

TOWNSHIP OF TEWKSBURY
LAND USE BOARD
WEDNESDAY, NOVEMBER 2, 2011
COMMENCING AT 7:40 P.M.

.....
IN THE MATTER OF: :
JOHNSON : TRANSCRIPT OF
APPLICATION NO. 09-05 : PROCEEDING
Block 23, Lot 23 :
.....

B E F O R E:

TOWNSHIP OF TEWKSBURY LAND USE BOARD
THERE BEING PRESENT:

- BLAKE JOHNSTONE, CHAIRMAN
- EDWARD KERWIN, MEMBER
- MIKE MORIARTY, MEMBER
- BRUCE MACKIE, MEMBER
- ARNOLD SHAPACK, MEMBER
- ED D'ARMIENTO, MEMBER
- LIBBY DELVIN, MEMBER

TAYLOR & FRIEDBERG
Certified Court Reporters
60 Washington Street
Morristown, New Jersey 07960
(973)285-0411
E-mail: Csr@taylorfriedberg.com

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

A P P E A R A N C E S :

BERNSTEIN & HOFFMAN, PA
BY: DANIEL S. BERNSTEIN, ESQ.
2253 South Avenue
Scotch Plains, New Jersey 07076
Counsel to the Board.

MILES S. WINDER, III, ESQ.
BY: MILES S. WINDER, III, ESQ.
12 Quimby Lane
Bernardsville, New Jersey 07924-0775
Counsel for Applicant.

A L S O P R E S E N T :

WILLIAM BURR, ENGINEER
RANDAL BENSON, RECORDING SECRETARY/ZONING
OFFICER

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

I N D E X

TUCKER JOHNSON

Examination by Mr. Winder	7
Examination by Mr. Bernstein	24
Questions by the Board	21, 42
Questions by the Public	74

E X H I B I T S

No.		Page
A-13	Proposed Flight Pattern	20

1 MR. JOHNSTONE: Next, Johnson
2 Application Number 09-05, Block 23, Lot 23,
3 preliminary and final site plan and use variance.
4 Action deadline November 30, 2011. Good evening,
5 sir.

6 MR. WINDER: Good evening,
7 Mr. Chairman.

8 MR. JOHNSTONE: Before you start, we
9 have some people that are going to leave us.

10 MS. DESIDERIO: Let the record reflect
11 that I recuse myself.

12 CHAIRMAN JOHNSTONE: The people that
13 are leaving are Mr. Dillon and Ms. Desiderio.

14 I have been informed that we have a
15 sign up or sign in sheet, whatever. Would everyone
16 that is here in the room please sign your name to
17 the sign up sheet. One of the reasons why we are
18 doing this is to get an estimate of how many people
19 are going to be here for future meetings.

20 Can we have your name for the record,
21 sir?

22 MR. WINDER: Miles Winder on behalf of
23 the applicant. I hope you all have electricity.

24 CHAIRMAN JOHNSTONE: No, I don't, now
25 that you are asking.

1 MR. WINDER: It was a bad question to
2 ask.

3 CHAIRMAN JOHNSTONE: Nobody
4 volunteered to take me in, but that is okay. What
5 do we have tonight, sir?

6 MR. WINDER: We have Mr. Johnson,
7 Tucker Johnson to testify. He's a family member. I
8 know the board has anticipated that, so if we can
9 swear him in.

10 CHAIRMAN JOHNSTONE: Is that the sole
11 witness tonight?

12 MR. WINDER: That will be the sole
13 witness tonight. Just a housekeeping detail just to
14 make sure I am on the record and understand. We are
15 on, I believe, for the 16th, which is two weeks from
16 tonight?

17 MR. BENSON: That is correct.

18 MR. WINDER: It is our anticipation
19 that we will, in all likelihood, have the planner
20 testify. I want to make sure that the planner is
21 not required necessarily to file in advance a
22 report?

23 MR. BERNSTEIN: We have excluded
24 planners from the necessity of the written report as
25 so many planners just sort of ad-lib it as they

1 present their case, not to say a planner would, but
2 will that be the last witness?

3 MR. WINDER: I don't know whether it
4 will be the sole witness or not. We may have
5 another witness in addition to that.

6 CHAIRMAN JOHNSTONE: When you say
7 witness, are you referring to a witness that's a
8 fact witness?

9 MR. WINDER: It would be an expert
10 witness. We understand that there is a ten day
11 requirement. We are clear on that.

12 CHAIRMAN JOHNSTONE: The simple reason
13 for that is so that everybody has a chance to review
14 it and make the responses that are necessary, that
15 is all.

16 MR. WINDER: Fair enough. May I have
17 Mr. Johnson sworn in.

18 MR. BERNSTEIN: Can you give your full
19 name for the board?

20 THE WITNESS: Sabin Tucker Snow
21 Johnson.

22 MR. BERNSTEIN: Do you want to give me
23 that first name?

24 THE WITNESS: Sabin, S-A-B-I-N,
25 Tucker, T-U-C-K-E-R, Snow you are all a little to

1 familiar with and Johnson.

2 T U C K E R J O H N S O N,

3 First having been duly sworn by the Notary,

4 testifies as follows:

5 EXAMINATION BY MR. WINDER:

6 MR. BERNSTEIN: And your residence,

7 sir?

8 THE WITNESS: 169 South Beach Road,

9 Hobe Sound, H-O-B-E S-O-U-N-D, Florida.

10 MR. BERNSTEIN: Thank you.

11 CHAIRMAN JOHNSTONE: For those of you
12 who just may have come in, we would like everyone to
13 sign the attendance sheet so that we can keep an
14 accurate track of how many people are showing up for
15 these meetings.

16 Okay, Mr. Winder.

17 MR. WINDER: Thank you, Mr. Chairman.

18 Q Tucker, do you have a place here in
19 Tewksbury?

20 A I do.

21 Q Where is that?

22 A At 20 Flinthill Road.

23 Q You use that as a part time residence;
24 is that correct?

25 A I do.

1 Q How long have you lived there
2 approximately?

3 A I moved there when I am 18. I was
4 eighteen, I am 47. My parents kicked me out early.

5 Q For good reason I guess?

6 A Apparently so.

7 Q And tell me, if you can, how long has
8 your family been in Tewksbury Township?

9 A I believe that my grandfather John
10 Stewart Johnson moved in the '40's to Cedar Lane
11 Farm, '40's or '50's and started there.

12 Q Been there ever since?

13 A Yes.

14 Q So, they have been continuously on
15 this piece of property; is that correct?

16 A Yes.

17 Q Tell the board what you understand the
18 proposal to be that we are asking for the board to
19 approve?

20 A We are asking the board for permission
21 to have a heliport for personal use, private use and
22 farming use at Cedar Lane Farm.

23 Q Do you mean a heliport or helistop?

24 A That is a good question. I'll take a
25 helistop.

1 Q With regard to that helistop, it is
2 going to be a restricted helistop, is it not?

3 A That is true.

4 Q So, you will be able to tell people
5 whether they can come or not?

6 A Yes.

7 Q Why do you want this helistop?

8 A We have a purebred dairy operation at
9 Cedar Lane Farm and we have had requests to use that
10 for cattle buyers coming in. We have personal usage
11 needs for air travel and we believe it would be a
12 benefit to the community and a very big benefit to
13 our agriculture operation and a big benefit to our
14 family.

15 Q Tell me a little bit about the dairy
16 operations, if you can? How big is it, is it part
17 time, is it full year, what is it?

18 A The dairy is a year-round operation,
19 basically a 24 hour a day operation in some sense
20 because the cows are always there and it is the core
21 base of our farm. My grandfather started the dairy
22 there with Holsteins and it went dormant in the
23 '70's when he left the farm, and the farm fell into
24 some disrepair. I purchased some cattle and started
25 rebuilding the dairy and moved it forward and when I

1 decided to move to Florida, I sold the dairy to my
2 father.

3 Q And what kind of cattle, dairy cattle
4 are there?

5 A Now we have Holsteins, both red and
6 white and black and white Holsteins purebred. We
7 have a small herd of Brown Swiss and a small heard
8 of Jerseys.

9 Q Are they all registered purebreds?

10 A There are some recipients that place
11 embryos in that are there for a period of time while
12 they grow the embryo inside them and then they are
13 sold as milk cows elsewhere. The whole primary
14 point of the operation is seed stock operations with
15 the side income for milk.

16 Q Tell me about the embryo business.
17 What kind of business is that?

18 A It is an interesting business and
19 there are two channels for selling embryos from
20 dairy cattle. One is for show cattle that have been
21 successful as individuals and are from multiple
22 generation successful families and the other type is
23 now referred to as genome cows, so they have traits
24 that they are able to test with genes and
25 performance test the cattle and give them a body

1 score for hoof angel and many variables and predict
2 the outcome of offspring and that would be the
3 bigger market for those.

4 Q Roughly, if you can, how much does a
5 live cow sell for?

6 A It's a good question. I have to look
7 at my notes. I met with our dairy manager today and
8 he updated me on the market. A cow named Apple, a
9 red and white Holstein, who was the grand champion
10 while at the World Dairy Expo sold in syndicate for
11 \$1.5 million this past year. Her clone sold for
12 \$175,000. She's the intermediate champion of that
13 show. The million dollar mark is the highest for
14 the purebred. In terms of the Jerseys usually below
15 \$100,000. We have a full sister to the star cow
16 named Sheik. She sold for 90,000. Our Jersey
17 marked is primarily South American buyers. The
18 Brown Swiss market generally doesn't make 75,000.
19 So, in the purebred high quality those are the big
20 winners and the big numbers you hope to get.
21 Generally they range in price when you are
22 successful, which not all of them are, between 10
23 and \$20,000, sometime \$5,000 heifers. So, there is
24 a base price of a fresh heifer of around \$2,000 in
25 the commercial market as a floor to the price and it

1 all depends on their type, their pedigree and their
2 production.

3 Q And tell the board what the cost of
4 embryos are?

5 A It ranges. We are selling embryos now
6 out of three of our cows, keeping some, selling
7 some. The Juror Roxy cow, which is an older show
8 type cow that came out of Canada is selling for
9 \$2,000 a piece. Lucy which is out of the Lilac cows
10 by Mr. Burns is selling for a thousand a piece.
11 Anything that goes below \$1,000 a piece we are not
12 going to breed for because the cost of production
13 ends up to high. Occasionally we will have some
14 that will go down to \$800. We have them in the tank
15 and put them in and sell them for that, but our
16 target goal is selling them between 1,500 and 2,500.
17 Our Swiss cow Tony that was a champion out of the
18 World Dairy Expo, she gets -- she got over 2,000 a
19 piece and we are marketing out of her granddaughter
20 now.

