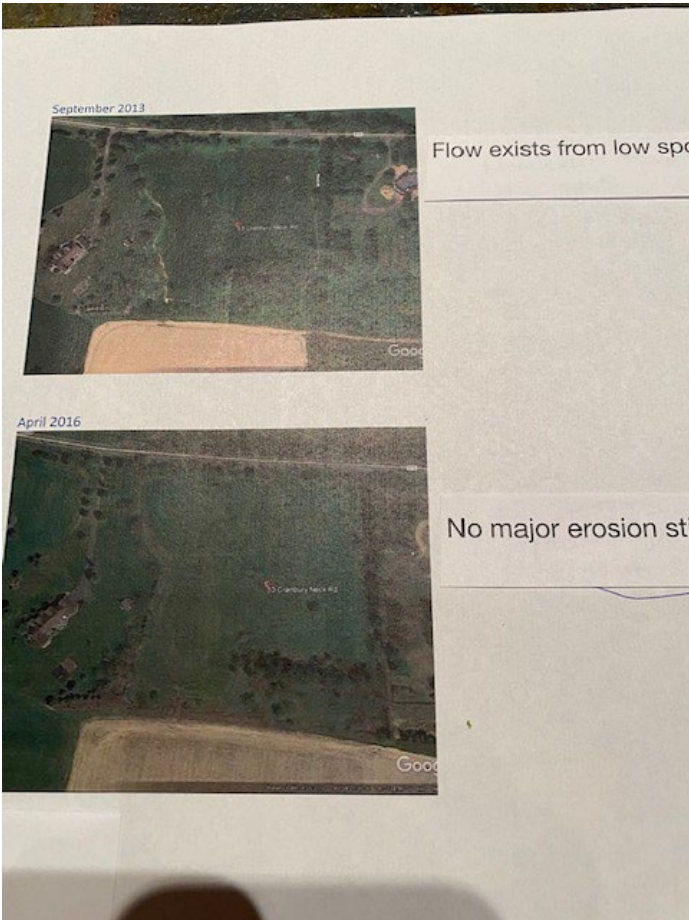
IMG_3898



IMG_3893



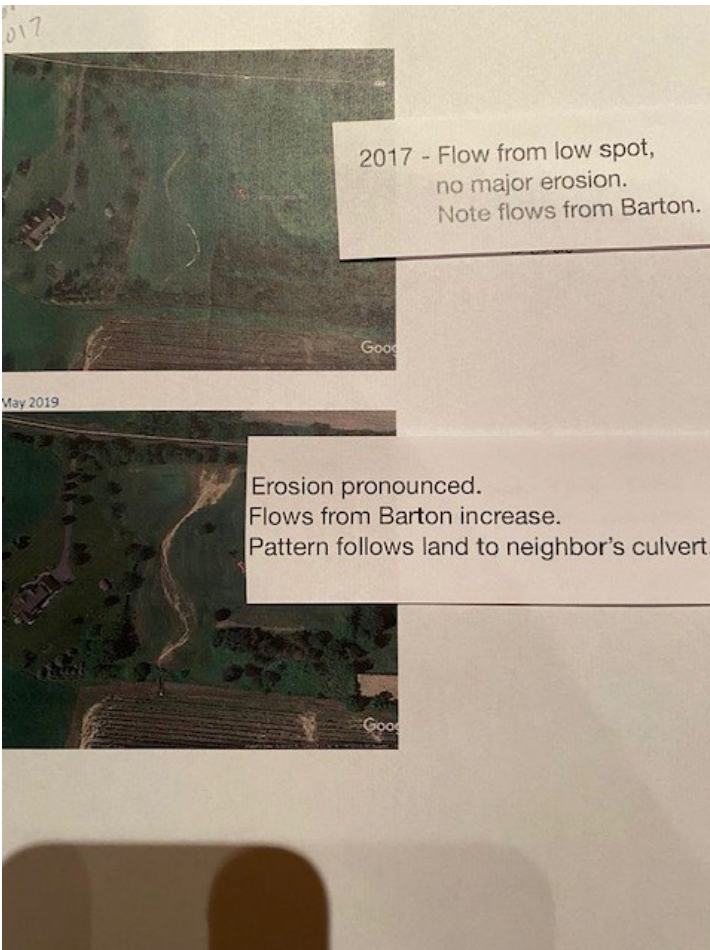
IMG_3897



Flow exists from low spot

No major erosion sti

IMG_3910



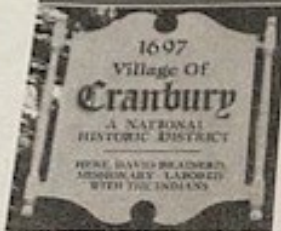
2017 - Flow from low spot,
no major erosion.
Note flows from Barton.

Erosion pronounced.
Flows from Barton increase.
Pattern follows land to neighbor's culvert.

