



Township of West Milford
1480 Union Valley Road
West Milford, NJ 07480-1303

Press Release

Contact Information:

William Senande, Township Administrator/Clerk
973-728-2710
twpadministrator@westmilford.org

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West Milford, NJ - As a result of ongoing and constant Facebook posts mischaracterizing me by members of the Battinelli family, I feel compelled to provide you with this information because numerous residents have asked me to respond to these comments.

Setting the Record Straight

Due to on-going litigation and for the protection of the Township's residents, what can be made public at this time is outlined in the below statement. I can assure you the Township and its leadership is committed to working with all businesses that follow the proper processes, receive the proper approvals of the various agencies that grant the approvals, and provide oversight.

There are Multiple Instances and Incidents

Presently, Mr. Battinelli has a number of ongoing disputes with the Township. In the past six months, these are some of the matters that we have been working to address, as an Administration and on behalf of all of our residents:

1. We filed an action in Superior Court as the result of a third significant fire at the Lycosky Road operation within the past 15 months, owned by Mr. Battinelli. This complaint was filed out of fire safety concerns, and in the interest of protecting our first responders to address fire safety issues. We were then advised, subsequent to the last fire, that in response to our volunteers, Mr. Battinelli's representative indicated that "The fire department's response was the opposite of what is required and this is extremely dangerous." Our fire department was further questioned with "Why have the fire crews not be trained in mulch fires?"

2. We have been provided with environmental soil contamination test results on the property owned by the Township, but has been accessed by the Battinelli operation on the adjacent site on Lycosky Road. The Township is undergoing further environmental soil testing of the 20-foot berm that has admittedly been constructed by B&B Recycling on the site.
3. The Township Administration has been advised by Upper Greenwood Lake that their property had a recent incident, wherein they allege B&B brought soil into the area without proper approvals.
4. The site plan for the approvals at 280 Marshall Hill Road, which were obtained and granted by the Township in 2019, have not yet been signed off by the Planning Board Engineer, after 24 months elapsing since such approvals. In fact, the Highlands Applicability Determination application for the site has still not been approved by the Highlands Council.
5. The Township Zoning Office has been the recipient of multiple inquiries and staff have been berated by Mr. Battinelli. Staff are made available to provide assistance, answer emails and information with respect to zoning matters.
6. The property on Union Valley Road, which was formerly known as the Pappas /Wiggin's Farm, has now abandoned all of its farm activities, causing complaints by residents as to the ongoing activities at the site, which have not been the subject of any permit or application to the Township.
7. The Battinelli's submitted an application to the Tax assessor for farmland assessment. In that sworn statement signed by Battinelli, the reflected amount of Farming activities was "\$0" dollars. In order to receive a Farmland assessment, the State Statute requires 1 year of farming activities with at least \$2,500 in receipts to qualify for the reduced property tax rate, and to become farmland assessed. It is their application that generated the denial of the Farmland application. Applications for farmland assessment were due on August 1, 2021. The application was reviewed, and since the reflected amount was reported by Battinelli as \$0 dollars, the application was denied--as it would have been for any property owner who submitted a sworn statement reflecting this information. Remarkably, days after receiving the denial letter, a member of the Battinelli family came to town hall with three (3) \$1,000 dollar canceled checks, all written one day apart, with a request to amend their application. This matter is subject to investigation.
8. On July 14, 2021, Anthony Battinelli, the owner of 41 Castle Rock Road, was cited by the Hudson Essex Passaic Soil Conservation District for a "Stop Construction Order" regarding a violation of the New Jersey Soil Erosion and Sediment Control Act.

In summary,

The property owner, and their family and friends, continue to write inaccurate comments regarding the Township, its leadership and volunteers. The following facts exist:

- A. They filed an application for a significant tax reduction and have attempted to contradict their signed and sworn statements contained in that application. The remaining taxpayers pick up the cost of an exempt property.
- B. The property at Lycosky Road has been the subject of three significant fires in the last 15 months and 16 fires in the last four years.
- C. Our volunteer first responders have been criticized by this business operator, after they place themselves in harm's way to respond to fires on the site.
- D. A "Stop Work Order" has been issued by the Hudson Essex Passaic Soil Conservation District.
- E. The NJ Department of Environmental Protection has not issued a Highlands Applicability determination, while other residents have to obtain Highland's exemption approval before they can commence any type of construction or improvements.
- F. The Battinelli's have blatantly violated a "Stop Work Order" and failed to file an appropriate Soil Removal application with respect to the property formerly known as the Pappas Farm.

Examples of Inaccurate Posts:

A. Battinelli Facebook statement of September 26, 2021: "To our valued customers of the Township of West Milford: Later this morning, a fire broke out on our property known as 280 Marshall Hill Road. To everybody what happened, the fire protocol, per Court order for this property is as follows..."

Facts: There is no existing Court order. The West Milford Fire Department, comprised of dedicated volunteers, did what they always do--and that is respond to what is now the 16th incident and call at the Battinelli property. That's 16 times of responding with potentially 15 responders which equates to over 300 hours of volunteer time, dedication and risk.

B. Battinelli Facebook Statement of October 2, 2021: “Tonight, Mayor Michele Dale tried to enforce a stop work order that was delivered to the farm. Despite the obstacles Mayor Michele Dale and the town administrator have thrown our way, we are going to continue to follow the guidance of the department of agriculture to properly and efficiently finish the farm. We want to make everyone aware that despite all of the challenge we continue to face, we are committed to making the farm a place West Milford families to enjoy.”

Facts: Due to the above issues outlined above paragraphs #6 and # 7 above, a Stop Work order was issued by the Township Engineer on October 1, 2021. On Saturday October 2, 2021, due to complaints of the trucks (and time stamped photos which were sent to show the activity), I placed a call to the WM Police Department to ask them to advise the Battinelli’s that the Stop Work Order had been issued, and to please cease bringing truckloads of material into the site until they had applied and been granted the proper approvals. Mr. Battinelli refused to stop working, and called back the WM Police department and advised that he would continue to work. To date, the Township has not received an application and/or proof of approval from the approving entities.

The Township’s Position

The Township’s Mayor and Administration have worked diligently to assist local businesses and provide tax incentives to residents and businesses whenever permitted by law. We have made changes to staffing in the Zoning Office to provide more availability and information, and time to abate any zoning enforcement issues prior to initiating enforcement proceedings.

We have stabilized the municipal budget and worked with the Council in a way to make our residents proud of the Township’s reputation. However, we will not stand back or look the other way as a result of a business owner complaining about the Leadership--specifically the Mayor/Council/ Administrator, all of whom have provided strong and stable leadership to our community.

The actions relating to Mr. Battinelli date back to 2015, and since that time there have been four Administrators and three Mayors for the Township, 18 different council persons, and yet notwithstanding all of these changes, the issues as outlined above continue to evolve. We encourage the development of local businesses, but not at the expense, inconvenience, interruption or preference of our residents and other compliant business owners in our community.

So long as the Property owner continues to post inaccurate information about the reputation of the Township and Administration we will have no choice but to continue to provide accurate information to our residents.