21 CHAIRMAN JOHNSTONE: Excuse me, ma'am,
22 in the back, there are a couple chairs up front, in
23 the front right here, in the very front if would you
24 like to sit down. We have some chairs up front here
25 if you would like to sit.

1 Q Tell me, Tucker, where do the
2 customers for cows and embryos come from for Cedar
3 Lane Farms generally?

4 A Generally they come from -- well, we
5 have sold to more places, but I would say majority
6 of foreign buyers that come to America, and those
7 are your biggest embryo buyers. They come usually
8 just before the end of September and through the
9 middle of November is there time because they come
10 over for the New York State show. They come over
11 for the World Dairy Expo. They come over for the
12 show in Harrisburg. They come over for Royal in
13 Toronto, which is the last one in November. They
14 usually link it up and they usually come with a
15 broker and they will come in small groups or
16 individuals with a broker and go from farm to farm
17 very quickly. So, we are dealing with people from
18 Japan, Holland, Germany, Japan, Switzerland, a
19 little bit with the Brown Swiss, Uruguay. We used
20 to deal a little bit with Columbia for the Jerseys,
21 so it varies, but that is the core buyer. Every
22 year we get that. We had someone from Turkey this
23 past spring come in, so those are spread around.
24 They need to take embryos as opposed to live cattle
25 because of import requirements.

1 Q So, how would this helicopter or
2 helistop be an advantage to that buyer?

3 A Well, there have been buyers who have
4 requested that and who are doing the very quick
5 swing trips from farm to farm to farm and they are
6 trying to see as many as they can. They don't wish
7 to purchase embryos at those price levels. An
8 embryo has a success rate of 50 to 60 percent when
9 you put it in, so they want to see it. If they want
10 to try to get a heifer from that, they will buy a
11 minimum of four, five, six embryos because half of
12 them will be bull calves, half of them will be
13 heifers and half of them won't make it on the whole,
14 so it ends up being a fair number and when these
15 guys come in you need to have enough cattle to
16 attract them, you need to be accessible and anybody
17 who has worked in sales often has to provide that so
18 that is sort of how that rhythm flows.

19 Q Tell me are you a pilot?

20 A I am.

21 Q And do you fly the Johnson helicopter?

22 A I fly a Bell 407.

23 Q And is that the 407 that is intended
24 to come as the family helicopter to this site?

25 A The family has been using that

1 helicopter and I use that helicopter quite a bit.

2 Q Tell me where it resides normally?

3 A Most of the time it is at my farm in
4 Florida in Hobe Sound.

5 Q Approximately how much of the year is
6 that would you say?

7 A Well, it is there now and always there
8 through April 22nd and usually by June 15th into
9 October, end of September it is in Montana.

10 Q And do you have a residence there?

11 A Yes.

12 Q Now, can you give the board any sort
13 of idea as to how much you anticipate it will be in
14 New Jersey?

15 A Yeah. It will be in New Jersey I
16 think in the spring and fall for sure. This year it
17 was here more because we are -- our house is under
18 construction in Montana. We weren't there. We were
19 out of the country, so I foresee the usage here
20 primarily as approximately three months, two months
21 in the fall and one month in the spring.

22 Q I realize it is hard to estimate and I
23 am sure the board won't hold you to this, but do you
24 have any idea how much use it will get while it is
25 here?

1 A Yeah, I actually did a calculation on
2 this. Mr. McNamara I believe testified to our home
3 usage for the four years we have this aircraft
4 available to us and that was measured out at 2.8
5 trips per week for a total ownership of the aircraft
6 on a four year basis. The aircraft was here and
7 available with pilots for family members from June
8 of this year till October, end of October and it was
9 used 1.3 times per week including our sound test
10 profile work.

11 Q Now, did you have anything to do with
12 the flight of the helicopter during the site visit
13 and the sound test?

14 A Yes. I flew and we had a professional
15 pilot as well. We were doing several different runs
16 back and forth and I often and primarily fly the
17 helicopter on my own.

18 Q And did you fly the helicopter on any
19 of the, that you know of, runs that were observed by
20 the board?

21 A Yes.

22 Q And did you have a particular route
23 that you were going to use?

24 A Yes. It took a while to figure out
25 the route that was effective and we prepared

1 afterwards and after quite a bit of sound testing
2 and evaluation and trying to study and understand
3 where the noise abatement would be required, we have
4 developed the Cedar Lane Farm helicopter visual
5 approach and it brings you in from the intersection
6 of 78 and 287 following the 78 corridor. So,
7 heading west then at the southeast corner of Trump
8 National Golf Course it makes a turn then it heads
9 towards the Lamington church steeple. At that point
10 it begins its decent into Cedar Lane Farm
11 approximately about the blue silo. So, we picked
12 very clear landmarks. We stayed over the highway
13 corridor where that is recommended in New Jersey.
14 They do the same thing with the noise abatement
15 approach in Morristown and then we picked very
16 strong landmarks that can be seen by any pilot from
17 a significant distance and in here we have included
18 the headings and altitudes and mileage so that there
19 can be no confusion. We have also included aerial
20 photographs to give a visual reference to pilots
21 that haven't been there so that they can easily
22 follow the path that we require them to follow.

23 Q And is it your intention as you fly
24 the helicopter to use that approach?

25 A Yes.

1 Q Now, for people who don't normally
2 come here, that is other pilots and other
3 helicopters, do you have any plans to try and make
4 sure that they follow the same approach?

5 A Yeah, we plan on insisting they follow
6 our approach. We put it in a format which can be
7 easily sent over e-mail as a PDF. It could be
8 communicated even without that, without the
9 significant landmarks, but any pilot who can pass
10 there any flight review can follow this course
11 without difficulty and will be required to follow
12 the noise abatement procedure approach we have
13 created.

14 MR. WINDER: Mr. Chairman, you may
15 remember at the last meeting I submitted an exhibit,
16 a draft of this. It is still in draft form, but
17 before this application is over I hope to submit a
18 final one so that the board has it to take into
19 consideration as to deliberations.

20 CHAIRMAN JOHNSTONE: I am aware of the
21 fact one was marked as an exhibit, I just don't
22 remember which one it has. Do you have the exhibit
23 number so we have it for the record?

24 A I don't know whether the board members
25 are familiar with using private airports or private

1 heliports, but there is usually sort of like a
2 procedure. The best example of the one that I can
3 give is of the Ocean Reef Club in Key Largo. If
4 someone wants to land there you have to call in
5 advance. You have to fax them a copy of your
6 insurance certificate and they e-mail you or fax you
7 their approach path, image of the runway and the
8 frequencies they use, so it would be our intention
9 if someone were wanting to come to Cedar Lane Farm
10 to purchase cattle, that their pilot would receive
11 permission to come and would receive the approach
12 that they would be required to fly and we have
13 people who fly that work for us that can be
14 available to explain to them how to fly and if there
15 are any questions, but it is relatively
16 self-explanatory.

17 MR. BERNSTEIN: Mr. Johnson, was that,
18 do you know, in the sound study, the approach or was
19 that separate? Maybe I should have asked Miles.

20 THE WITNESS: I don't know. I wasn't
21 here.

22 MR. BERNSTEIN: Was that in the sound
23 study?

24 MR. WINDER: It was not in the sound
25 study, separate exhibit. I have a copy of it.

1 CHAIRMAN JOHNSTONE: Let's mark this
2 one at this point in time. What is the last exhibit
3 that we have?

4 MR. WINDER: I have just asked
5 Mr. Kennedy if that's a different one from last time
6 and it is not.

7 CHAIRMAN JOHNSTONE: Randy, what is
8 the last exhibit number?

9 MR. BENSON: Last one was A-12 so this
10 would be A-13.

11 CHAIRMAN JOHNSTONE: It would be A-13
12 on this and today's date would be 11/2/11. I will
13 put my initials here. Would you pass that over to.
14 Does anyone want to see it?

15 (Proposed Flight Pattern was received
16 and marked A-13.)

17 THE WITNESS: It is kind of neat.

18 CHAIRMAN JOHNSTONE: I have flown it.

19 MR. MACKIE: Did you stay 500 feet
20 from persons and objects?

21 CHAIRMAN JOHNSTONE: I stay 1,000 feet
22 just to leave myself a little more room.

23 Q Mr. Johnson, can you tell me please in
24 response to an earlier question that I asked how
25 long you thought the helicopter would be here you

1 think it would be here the entire month of August
2 and September or part?

3 A No, I don't think it would be here in
4 August. It think it would probably be here for a
5 short hit in the fall, if it comes here and for a
6 hit in the spring and it goes back and forth. If it
7 goes down to the Hamptons, it may come back. It may
8 stay out there. I used it for parents weekend to go
9 up and see Sam in Massachusetts a couple of weeks
10 ago. It is short trips like that, to go into the
11 city occasionally for work.

12 MR. WINDER: I have no further
13 questions at this time.

14 CHAIRMAN JOHNSTONE: Start with our
15 professionals, anybody have any questions?

16 Mr. Burnstein, I assume you don't have
17 any at this time?

18 MR. BURNSTEIN: I am okay, you can go
19 first.

20 MR. BURR: Just a couple of quick
21 ones. How many buyers in the past have requested to
22 use or have requested to fly in, if they do that?

23 THE WITNESS: We have I believe --

24 CHAIRMAN JOHNSTONE: Over what period
25 of time are you asking?

1 THE WITNESS: Yeah.

2 CHAIRMAN JOHNSTONE: It's a good
3 question, but let's narrow the question down.

4 MR. BURR: Let's say the last three
5 years.

6 THE WITNESS: Well, we have said no --

7 MR. BURR: How many requests to come?

8 THE WITNESS: No. Brokers have
9 requested, so we have said no. It's a small group
10 of people. We have had requests in the past. I
11 haven't had new requests. It is the same brokers.
12 It is one of those businesses where their kids are
13 the next ones along, you know, it is not a thing
14 where new people seem to get in very often,
15 especially in this area.

16 MR. BURR: So, if this application
17 were to be approved, how many brokers would they --

18 THE WITNESS: I think hopefully you
19 would get, hopefully, we would be getting three or
20 four trips in the fall, maybe a trip or two in the
21 spring. Could be a little bit more, it could be a
22 little bit less. I am not really sure because once
23 you say this is an availability, hopefully, this
24 will provide a good economic market for us to
25 increase the financial viability of Cedar Lane Farm

1 and it is zoned agricultural there. We are hoping
2 to find a way to farm that is cost effective and can
3 make a profit, hopefully. That is really our goal.
4 This is a farm. We are farming and this can be a
5 valued asset to add to it.