IMG_3915

AUCTION

206.5[±] Prime Preserved Acres



PROPERTY PREVIEWS

12-2 PM, Wednesday, June 11th
12-2 PM, Wednesday, June 18th



Max Spann
Real Estate & Auction Co.
P. O. Box 4992
Clinton, New Jersey 08809
A licensed NJ Real Estate Broker

TERMS AND CONDITIONS

Registration: By fax, on-line and at open houses

Date and Place of Auction: June 24, 2014 @ 1PM, 64 Old Trenton Road, Cranbury, NJ

Terms of Sale: Auction Requirements: A 10% deposit of the contract price is required on auction day upon execution of the contract. All bidders must be pre-registered and are required to have a bank cashier's check in the amount of \$40,000. This check should be made payable to yourself and endorsed to Escrow Holder after completion of auction. A second check is required in the form of a personal check for the balance of the 10% deposit. **NO EXCEPTIONS!**

The escrow deposit will be held in a non-interest bearing account.

A 10% Buyer's Premium will be added to the final bid and be included in the total contract price. Auctioneer reserves right to deny admittance to any person. Auctioneer may alter terms of sale through announcement on Auction Day.

Contract: The successful high bidder will be required to sign a contract of sale immediately upon the conclusion of the auction with the deposit acting as a down payment (earnest money). This is an Auction Sale and is not subject to an attorney review period. The sale is subject to Seller's confirmation and acceptance. Contract of sale was prepared by Seller's Counsel and should be reviewed prior to the auction.

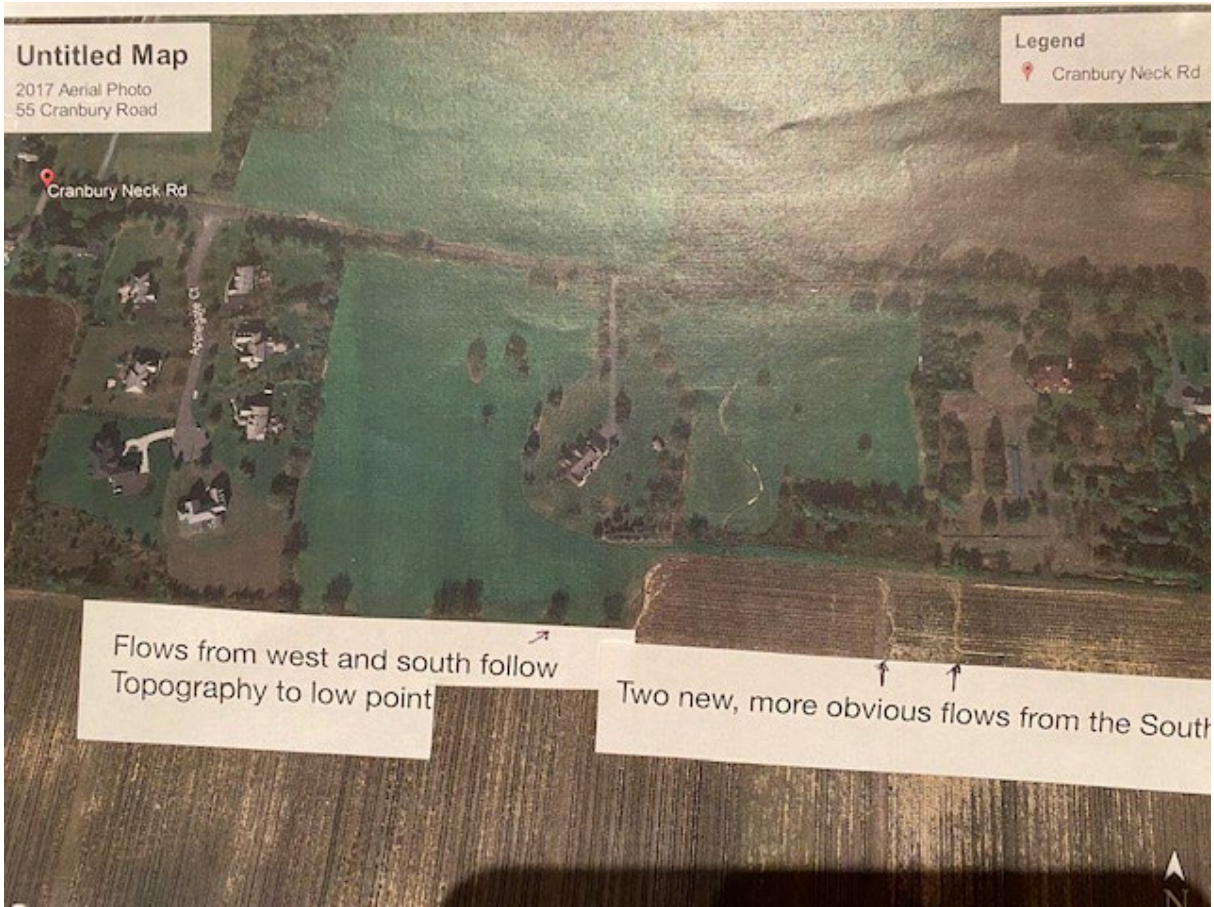
Closing: Will be on or before 30 days following the Auction Date. Payment of the balance of purchase price by certified check or bank cashier's check.