6 MR. BURR: Do you anticipate any of
7 those flights taking place at night?

8 THE WITNESS: No, I don't believe so.

9 MR. BURR: Any private flights, family
10 flights taking place at night?

11 THE WITNESS: Seldom.

12 MR. BURR: One more question. Are you
13 aware of any other farm operations in this area that
14 also have a helistop?

15 THE WITNESS: I don't think -- well,
16 yes, I am. Many farm operators --

17 CHAIRMAN JOHNSTONE: You are referring
18 to Tewksbury?

19 MR. BURR: I am referring to let's say
20 New Jersey.

21 THE WITNESS: Yeah, a lot of farms. I
22 couldn't even list them all.

23 MR. BURR: Hunterdon County?

24 THE WITNESS: You have 16 in Somerset
25 County within ten miles of here, farms that have --

1 MR. BURR: Farms that have heliports?

2 THE WITNESS: I know in South Jersey
3 there are quite a few of thoroughbred farms that use
4 that method as well.

5 MR. BURR: Are you aware of any in
6 Hunterdon County?

7 THE WITNESS: I am not that familiar.
8 I know Tewksbury Township has a heliport now that
9 they approved, but I don't believe it is currently
10 that active.

11 MR. BURR: No more questions.

12 CHAIRMAN JOHNSTONE: Mr. Burnstein?

13 EXAMINATION BY MR. BERNSTEIN:

14 Q Thank you. You gave some numbers,
15 Mr. Johnson, on cows. I think you testified that
16 Apple, which was a champion, was that a heifer?

17 A Apple was a grand champion at
18 Harrisburg, so she would be an aged cow, older cow.
19 She is an adult.

20 Q And 1.5 million?

21 A That was what was reported to me 1.5
22 million.

23 Q And her granddaughter?

24 A Her clone was 175,000.

25 Q Now, you said, I think, the Jersey is

1 100,000 and below; is that right or did I get that
2 wrong?

3 A Yes. Generally I think that the
4 Jerseys know that Star sold because I bid on her and
5 bought her full sister Sheik. She sold for 90,000
6 in the last year and the Swiss are generally less,
7 you know, top Swiss might bring 75,000. Liquorice
8 cow did sell for \$425,000.

9 Q Liquorice?

10 A Licorice, yeah, Rocky Mountain.

11 Q The reason for that \$400,000?

12 A Two people wanted it badly.

13 Q Was that a Swiss cow?

14 A Yes. She was champion at the World
15 Dairy Expo in Madison, Wisconsin.

16 Q You said the Holsteins could be any
17 price, five, ten, 20?

18 A I think that where it becomes
19 interesting and where you can change the financial
20 outcome of the farm is where you can market them
21 eight, ten, 15,000 on the ones that are pretty good
22 and then you hope every few years you end up with
23 one that moves into the \$100,000 category. The
24 likelihood of us having the one that wins the World
25 Dairy Expo and have two people fight over it to a

1 million and a half, if I tried to present that as a
2 business plan to my father that wouldn't go very
3 well. There are numbers of cows that sell in that
4 larger \$100,000, \$75,000 and individuals who have
5 brought more.

6 Q Now, I think you testified that your
7 farm has had visitors from Japan, is that right,
8 buyers from Japan?

9 A Buyers from Japan.

10 Q I'll go over the list, tell me if I am
11 wrong Holland?

12 A I don't have a complete list. We get
13 regular buyers from the Netherlands, Holland,
14 Germany, England --

15 Q Switzerland?

16 A -- Switzerland, Japan, Uruguay
17 occasionally just for the Jerseys.

18 Q Columbia?

19 A In the past Columbia, not recently.

20 Q Turkey?

21 A Turkey was a new one off my radar. We
22 weren't doing any marketing there. We were just
23 fortunate enough to get a buyer coming through.

24 Q Would you tell us for 2011 how many
25 foreign buyers came to your farm, if you know, if

1 you don't know.

2 A I don't know the number. You know, I
3 am in Florida. We have a dairy manager. I don't
4 breed them myself, so I don't know, but they come
5 through in somewhat of a random pattern. We seem to
6 get them in the spring and then again in the fall
7 around the shows.

8 Q If I were to ask you the number of
9 farm buyers or domestic buyers or total buyers for
10 either this year or 2010 or 2009, you wouldn't be
11 able to give the number?

12 A I could get that number for you, but I
13 don't have it in my head.

14 Q Okay, and if I were to ask you for
15 2011 the number of embryos you sold in the, I guess,
16 three categories or was it the Swiss, the Jersey and
17 the Holsteins --

18 A I don't have a break down of those
19 with me. I know over the past three years, two and
20 a half, three years, we have been spending more time
21 building up our own herd, so we have been putting a
22 lot more embryos in and with the financial crisis we
23 saw a pretty steep drop off in our demand. People
24 stopped coming. They didn't want to spend the money
25 to fly over. They weren't sure what was happening.

1 Some of those countries are facing some physical
2 challenges now. It just seemed to kind of slow
3 down, so we took the embryos we could freeze and
4 hold and kept them. We put in all the embryos that
5 we thought we could market in the US or Canada to
6 the domestic market and North American market.

7 Q When was this drop off in demand, was
8 that the same time the economy dropped off in
9 2008 --

10 A I think there was. I have to actually
11 look it up specifically and ask the farm manager
12 Bill Taylor that does the dairy, what he saw because
13 I am not daily involved in that part of the
14 operation.

15 Q Now, I think you testified that you
16 would be monitoring -- well, first how long are you
17 in New Jersey, what period of time?

18 A On this trip about 16 hours.

19 Q No, but I mean in general in your
20 typical year. You have a place in Florida and a
21 place in Wyoming, right?

22 A Montana.

23 Q Montana, I'm sorry.

24 A A place in Florida and I travel
25 elsewhere as well, so I would say that I am here not

1 more than two months a year. Usually I am here for
2 very short periods of time. I was here this past
3 weekend for a day, two days and two nights. I
4 usually come up for a couple of weekends in the
5 fall, one winter weekend. I am never here between
6 December and April.

7 Q That's a good time not to be here
8 during the winter.

9 A It's a different time for me and
10 generally I have to come back to help with some
11 family stuff in person sporadically in the summer,
12 but my preference is to be in Montana during the
13 summer.

14 Q Your parents, they have -- that is
15 where the proposed helistop is, is that correct, on
16 your parents' property?

17 A Yes. That piece of property, I
18 believe, is owned by an LLC actually and I am not
19 sure of the ownership of that. I think it is -- I
20 would have to --

21 Q But who lives on that site?

22 A I live on that site.

23 Q Is there anyone else, you know, like
24 another family or is it just your family there?

25 A There is a guest house and a

1 two-family house, a staff apartment and a single
2 family home that is currently a guest house.

3 Q Now, I think you testified that you
4 would give strict orders to whoever came in to fly
5 the designated route, right?

6 A Yes.

7 Q Now, there are other helicopters that
8 are traversing Tewksbury Township. Correct?

9 A I see helicopters every day that I'm
10 here.

11 Q Now, if there were a helicopter that
12 deviated from the flight pattern that you proposed,
13 I think was it marked A-13, Randy? How would a
14 neighbor know if it was you flying, I assume you
15 would abide by it or one of the guests coming? You
16 know, they hear a helicopter over their house, how
17 would they know that it is coming to the Johnson
18 farm rather than going to the Somerset Airport or
19 some other place?

20 A I don't know how they would determine
21 that.

22 Q Who would, if you were in Montana or
23 in Florida and you're a pilot, who would they
24 complain to if they felt that the pilot wasn't
25 abiding by the flight pattern that had been

1 established, who would be the one to verify that
2 they would be complaining about who is actually
3 here?

4 A Cedar Lane Farm is staffed during
5 business hours. That's a publically listed
6 telephone number and there are always two people in
7 that office and those responsibilities for reporting
8 and maintaining, any time someone comes in and out
9 of the property there is always someone on site. At
10 Cedar Lane Farm we now currently have 30 full and
11 part time employees, so there is seldom a moment,
12 and a percentage of those live on site, so there is
13 seldom a time when our farm is unsupervised.

14 Q Do you really feel that any of these
15 employees would be able to trace the flight and
16 ascertain whether a visitor to your farm -- wait,
17 let me finish then you can answer, or another
18 helicopter pilot, who at the same time, flew over
19 their home, how would they know if it was destined
20 for your property or someone else's?

21 A Can you ask that in a way I can --

22 CHAIRMAN JOHNSTONE: Objection to the
23 form of the question, rephrase.

24 Q I'll rephrase the question. Not
25 everyone understands.

1 A Most of it I understand.

2 Q Usually one person understands what I
3 am saying. There is more than one flight, at a
4 point in time a person calls up Cedar Lane Farm,
5 someone picks up, the receptionist picks up and says
6 there is a helicopter flying over my house, I think
7 they are going to your farm. I heard Tucker Johnson
8 say this wasn't going to take place. What are you
9 going to do about it? I suspect that person is
10 going to say well, Tucker is in Montana, call back
11 in June when he is there. I don't think that person
12 is going to take the time to try to analyze all the
13 helicopter flights that day to ascertain whether
14 that was a Johnson related flight for a third party
15 flight?

16 CHAIRMAN JOHNSTONE: I think the
17 answer to the question you are being asking is how
18 do you plan on regulating to make sure that people
19 are, in fact, following the flight plan that you
20 have indicated you want to have taking place? While
21 we recognize that you would probably do that, I
22 think the question is how would anybody here know
23 that this is being regulated and how would it be
24 regulated to make sure those people would be doing
25 the same thing?

1 THE WITNESS: I wouldn't intend to
2 presume that I would be responsible for people
3 transitioning Tewksbury Township by helicopter, nor
4 would I assume that the board would be asking me to
5 take responsibility for policing the air space over
6 Cedar Lane.

7 CHAIRMAN JOHNSTONE: I don't disagree
8 with that. I think what they are asking for is
9 seeing helicopters coming over their house, they see
10 them apparently landing at your premises, which is
11 clearly outside of the designated flight plan that
12 you have recommended, the question I guess is being
13 asked by Danny is who is going to be in charge, who
14 is going to enforce to make sure that that does not
15 happen?

16 MR. BERNSTEIN: Blake, it is even
17 harder than that. They see a helicopter over their
18 house, maybe they see another helicopter and they
19 don't know which is destined for Cedar Lane Farm and
20 which isn't. They don't see the helicopter land,
21 but they know it went over their house, disturbed
22 them, how do they get an answer to who was that
23 pilot who flew and was it someone coming to Cedar
24 Lane Farm or a third party?

25 A I think I can answer it now. So, if

1 someone said they felt like a helicopter was flying
2 into Cedar Lane Farm and then flown over their home
3 and they contacted Cedar Lane Farm, the office staff
4 would know whether there was a flight coming into
5 Cedar Lane Farm or not. So, that would be one
6 straightforward way of verifying it. No one enters
7 Cedar Lane Farm without an appointment and a staff
8 member meeting them. No one would be flying a
9 helicopter operation without being received or
10 expected. They would not have permission to land
11 without permission to land.

12 Q I am assuming though that if there are
13 two flights at the same time, it makes it difficult?

14 A I am trying to answer your question.
15 Again, I can't regulate whether a plane -- when I am
16 sitting by the back yard, I can't tell whether they
17 are landing in Morristown or Teterboro. I can
18 recognize which the Merck helicopters are because
19 the transition, they follow a path right over
20 Homestead Road every day back and forth. I am not
21 sure where they are going, but we don't anticipate
22 we are going to have a lot of frequency of use, but
23 certainly the office will know if someone has come
24 into the farm or scheduled to come into the farm
25 that day.

1 Q But if there is more than one
2 helicopter flight at the same time, my question is
3 how is it monitored by a lay person? You're a pilot
4 and you understand this, but most people don't know
5 the difference between the Merck helicopter, the
6 cattle buyers' helicopter, your helicopter, et
7 cetera?

8 A So, under the FAA regulations all
9 aircraft have a tail number and if they are US
10 registered aircraft they have a tail number that
11 begins with an N and then they have a series of
12 numbers and then up to two letters behind it, so if
13 someone is flying low enough to be perceived as
14 making an approach into a heliport or low enough
15 that they are disturbing you, one would assume that
16 they are low enough that you can simply read that
17 tail number and identify the aircraft to make your
18 complaint with --

19 Q You assume you can just look up and
20 see a tail number, write it down 1,000 foot and call
21 it in?

22 A I think it falls into the category
23 potentially if a truck zooms by my farm, and you
24 know, I see the license plate number I know who it
25 was. If I don't, I don't. I am not sure how it

1 relates. I know from my standpoint we are going to
2 control who comes in and out. They are going to be
3 notifying the farm, so the farm would know if
4 someone is coming in and out we would know the tail
5 number.

6 Q Who would have use of the helicopter?

7 CHAIRMAN JOHNSTONE: Which helicopter?

8 Q The helicopter, your helicopter --

9 CHAIRMAN JOHNSTONE: The family
10 helicopter?

11 Q Yeah, the family helicopter. In other
12 words, I assume that they are family members -- this
13 is owned by a corporation, the helicopter, I
14 believe?

15 A It is.

16 Q And is that the same corporation that
17 owns some of the property or is it a different
18 corporation?

19 A It's a separate corporation.

20 Q And who would have use of the
21 helicopter?

22 A This helicopter is available for our
23 family use.

24 Q And how many -- who in the family, in
25 other words when you say family, if you could list

1 the family members who have use of it?

2 A Right now, I am one of six siblings
3 and I have two living parents, so that is currently
4 the list of people who use the aircraft now.

5 Q How many kids do the six siblings
6 have?

7 A I think there are 13 in the next
8 generation ranging from 14 to under five.

9 Q If one of the kids had a friend, might
10 they be able to use it if they were going to some
11 special event? It would have to be one of the six
12 siblings.

13 A I would not be making a helicopter
14 available to friends of my nieces and nephews or my
15 children.

16 Q It would be the six siblings. And how
17 many of them live out of state as well as in
18 New Jersey?

19 A Two of them have their primary legal
20 residence outside of the State of New Jersey.

21 Q How many have second homes outside of
22 New Jersey?

23 A All of them.

24 Q And your parents I guess the main
25 domicile is in Florida, right?

1 A My parents are domiciled and spend
2 more than 183 days in Florida and they spend three
3 to four months in East Hampton, Long Island and they
4 are traveling now in between. I think they are
5 currently in Tiree or maybe -- where are they?

6 CHAIRMAN JOHNSTONE: Someplace warm.

7 A Warmer than you might want, but I told
8 my father to stay away from the tops of churches.

9 Q Do you understand that if this board
10 approved the application, we could not control
11 either the type of helicopter or the number of
12 flights?

13 A I have been advised that you can't.

14 Q I am just asking whether or not you're
15 aware the limitation on the power of this board?

16 A I have been advised that the board is
17 unable to regulate the type of helicopter or the
18 number of flights. I would like to say that having
19 three now four generations of Johnsons on Cedar Lane
20 Farm and have every intention of remaining on Cedar
21 Lane Farm that our behavior and involvement in the
22 larger community of Tewksbury and spilling over into
23 Bedminster, has been one that has not been
24 detrimental to our neighbors and I think our
25 commitment to this community has been demonstrated

1 in many ways and I think we have worked hard to be
2 very good neighbors. We have no intention of moving
3 on from Tewksbury. We purchased two years ago the
4 Ryan property and took possession of that in the
5 last year. We are currently under contract to
6 purchase the Brady Life Camp on both sides of McCann
7 Mill Road and will close on that in November and
8 continue to have it operate with the Boys and Girls
9 Club of Newark. My father loves the farm and this
10 community and we don't intend to get rid of the farm
11 and we don't intend to let anyone operate in a way
12 that would be detrimental.

13 Q I am not questioning the Johnson
14 family. I am just pointing out the limitations that
15 this board has on actually the lack of control once
16 there is a helistop established.

17 A I have been advised.

18 Q You understand that in fact the family
19 could purchase another helicopter that could be
20 located on the property and more frequent day
21 flights?

22 A They could.

23 Q Now, have you checked, have you
24 attempted to secure the rights for people to land
25 in, now I think you said that in Somerset County

1 there were a number of helistops, I think you gave a
2 number?

3 A Sixteen I believe, but I am going on
4 hearsay. You have to get someone else to verify
5 that fact.

6 Q That is all right. How many of them
7 are in Bedminister Township, if you know?

8 A You would have to ask someone else. I
9 think there are 16 in Bedminister.

10 Q So, from what you know substantially
11 all the helistops or heliports are in Bedminister
12 Township?

13 A Then there is a helistop here in
14 Tewksbury Township.

15 Q That may be inactive, I think the
16 testimony was.

17 A This board had approved --

18 Q This board didn't approve it. It may
19 have been the Board of Adjustment in the distant
20 past. That use may have expired through non-use.
21 Have you attempted to gain rights -- since you don't
22 anticipate a number of flights by those purchasing
23 the embryos, have you attempted to obtain landing
24 rights for Cedar Lane Farm on any of the helistops
25 in Bedminister Township?

1 A No, I have not. Those heliports, to
2 my knowledge, are private use heliports, usually
3 located next to people's homes and they don't wish
4 to have them used by other people in general and
5 don't want to add to it.

6 Q Didn't you testify that there were
7 farms that had helistops in their operation?

8 A I testified that there were farms that
9 have helistops. I don't know the full extent of
10 their operations and I have not tried to secure it,
11 but most of those, the helistop is fairly closely
12 located to the house.

13 Q But you haven't attempted to secure
14 landing rights for any -- for your helicopter use in
15 Bedminister or other towns?

16 A I have not.

17 Q Have you flow out of Somerset Airport?

18 A I have.

19 Q And how long does it take you to drive
20 from the Somerset Airport to here in Tewksbury?

21 A It usually takes me 20 minutes or a
22 little better. Sometimes it is longer, but
23 generally 20 minutes. Usually it is not less. By
24 the time you load up and then unload and reload, it
25 adds more time as well.

1 Q And you have no trouble securing
2 landing rights and take off rights in the Somerset
3 Airport?

4 A That's correct.

5 Q And for the record that is in
6 Bedminister Township?

7 A That is correct. I don't think I need
8 to secure landing rights there. I think it is a
9 publically used privately owned airport.

10 MR. BERNSTEIN: Thank you, Mr.
11 Chairman.

12 CHAIRMAN JOHNSTONE: Thank you.
13 Randy, any questions?

14 MR. BENSON: No.

15 CHAIRMAN JOHNSTONE: Bruce?

16 MR. MACKIE: I have one. Is it your
17 intention to pick up potential buyers, like say from
18 Harrisburg, and fly them to the farm?

19 THE WITNESS: It is possible. It
20 isn't something that I have contemplated the economy
21 doing that, whether it is worth spending the money
22 to send a helicopter out there. Currently I don't
23 have a helicopter set up to operate commercially.
24 There are different rules associated with flying
25 people, associated with business and I would have to

1 call and consult with our aviation attorneys. Right
2 now we operate the helicopter under Part 91, which
3 is just a private use, so I would have to see if
4 that was okay.

5 MR. MACKIE: Or you would have to
6 change --

7 THE WITNESS: Or you would have to get
8 a 135 certificate and get approval. I am not sure
9 about that. I don't know that answer. That's a
10 legal question really whether I would be able to.

11 MR. MACKIE: So, it is more likely
12 then a potential buyer would ask for permission and
13 you would say yeah, sure get yourself here, you are
14 welcome.

15 THE WITNESS: Yes. There are one or
16 two that I know of who I believe might take
17 advantage of that. They have smaller helicopters
18 and one sets up a few trips to get people to come to
19 his farm down in Maryland.

20 MR. MACKIE: No other questions.

21 CHAIRMAN JOHNSTONE: Any questions?

22 MR. KERWIN: Good evening. I have a
23 question regarding the number of cows on the site.
24 You might have testified to this earlier, but I am
25 just curious, a rough estimate, how many cows are on

1 the property in the different seasons such as
2 spring, summer, fall, winter and do they vary
3 considerably from season to season?

4 THE WITNESS: It varies to some
5 degree. Right now I know we are milking 56 because
6 I asked the question and often in the seed stock
7 option you will have two to three times the number
8 of young cows and cows you are putting embryos in
9 that aren't lactating, so I would say there are
10 about a hundred there now. There are periods of
11 time where we have a really desirable cow that is
12 producing a lot of embryos and we will buy 50 year
13 old heifers, bring them in and get them cycling and
14 get the eggs that are number two eggs or number
15 three eggs that you can't sell that don't freeze
16 well and we will put those right into heifers to try
17 to sell those in the North American market, so we
18 can ramp up and we have done that, when the feed
19 prices are right and when we have an embryo done or
20 we have one that produced 60 eggs in one year, so
21 when she has been super ovulated and that is the
22 most that I have ever gotten out of one and that was
23 on the farm, so that was great. In that situation
24 we didn't have enough recipients to take the number
25 two and number three eggs that we can't sell

1 internationally because they don't freeze well, we
2 want to still take advantage of them. So, it can
3 ramp up and I am hoping that the farm will be in a
4 position where our income will let us continue to
5 farm effectively and productively and I think that
6 the seed stock is the right way to go for us, keep
7 doing that and do that better.

8 MR. KERWIN: In the past three years I
9 guess you have been scaling up?

10 THE WITNESS: Well, what we often do
11 is sell five or ten and buy one, so you know, we are
12 trying to scale up the quality and so we will calf a
13 lot out and, of course, 50 percent are bulls which
14 generally don't have a high value and 50 percent are
15 heifers and some are good and some aren't. It is
16 kind of -- you kind of ask yourself why you do these
17 things sometimes.