Broker Participation: Invited, call for details.

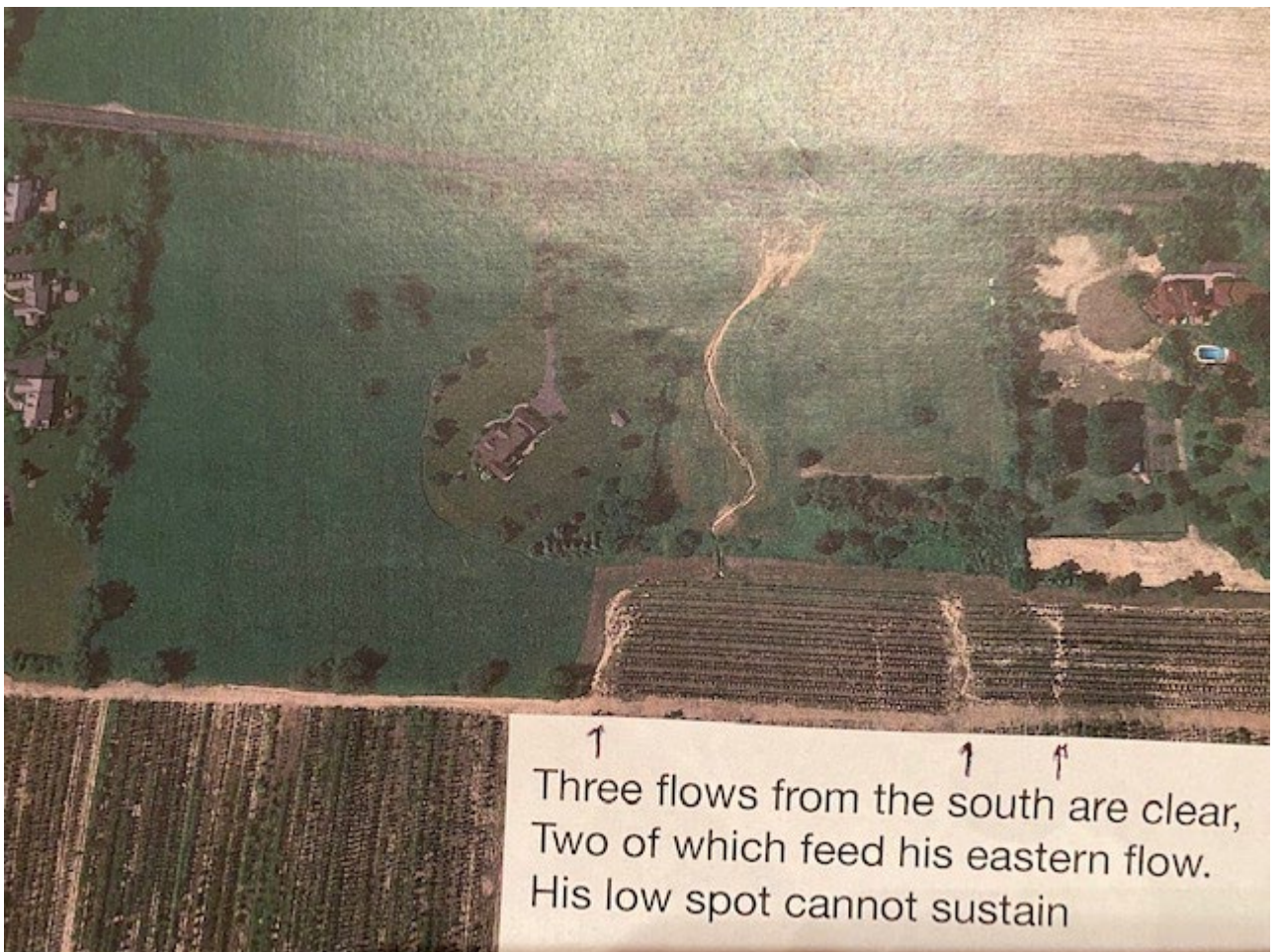
Disclaimer: THE PROPERTY IS SOLD "AS IS". All information regarding the properties for sale are from sources deemed reliable, but no warranty or representation is made by the Seller, Auctioneer, Realtor, Affiliates or Employees of the Realtor as to the accuracy or reliability thereof and same is subject to errors, omissions, other conditions, or withdrawal without notice. Prospective Purchasers must rely solely upon their own investigations and due diligence.

Financing: Available to qualified buyers, purchase is not contingent on purchaser financing.





IMG_3907



IMG_3914