18 MR. KERWIN: Thank you.

19 MS. DELVIN: Are you the only family
20 member with a license to fly a helicopter or are
21 there others?

22 THE WITNESS: Yes.

23 MS. DELVIN: How likely is it that if
24 we were to approve the application other family
25 members would also get their license to fly?

1 THE WITNESS: I think it is unlikely.
2 I mean, my brother-in-law Mark, who some of you
3 might know, he took some helicopter flying lessons
4 and didn't pursue it beyond that. My brother Jamie
5 took flying lessons in the fixed wing aircraft all
6 the way to where he could get his private pilot's
7 license and decided he didn't want to do that. My
8 four sisters don't seem to have the inclination to.
9 So, it appears like, for this generation, no one
10 else is interested in that. I mean, Mark might. I
11 hope he does, but we will see.

12 CHAIRMAN JOHNSTONE: Mr. Johnson,
13 couple questions. If I understand correctly, the
14 vast majority of the use of this heliport will be by
15 the family; is that correct?

16 THE WITNESS: Yes.

17 CHAIRMAN JOHNSTONE: While you're the
18 only pilot, you do have professional pilots that are
19 on standby for your family; is that fair?

20 THE WITNESS: Yes.

21 CHAIRMAN JOHNSTONE: So, in fairness
22 what we are talking about is you have indicated 2.8
23 trips a week when the helicopter is in the air. And
24 if you want to sit down, please feel free.

25 THE WITNESS: I actually would like to

1 correct that if I did it incorrectly. I believe
2 that since we have owned the aircraft from 2007
3 February till sometime in the last few months, I
4 can't tell you exactly the date, we have been
5 averaging 2.8 trips per week, just on the number of
6 take offs and landings calculated by Mr. McNamara.

7 CHAIRMAN JOHNSTONE: Fine. And if I
8 understand correctly what you are -- in addition to
9 having the family use for the helicopter, which is
10 convenient for the family because it allows them to
11 land on their property, you want to use this
12 helicopter for the purpose of your business; is that
13 fair?

14 THE WITNESS: Yes.

15 CHAIRMAN JOHNSTONE: Now, if I
16 understand you right --

17 THE WITNESS: Agricultural business.

18 CHAIRMAN JOHNSTONE: Right your farm
19 business. Now, my question to you is, I am not sure
20 what the answer was and that is why I want to ask it
21 again. When you presently have customers who come
22 to the farm, how do they get to the farm?

23 THE WITNESS: It varies. The Dutch
24 are very cheap and they come by bus. The Japanese
25 are more discrete and often come by air. It ranges

1 from everything you can imagine.

2 CHAIRMAN JOHNSTONE: I guess what I am
3 getting at is when they come, I assume if they are
4 coming by air because they are coming from Europe or
5 whatnot, do they fly into LaGuardia or John F.
6 Kennedy and then they helicopter over from there to
7 Somerset Airport and then drive in or is it
8 basically coming into the major airlines and then
9 they are limousined over to your premises? How does
10 it presently work?

11 THE WITNESS: The thing that I
12 observed are that they are on a tour. There are not
13 many dairies in New Jersey.

14 CHAIRMAN JOHNSTONE: If they are most
15 of them are in South Jersey?

16 THE WITNESS: Yeah, it makes it more
17 difficult for them to come to our farm, so they will
18 fly out to Wisconsin and I don't know where they
19 change planes to get there, and they will tour farms
20 in that area. There are more farms in Pennsylvania
21 though, maybe they will come into Newark. I know
22 some guys will go into Dulles and mix it with
23 something else. I know a guy from Pintail Point and
24 some others have put together a trip where they hop
25 from farm to farm in the helicopter and then they

1 are out. Better than that I can't explain how that
2 works, but they range from people who fly in their
3 own private planes to people who go in the economy
4 flight and get on a bus with 50 other dairy farming
5 buddies and tour for a week.

6 Q So, in that sense what you are talking
7 about are some of your clients will fly commercially
8 into one of the airports, some of your clients fly
9 in privately to an airport, correct, and those
10 airports would either be Somerset Airport which is
11 the closest or Morristown Airport. Correct?

12 A Yes.

13 CHAIRMAN JOHNSTONE: Some of your
14 clients come by bus, if I understand correctly. I
15 am assuming others may come by limousine from one of
16 the major airports?

17 THE WITNESS: Or rental car.

18 CHAIRMAN JOHNSTONE: Or rental car. I
19 would assume from what I am hearing that the vast
20 majority of your clients come in one way or another
21 that has nothing to do with a helicopter; is that
22 fair?

23 THE WITNESS: That is correct.

24 CHAIRMAN JOHNSTONE: So, would it be
25 fair to say that of the entire business entity that

1 you are referring to, a small percentage of them
2 would be coming to your farm by way of helicopter?

3 THE WITNESS: I think it's a -- in
4 terms of percentage number it is probably a low
5 percentage, but in terms of dollar volume it's a
6 very different percentage.

7 CHAIRMAN JOHNSTONE: Okay. I don't
8 want to get into the dollar amount because that is
9 not fair to you and that is none of our business.
10 What I am trying to get at is in terms of the --
11 well, in fairness I guess what you are saying is
12 correct. The profitability may be increased by
13 having the helicopter and I think that is what you
14 are trying to get across.

15 THE WITNESS: If can I get those two
16 or three buyers that are not going to come through
17 New Jersey that would come by helicopter to see we
18 have five really good cows, that can change the
19 income profile of our farm and agricultural
20 operation.

21 CHAIRMAN JOHNSTONE: Is your farm
22 currently profitable?

23 THE WITNESS: No, it is not.

24 CHAIRMAN JOHNSTONE: Has it been
25 profitable up to this point in time?

1 THE WITNESS: I think it has operated
2 from a very small loss to very large losses
3 depending on what we are doing and depending on what
4 is going on. We had that period where the Lita cow
5 was producing 60 embryos a year and we were selling
6 them for 2,000 a piece. She was one of the top cows
7 in the breed. That year was a very good year and we
8 had a few other good cows, so I think that year we
9 were close to or right at line. It depends because
10 internally we have to account for costs of operation
11 of the farm that have different elements.

12 CHAIRMAN JOHNSTONE: Now, one of the
13 concerns Mr. Bernstein has talked about is that we
14 all have, at least I have anyway, is the fact that
15 if we allow this helistop to be allowed in this Town
16 of Tewksbury, we as a board have no control over
17 that, you understand that?

18 THE WITNESS: I have been advised of
19 that.

20 CHAIRMAN JOHNSTONE: As I understand
21 from your own testimony and from previous testimony,
22 Bedminister apparently has quite a few helistops at
23 this point in time, is that fair?

24 THE WITNESS: Yes, that is what I
25 believe as 16.

1 CHAIRMAN JOHNSTONE: You have already
2 been asked about whether you have talked to other
3 people and you answered no. My other question to
4 you is do you own land in Bedminister?

5 THE WITNESS: I do not.

6 CHAIRMAN JOHNSTONE: Does your family?

7 THE WITNESS: My sister -- well, an
8 entity owns property in Bedminister.

9 CHAIRMAN JOHNSTONE: Would it feasible
10 for you to have a helistop put down in the property
11 that is owned by the Johnson family in Bedminister?

12 THE WITNESS: Well, it is owned by an
13 LLC, not the Johnson family and it is -- it has some
14 impracticalities to it from the standpoint of the
15 farming operations because it is disconnected from
16 the farm and it is at the other end of the farm.
17 The advantage of having a heliport by the farm
18 office and by the dairy is that people can land
19 right there. They can walk right through the barn.

20 CHAIRMAN JOHNSTONE: I understand
21 that. I have been there. I have seen it. My
22 question to you, sir, is really very simple. If you
23 in fact own land in Bedminister Township where a
24 helicopter is allowed, I am assuming you have enough
25 land and if you wanted to you could put a helistop

1 there, is that fair?

2 THE WITNESS: I am not a decision
3 maker for that LLC and that LLC manager is my sister
4 and that is by her house.

5 CHAIRMAN JOHNSTONE: All right, fair
6 enough.

7 THE WITNESS: It's very different
8 with --

9 CHAIRMAN JOHNSTONE: She is part of
10 the family that uses the helicopter; is that
11 correct.

12 THE WITNESS: I don't know whether she
13 has used it this year, but she was definitely part
14 of our family and she uses the other aircraft.

15 CHAIRMAN JOHNSTONE: The point I am
16 trying to make, sir, is if all else fails, if you
17 wanted to put a helistop in that was closer to your
18 home, would you agree with me that it is possible to
19 put a helistop in Bedminister close to your home?

20 THE WITNESS: I believe that in
21 Bedminister you can put a helistop on a piece of
22 land that is controlled by someone else than myself
23 or the applicant, but that would thwart our ability
24 to enhance our farming operation.

25 CHAIRMAN JOHNSTONE: I haven't got

1 there yet. I am just going down a set of questions
2 here. If, in fact, you put the helistop in
3 Bedminister where they are permitted uses, how long
4 would it take from your sister's house or the
5 location of this thing to your property?

6 THE WITNESS: Ten minutes, 15 minutes.
7 It is sort of the back of the farm, I think that is
8 about right, ten minutes, 15 minutes. Maybe a
9 little more, not more than 15.

10 CHAIRMAN JOHNSTONE: All right getting
11 back to another concern that we have. Assuming the
12 board is willing to grant you the opportunity to put
13 your helistop in, how would you prevent people from
14 abusing the privilege of flying in there from coming
15 in from other directions, specifically not following
16 your particular flight plan? What have you planned
17 in terms of making sure that doesn't occur? The
18 board would like to hear something about that?

19 THE WITNESS: I have thought very
20 carefully about that. I fly at least once a week
21 during the winter into a situation where there are
22 neighboring homes that really don't like the noise
23 and I am not the only one who goes there on
24 Saturdays. And all of us respect that route. If I
25 were to fly over those houses, my hosts would ask me

1 once and not invite me again. At Cedar Lane Farm it
2 is our intention to require people to follow it, to
3 provide them with the approach plan and if they
4 don't follow it, we are not going to continue to let
5 that pilot come in and out. That is not going to
6 work. It won't work for our neighbors and it won't
7 work for us. As a family we are going to require
8 they fly that and we have the right to say no to
9 anyone we want. It is restricted.

10 CHAIRMAN JOHNSTONE: As I said, it is
11 something, one of the issues that I think we have to
12 deal with is the fact of being able to monitor
13 and/or discipline people because you can have people
14 come from Morristown straight down and they are not
15 going to swing around to the south to come in. They
16 may just come right over the top and land. We may
17 have people from ABE, which is another location
18 which is to the west and they will straight come in
19 over Tewksbury landing in without swinging around.
20 There is clearly otherwise I mean, I can come up
21 with other possibilities of people and the concern I
22 have as a person sitting up here is the fact that
23 assuming we allow this to occur, it's a slippery
24 slope, and my concern is regulation. How do we stop
25 it? How do we prevent it from being misused, over

1 used, night time flights, things like that which we
2 don't have any control over? It had clearly been
3 indicated to us, and I have done enough research on
4 it to know that we, if we give up the right to do --
5 to allow you to do this, we give up the right of
6 controlling it all, that is why I am asking you
7 these questions to get an idea how this is planning
8 to be done, what the repercussions would be if, in
9 fact, we decide to give you what you want.

10 THE WITNESS: I think that there are
11 two ways you as board members can evaluate your risk
12 associated with that, with our family. And I think
13 the first would be unrelated to us and that would be
14 to see how it worked in Bedminister and see how that
15 goes. We have those neighboring heliports very
16 close to here, helistops very close to here without
17 it creating a problem for Tewksbury. We have the
18 Merck pads which operate commercially quite a bit
19 with S76 Sikorsky helicopters, which are quite a bit
20 louder transitioning through our aerospace for more
21 than ten years now and if you look at the issues
22 that haven't cropped up in Bedminister over all
23 these heliports on horse farms, in affluent
24 neighborhoods where people enjoy the country, enjoy
25 being outdoors and enjoy a similar lifestyle that

1 people enjoy in Tewksbury, I think that that points
2 to this type of use not creating a lot of problems.
3 I think the second issue is you have to look to and
4 look at as a family that has been part of your
5 community going on our fourth generation now and I
6 think we are reliable and I think we are honorable
7 and I think that you can rely on my word and my
8 family's word that we will ensure that if someone is
9 not flying the approach properly and disturbing our
10 neighbors, they won't be allowed to come in.

11 CHAIRMAN JOHNSTONE: I hear you,
12 Mr. Johnson.

13 THE WITNESS: I have to tell you that,
14 I have to say that everything plays out over long
15 periods of time and over long periods of time you
16 can get a measure of what is going to work and what
17 isn't going to work. A board similar to yours
18 approved the heliport/helistop in Tewksbury
19 Township. When an owner requests that and they put
20 that in, if he uses it for a number of years and
21 they leave the community, the next owner has the
22 full right to make use of that as evidence by the
23 one that is here and the owner doesn't currently use
24 it. That doesn't mean he has given us his right to
25 use it because he doesn't. Similar things happen in

1 other communities. Not many people choose to use
2 the helicopter as transportation, so if you consider
3 the likelihood that the Johnson family would be
4 leaving Cedar Lane Farm, you would have to judge it
5 based on what the previous three generations have
6 done. It doesn't seem like they are getting ready
7 to leave. Did they just buy two additional farms to
8 add to it, do they continue to improve it or
9 maintain it? To provide you an answer, we are not
10 planning to leave.

11 CHAIRMAN JOHNSTONE: Mr. Johnson, I
12 don't think the issue is regarding the Johnson
13 family. You're, obviously, the family is well
14 respected in this town. I can tell you on the board
15 here we have a lot of respect for your family and
16 what it has done. I don't think that is the issue.
17 I think the issue is giving up control to people
18 that we don't have control over which are strangers
19 coming in that could use this thing improperly and
20 also the fact that the FAA is the one that
21 ultimately has control over the helistop and not
22 even you have control over that, so those are the
23 concerns that we have to deal with and discuss.

24 THE WITNESS: Well, because we
25 wouldn't be accepting any federal monies to create

1 or improve the helistop, if you were to look
2 favorably on our application and we were able to
3 address the concerns of the board and were granted
4 this, the FAA would have no right to make additional
5 use of it and we would have the ability under a
6 restricted heliport to control anyone who comes in
7 and out, so the scenario where an airport takes
8 federal money and then has to make it available to
9 the public is not in play here. The reason I
10 brought up our family, other than I am very proud of
11 what we have done here and I am very proud of all my
12 family members and their behavior and the way they
13 interact in their community is to say that we are
14 here. We are honorable. We are not planning on
15 selling and we are telling you we will control
16 people who come in and out and if they don't behave
17 correctly, they won't be coming back. So, you have
18 my word on that, if this is worth anything, and a
19 history of that going well at Cedar Lane Farm.

20 CHAIRMAN JOHNSTONE: I hear you.
21 Anybody else any questions?

22 THE WITNESS: I just want to add one
23 thing, if you don't mind, and my personal belief
24 that they don't continue, if the land does change
25 ownership, so I understand. It's quite a leap of

1 faith for you as individual board members when you
2 consider how you have to vote on this type of
3 application and I think in weighing that the
4 likelihood of us transferring it to someone else,
5 the likelihood of us allowing people to continue to
6 operate in a way that would disturb us and our
7 neighbors, I think you can draw your conclusions
8 from that effectively.

9 CHAIRMAN JOHNSTONE: Thank you. Any
10 questions, Michael?

11 MR. MORIARTY: Mr. Johnson, forgive me
12 if you answered these in your testimony earlier, but
13 I didn't quite hear and I don't know that much about
14 the embryo producing business. So, your current
15 buyers when they come, do they come and take embryos
16 with them as they leave?

17 THE WITNESS: No.

18 MR. MORIARTY: So, they come and they
19 look at the cows and then they depart?

20 THE WITNESS: So, yes, they do not
21 take embryos with them when they leave in general,
22 although there are domestic buyers who will bring
23 their own hydrogen tanks on their pick up trucks and
24 they will purchase semen or purchase embryos and
25 take it with them. The buyers that we are hoping to

1 address, attract and earn an income from that would
2 be impacting us, making use of the heliport on some
3 few occasions would be coming to look at the mother,
4 look at siblings to see how they are doing in person
5 because they are paying so much to get the end
6 product. As I said, they have to purchase so many
7 eggs to end up with one female that might or might
8 not turn out well. So, they want to see the rest of
9 the project. They want to see what is there and we
10 want them to come in person. We want them to see
11 our other cows, so you stop in the 7 Eleven and you
12 get your jug of milk and you buy a set of Tic Tacs
13 by the door. You always have a few other cows that
14 they didn't come for, but if they are there they
15 will buy something that we might have in the tank,
16 so then after they make that purchase we -- there
17 are export documents that are required, veterinary
18 certificates that are required and then you have to
19 ship them by air in a way that prevents the nitrogen
20 from leaking. So, often, as I said these buyers
21 when they do come like that, they often come in
22 groups with a broker. The broker will package a
23 whole shipment to the Netherlands or a whole
24 shipment to Japan, so, it wouldn't be just what they
25 bought. It would be what they and others bought

1 that would be transported over at a later time.

2 MR. MORIARTY: Are all the cows that
3 are part of this business entity located on Cedar
4 Lane Farm?

5 THE WITNESS: On occasion we will have
6 a cow at Sunshine Genetics or at another embryo
7 transfer facility. At this point we don't, but
8 certain cows don't need more veterinary care in
9 those situations, but right now we haven't had that
10 for a while. I think when Tony got quite a bit
11 older she moved to Sunshine Genetics and we were
12 getting one or two embryos every six months from
13 her. Everyone knew her. They didn't need to come
14 look at her. They wanted to come see her daughters
15 to see how that was working out. We had five or six
16 daughters by the same bull or two different bulls,
17 they want to say -- they will forward contracts.
18 They will contract to purchase all the embryos that
19 she produces in a plush and we will breed her to a
20 specific bull for that purpose. It's an interesting
21 gig.

22 MR. MORIARTY: I think you said
23 earlier that you're not there all the time, but do
24 you have a sense of how many buyers come to the farm
25 on an annual basis?

1 THE WITNESS: I don't have a good
2 sense of the rhythms. When I was managing the farm,
3 in the fall we get a couple of groups through. In
4 the spring we would get a couple of groups through,
5 but I can ask and get that back to you. I don't
6 know what it is now.

7 MR. MORIARTY: I think you said three
8 to four in the fall and one to two in the spring?

9 THE WITNESS: That is what I think the
10 rhythm is, yeah, and if we are talking about people
11 that would be flying in, I don't think you would see
12 more than that, maybe four in the fall, maybe five.
13 Maybe one or two in spring. It just doesn't -- it
14 seems like they come around those cow shows and
15 that's when they come and a majority of them are
16 going to come by other means, but it is the buyer
17 that we are hoping to attract that will buy enough
18 and at an economical price.

19 MR. MORIARTY: What kind of entity is
20 Cedar Lane Farm?

21 THE WITNESS: It is an LLC.

22 MR. MORIARTY: What is your position
23 within the LLC?

24 THE WITNESS: I have no position with
25 that LLC. I'm a consultant to it.

1 CHAIRMAN JOHNSTONE: Anything else,
2 Mike?

3 MR. MORIARTY: I had, I guess in
4 Bedminister I think I got it. So, the only other
5 question was in response to the chairman's question,
6 I think you said there was other pilots that the
7 family had on standby, but can you give us a sense
8 of what that means in terms of how many pilots?

9 THE WITNESS: Yeah, I'd be happy to.
10 So, we have two full time pilots. One of them is
11 helicopter qualified for the 407. That is our chief
12 pilot, Duffy Ricks, who operated the charter
13 business at Somerset Air Service in the years before
14 he came to work for us. I think he has been with us
15 for about 20 years, maybe longer. I have been
16 flying with him for longer than that and Mark
17 Florich (phonetic) who I believe flew for the police
18 and is a very, very experienced 407 pilot. He is
19 out of Eastern Pennsylvania and he works on a
20 contract basis. Those are the two helicopter pilots
21 that we have that are acceptable to our insurance
22 company for this aircraft other than myself.

23 MR. MORIARTY: Do you know if taking
24 buyers, so to speak, in the helicopter is considered
25 passengers for hire because they are not family

1 members?

2 THE WITNESS: I don't think so, but I
3 would have to check to be sure. That would
4 definitely be a legal question. I am not an
5 aviation law expert, but I know when you are
6 transacting business there are special rules and I
7 would want to be absolutely sure that we had that
8 covered.

9 MR. MORIARTY: Do you know then that
10 if you could fly them yourself in?

11 THE WITNESS: I would have to check.
12 I really don't know because it's complicated if
13 you're flying somebody for business purposes as a
14 commercial. I don't know the answer because I
15 haven't done that. I don't know.

16 MR. MORIARTY: Okay, thanks. I have
17 nothing further.

18 THE WITNESS: There are very strict
19 rules for the FAA about how you operate.

20 MR. SHAPACK: Mr. Johnson, you
21 testified there are about 30 people that are
22 employed as part of the Cedar Lane Farm operation.
23 Could you talk for a minute about the
24 qualifications, obviously, someone is mucking out
25 this thing, but I suspect some of those people are

1 way more qualified than laborers?

2 THE WITNESS: They are.

3 MR. SHAPACK: Can you talk about that
4 to give us a sense -- what I am really trying to get
5 an understanding of is the economic values to the
6 community based upon the qualifications of the
7 people that are there?

8 THE WITNESS: I don't have a specific
9 salary range, but we have in all different
10 operations of Cedar Lane Farm right now, I asked
11 before I left the office, there are 30 and they are
12 a mix of full and part time and I would say that at
13 the management level there are five management level
14 salaries, I believe, and then there are two people
15 said over the past couple of years that are in that
16 mixed salary category up where they would be
17 executives and then there is a C level officer who
18 splits the time between Florida and here, coming
19 back and forth who would be compensated in the range
20 of CL small corporation. Some of that is family
21 office situation. Some of that is managing the
22 buildings, the farm, the estate, the forestry, the
23 stable operations, the carriage driving operation
24 and then there are, from the economic operation side
25 we have -- we were operating with four full time

1 pilots and two full time mechanics and we reduced
2 that to two full time pilots and one full time
3 mechanic and they are compensated in the executive
4 level range of salaries and then we use contract
5 pilots who provide their own training and they are
6 paid on a day rating and some of the 30, I don't
7 know whether I mentioned, are hourly. Hourly animal
8 care people, so it's a full mix, but it's a
9 significant economic impact. Additionally, there is
10 an economic impact that the family provides through
11 the basing of the Cape Ranch Foundation at Cedar
12 Lane Farm, which gives away millions of dollars a
13 year to the community at large.

14 MR. SHAPACK: Can you tell us a little
15 more about that, please?

16 THE WITNESS: The Cape Ranch
17 Foundation all of the six kids in my father's
18 generation were given charitable foundations to give
19 away money for good works and one of those
20 foundations is the Cape Ranch Foundation, which is
21 operated out of upstairs of the dairy and that
22 concentrates a lot of its work on the Raritan Water
23 Shed all the way through New Brunswick and has done
24 a lot of work with clean up. That was very involved
25 in some of the funding of the Willow School, which

1 is just over in Bedminister, a green school that I
2 am very proud of, my brother-in-law Mark and my
3 sister Pearl for creating, who serves this community
4 and that community as well. So, this foundation has
5 given away, and I am not sure of the exact number in
6 my head, but it has a qualified number a year.

7 MR. BERNSTEIN: I don't know that you
8 have to give a number unless want to you. That
9 might be proprietary, Mr. Johnson. I think --

10 THE WITNESS: It exceeds a million
11 dollars a year and qualifies. There is a lot of
12 economic positives that's coming, that is all
13 swarming around the height of activity at the core
14 of Cedar Lane Farm.

15 MR. SHAPACK: One last question. Is
16 there any coordination between the -- this may be
17 the wrong word at this time, but scientific work
18 that is being developed there in any of the
19 universities in and around the state or
20 Pennsylvania?

21 THE WITNESS: Right now -- I would
22 love to say yes, and my grandfather had a three
23 story laboratory and Cedar Lane Farm used to do a
24 huge amount of scientific research there, created
25 one of the first artificial insemination stations

1 and really was a founder in artificial insemination
2 in cattle, but that has sort of moved on and that is
3 beyond the scope of our charitable giving to do that
4 on that scale. What we do is immigrate very well at
5 Rutgers Universities and with several of the
6 regional universities that have an agricultural
7 department bringing in judging teams because there
8 are very few places where you can go in the United
9 States other than a cow show and see three different
10 breeds with examples of all ages that are of show
11 quality. So, we have a lot of that type of
12 interaction, so there are school tours on a regular
13 basis and judging teams come there to train and
14 learn and get their officiating qualifications.

15 MR. SHAPACK: Thank you.

16 MR. D'ARMIENTO: One question, who
17 will give permission to allow a helicopter to land
18 at the property? I imagine you, obviously, one of
19 your siblings, your parents. Who else can that be
20 delegated to?

21 THE WITNESS: That's a good question.
22 I think that the way we will be operating that would
23 be, in my absence, I would imagine our chief pilot
24 Duffy would have to give permission. So, say
25 somebody wanted to come to the farm and he would

1 look, he or she would be coming to look at cattle,
2 they would want to schedule that advance. We would
3 have plenty of room.

4 MR. D'ARMIENTO: I am talking more
5 personal use. I should have specified that, outside
6 of the business, family members, who could give
7 permission?

8 THE WITNESS: Family members can
9 use -- have been given permission by me to use the
10 helicopter, so it seems like my parents have used
11 the helicopter on occasion to go out to Long Island
12 and we certainly like it when they come to the farm
13 and make use of it.

14 MR. D'ARMIENTO: I don't want to get
15 too detailed, can your siblings decide that they want
16 to use the helipath and allow a friend to come in?

17 THE WITNESS: A friend to come in?
18 No, they would have to clear that. We have, every
19 Tuesday morning from ten to twelve we have the head
20 of our family office, myself, my sister Janice and
21 my parents are on conference call or in person or on
22 video conference for two hours. Any issues like
23 that would crop up to that level.

24 MR. D'ARMIENTO: So those --

25 THE WITNESS: Outside of having

1 permission to use those --

2 MR. D'ARMIENTO: From one of the
3 family members?

4 THE WITNESS: If a family member
5 wanted to use the aircraft --

6 MR. D'ARMIENTO: To allow a friend of
7 theirs to come in and use the heliport?

8 CHAIRMAN JOHNSTONE: The helicopter or
9 the heliport?

10 MR. D'ARMIENTO: The heliport. Not
11 the helicopter, the heliport?

12 THE WITNESS: I believe that would
13 rise to a level that it would have to be cleared on
14 one of those Tuesday meetings.

15 MR. D'ARMIENTO: So, the three folks
16 and your parents?

17 THE WITNESS: It would be my parents,
18 my sister Janice, myself, there are four of us that
19 operate that community and then hour head of the
20 family office.

21 MR. D'ARMIENTO: Okay, thank you.

22 THE WITNESS: Anything like that it
23 would rise to that level. Generally that is not how
24 we are thinking that is going to operate for others.
25 This is really for our family and our agricultural

1 operation. The only other exception to that is we
2 would want to have blanket permission given to the
3 airborne medical rescue squads because there is
4 quite a time savings involved if a pilot knows it
5 has a designated field and there is an approach path
6 and they know it is safe and secure with no wires,
7 and I think that's a significant benefit to the
8 community.

9 MR. D'ARMIENTO: That is it, thank
10 you.

11 CHAIRMAN JOHNSTONE: Any other
12 questions around the board? I see none at this
13 time. How many people in the audience would like to
14 ask questions? Please just raise your hands. Okay,
15 we have a few. All right it is now ten after nine.
16 We are going to take a ten minute break so the court
17 reporter can rest her fingers.

18 (Whereupon a brief recess was taken.)

19 CHAIRMAN JOHNSTONE: Ladies and
20 gentlemen in the audience, what we are going to do
21 at this time is I am going to allow you to ask, and
22 I rephrase and emphasize, ask questions. This is
23 not the time to give opinions. It is the time to
24 ask Mr. Johnson questions. So, I am going to ask
25 you to raise your hands and I will recognize you.

1 You can ask if you want one question, this is fine.
2 If you have more than one question that is fine.
3 Whether or not you like the answer, I don't want to
4 get into any discussions about it. If you ask a
5 question and he answers it, that is it. You want a
6 follow-up question that is fine. If somebody
7 already asked the question that you intended to ask,
8 please do not get up and ask the same question
9 again. I want to give everybody ample opportunity
10 to ask the questions.

11 So that everybody understands, at this
12 point in time when we get done with all of the
13 testimony, as I understand there is the loyal
14 opposition has some witnesses at some point down the
15 road to hear from, once we get those people done,
16 once we get done with the Johnson application in
17 terms of that they have done all that they want to
18 do and everybody has had their say, that will be the
19 time for people to give their opinions. The reason
20 for that is very simple. There is no reason for us
21 to hear your opinions until we have heard all the
22 information that needs to be provided by both sides
23 in this issue, and therefore we will wait until that
24 point in time when everybody has had a chance to
25 give their testimony, we have heard everything and

1 then we will listen to the opinions of the public in
2 general. All right, does anybody have any questions
3 before I start?

4 Then let's start on this side first.

5 The second row, does anybody have any questions?

6 Yes, ma'am. When you ask the question, please stand
7 up and give us your name and address so we have it
8 for the record.

9 MR. BURNSTEIN: Could we have the
10 spelling of the last name as well so the court
11 reporter can get it down exactly.

12 MS. COLBECK: Cheryl Colbeck. Colbeck
13 is C-O-L-B-E-C-K, 201 McCann Mill Road,
14 Pottersville. My question is about your property in
15 Florida, Hobe Sound, will you keep the helicopter
16 there a lot of the time?

17 THE WITNESS: Yes.

18 MS. COLBECK: Is that property in a
19 suburban area or country side area or is it urban?

20 THE WITNESS: It is very similar to
21 this area. It is in the rural A-1 is the
22 designation, so it is an agricultural zone with a
23 lot of residential in the area.

24 MS. COLBECK: And Hobe Sound is that
25 on the mainland or is that Jupiter Island?

1 THE WITNESS: It is on the mainland.

2 MS. COLBECK: Okay, that is it.

3 CHAIRMAN JOHNSTONE: Thank you.

4 Anyone else in that row? Next row? Yes, ma'am.

5 MS. HELD: Nancy Held, H-E-L-D, 3
6 Woodedge Road. A number of questions. To not
7 monopolize I will ask some and then let other people
8 ask other questions, as long as you give me another
9 opportunity. I would like to ask some questions
10 about your farm business. I am not going to ask
11 about the amount of money you make, but I am
12 interested in some percentages, okay. So, can you
13 tell me the types of income generated from the farm
14 business. We know you have milk sales, cow sales,
15 embryo sales. I believe you do have arable farming.
16 I don't know if that is corn, soy bean, whatever.
17 You talked about forestry services. I don't know if
18 you're selling wood or whatever, but could you give
19 an idea of the type of income generated from the
20 farmland?

21 THE WITNESS: The dairy provides a
22 large part of the cash income from our agricultural
23 operation. The timber operation, if my father
24 doesn't give the wood away to Mystic Seaport, it
25 usually brings in quite a bit less than it costs to

1 do. We sell excess production hay and we have a
2 couple of borders, so my guess is that it is the
3 largest and by majority, more than a majority of
4 income comes from that area.

5 MS. HELD: So more than 50 percent?

6 THE WITNESS: Well over 50 percent I
7 believe.

8 MS. HELD: Within the dairy then, what
9 portion would you say is coming from milk versus cow
10 sales versus embryo sales?

11 THE WITNESS: It changes quite a bit
12 from year to year. The milk price changes, but our
13 milk income is relatively consistent and it depends
14 on the year. When it is operating well, when the
15 market is good, the best, the more profitable
16 portion of the income is provided by seed and stock
17 sales.

18 MS. HELD: Okay, I am not sure that
19 you answered the question, at least in the way that
20 I was hoping to hear the answer. If we take the
21 three pieces of the dairy business, milk sales, cow
22 sales and embryo sales; if you were to allocate a
23 percentage to each one of those so that the total
24 was a hundred percent, and a range is fine.

25 THE WITNESS: I don't know. I think

1 there are years when it is half and half. I think
2 there are years when the embryo sales are quite low
3 and I think there are years when we have a high
4 producing, in terms of embryo production, when that
5 becomes the largest portion by more than half of the
6 others. So, it really is one of those things that
7 changes quite a bit from year to year, but for the
8 farm to be profitable embryo sales have to provide a
9 big portion of our income.

10 MS. HELD: But tell me how many cows
11 you would sell in an average year?

12 THE WITNESS: You know we don't really
13 have average years.

14 MS. HELD: A range in the last few
15 years?

16 THE WITNESS: I don't have the current
17 sales numbers for the last two years in my head, but
18 I would say that there are probably 50 -- between at
19 least 50 are sold each year between embryos and cows
20 and then some years if we have big producers it's
21 quite a bit more embryos.

22 MS. HELD: And of the total roughly
23 1,700 acres, not counting your father's/sister's
24 land, of your father's land and all the LLC's et
25 cetera, what number of acres would you say is

1 allocated to cow operations.

2 THE WITNESS: I don't have an exact
3 break down, but throughout all the parcels in the
4 1,700 acres, which does exclude mine and Jennifer's
5 land, most every one of those lots and blocks has a
6 high field on it that is used for production of hay
7 and a very good part of the core lot, which this
8 application is affecting where we would have the
9 helistop, I would say 80 percent if you include the
10 equipment store with the cattle, some of it is
11 multiple overlap for horses and cattle and turn out
12 differently during the time of year.

13 MS. HELD: When I look at the aerial
14 photo of the roughly 1,700 acres owned by the
15 family, it seems to me that approximately one third
16 is wooded. Would that be a reasonable rough guess?

17 THE WITNESS: Okay.

18 MS. HELD: When you talked about the
19 30 employees at Cedar Lane Farm and you mentioned
20 stable operations, carriage drivers, cars, et
21 cetera, et cetera how many of those 30 employees
22 would you say are involved with the cow/dairy
23 operation?

24 THE WITNESS: I had the number earlier
25 in the day and I don't remember whether it is five

1 or seven outside of add men.

2 MS. HELD: Outside of what?

3 THE WITNESS: Add men. I can't
4 remember whether it is five or seven, but it is one
5 of those two numbers are solely directed at the cow
6 operation then we have outside people that come in
7 and do work as well.

8 MS. HELD: How are the cows and
9 embryos currently marketed? Do you provide
10 brochures, is there a website, is it word of mouth?

11 THE WITNESS: We had a brochure that
12 we give out that probably needs to be a little
13 updated, but it is relatively current. We do some
14 advertising with specific animals and we show some
15 animals at specific shows to do that. On the Genome
16 cattle the records of those cattle become public and
17 people know which cows are on the ranking list. In
18 terms of show cows, they know the family. Everybody
19 in the Brown Swiss show knows who Tony is and Tony
20 has been shown for ten years. I would say a lot of
21 it is close knit. A lot of it is driven by the
22 brokers who bring in the high value buyer.

23 MS. HELD: How long have you been
24 selling the embryos?

25 THE WITNESS: I would say more than 15

1 years.

2 MS. HELD: Couple of random questions
3 then. Are you aware that Robert Wood Johnson, who I
4 believe is your uncle, has a helistop on his
5 property in Bedminister on Lamington Road?

6 THE WITNESS: I am.

7 MS HELD: You mentioned in your
8 testimony earlier to Mr. Winder's question that you
9 flew some of the flights on the day that the
10 demonstration was given for the board and the
11 public?

12 THE WITNESS: Uh-huh.

13 MS. HELD: I believe your noise expert
14 testified that in the range where the public was
15 present there were two landings and one take off,
16 which of those, which of any of those did you fly?

17 THE WITNESS: I was in the left seat,
18 obviously, during both those operations and he was
19 flying. I know he flew the first one in. I can't
20 tell you for sure because I was calling off
21 altitudes on the way in and we were -- that day we
22 both fly quite a bit. I wish I could answer you
23 more clearly or effectively.

24 MS. HELD: I know that the Essex
25 Foxhound Club hunts on your properties. Is it your

1 intention to notify them if you plan on having a
2 helicopter arrive or depart on the day of one of
3 their hunts?

4 THE WITNESS: Yes, they will be
5 notified. I am the chairman of the hunting
6 committee for the Essex Foxhounds and my sister
7 Jennifer who is the joint master, they would know
8 and when there is a meet at the farm, the staff at
9 the farm sets everything up and it would be well
10 coordinated through that site.

11 MS. HELD: Can you tell me what would
12 be the purpose of your notifying them of the
13 helicopter?

14 THE WITNESS: We probably would not
15 land at the moment that they were taking off or the
16 moment that they were loading up the truck, but it
17 would just be good to know. We would notify them
18 certainly, they would be notified because Jaz knows
19 everything that is happening on the farm.

20 MS. HELD: If the board were to
21 approve this helistop, do you envision the
22 possibility of in the future potentially applying
23 for permits to construct a hanger or install fuel
24 filling operations?

25 THE WITNESS: No, I don't think I

1 would be building a hanger or installing additional
2 fuel stuff other than what we have on the farm
3 currently.

4 MS. HELD: All right, that is all for
5 now.

6 CHAIRMAN JOHNSTONE: Thank you. Any
7 one else in that row? Next row? Last row? No
8 questions? I will move over to this side. Anybody
9 in the second row? Yes, sir.

10 MR. COHEN: David Cohen, 40 Cold
11 Spring Road. A few questions, I'm probably going to
12 jump around a little bit. So, you have been selling
13 embryos for 15 years approximately?

14 THE WITNESS: I think it is 15 years.
15 I got the date wrong earlier about when my
16 grandfather moved to the farm. I think it was '37,
17 1937, but I think 15 years seems about right to me.

18 MR. COHEN: That would be foreign
19 buyers as well for that 15 year period?

20 THE WITNESS: Yes.

21 MR. COHEN: From all the countries
22 that you listed previously?

23 THE WITNESS: Well, I don't think we
24 had someone from Turkey before the spring and I
25 can't remember exactly what the mix of the country

1 was. I had Brown Swiss and Holsteins. Initially I
2 was very fortunate to buy one that turned out really
3 well and buyers called and wanted to come see it.

4 MR. COHEN: My question was more
5 geared toward are there countries other than what
6 you previously listed going back 15 years that you
7 have had buyers from that you remember?

8 THE WITNESS: Not that I can think. I
9 think that is where the core group of buyers that I
10 observed has come from.

11 MR. COHEN: Japan, Holland, Uruguay,
12 Columbia --

13 THE WITNESS: Columbia we haven't had.
14 Recently we did and that was only after we had
15 Jerseys. The South American buyers don't purchase
16 Holsteins or Brown Swiss. They are only interested
17 in Jerseys. The Jersey herd came in probably eight
18 or ten years ago.

19 MR. COHEN: You had foreign buyers now
20 going back 15 years or so?

21 THE WITNESS: I think so. I think so
22 and sporadically depending on what we had and
23 depending on accessibility.

24 MR. COHEN: When they come they,
25 following up on one of the chairman's questions,

1 they either fly to the local airport and take a car
2 service or take a bus or somehow they are getting to
3 your farm by road?

4 THE WITNESS: Sometimes they come by
5 road and on occasion they have decided not to come
6 because of accessibility issues.

7 MR. COHEN: The ones that come, they
8 have been coming for 15 years. Foreign countries
9 are coming from your farm by driving?

10 THE WITNESS: Yes.

11 MR. COHEN: Your farm is situated, at
12 least Cedar Lane Farm Road is accessible right off
13 of Homestead Road, right?

14 THE WITNESS: Yes.

15 MR. COHEN: That's a public roadway?

16 THE WITNESS: I believe it is.

17 MR. COHEN: People can drive down
18 Homestead Road, pull into Cedar Lane Farm Road. The
19 farm is maybe a couple hundred yards from that turn,
20 right?

21 THE WITNESS: I don't know the exact
22 distance, but it is in from Homestead Road.

23 MR. COHEN: Now, the demonstration
24 that was done sometime in past summer, I think you
25 testified previously that it took a while to get the

1 route right. Do you recall testifying to something
2 to --

3 THE WITNESS: Yes.

4 MR. COHEN: -- that fact? And do you
5 recall how many demonstrations -- well, were you
6 there the entire day, leading up to this 6:30 p.m.
7 demonstration, were you there the entire day doing
8 practice runs?

9 THE WITNESS: Most of the -- a good
10 part of the day, yeah, as I recall. Maybe -- yeah,
11 best I can recollect, we were doing some back and
12 forth and plotting and noting headings and
13 altitudes.

14 MR. COHEN: When you say you were
15 plotting and noting headings and altitudes, were you
16 getting realtime transmissions from Mr. Dotti with
17 recording instruments back at the farm given to you
18 in the helicopter?

19 THE WITNESS: No.

20 MR. COHEN: So, if someone previously
21 testified to that, that would be incorrect?

22 THE WITNESS: I don't think I got any
23 current realtime decibel levels from Mr. Dotti. I
24 never got -- let me be very clear about what I am
25 saying because what I am trying to say to you is

1 that I never -- I don't believe his devices had
2 realtime recording in terms of broadcasting them.
3 They were in multiple locations. We did communicate
4 with him by radio, but I don't believe I had data
5 being provided to him from the sound recording
6 devices.

7 MR. COHEN: What would have been the
8 purpose of communicating with him like when you were
9 in the helicopter and he was on the ground?

10 THE WITNESS: To design the approach
11 in such a way so that it would have the least impact
12 on the neighbors. To design an approach that would
13 be like a noise abatement approach following the
14 highway corridor, coming in to try to get an
15 approach that was safe from a flying standpoint,
16 accessible and convenient from the farm, easy to
17 locate and to try to design it in such a way we flew
18 over Cedar Lane Farm the whole time we were in
19 Tewksbury Township.

20 MR. COHEN: I understand that might
21 have been the purpose, but what was the point of
22 having a conversation with Mr. Dotti at the time
23 that you were in the helicopter? What was he saying
24 to you?

25 THE WITNESS: What was he saying to

1 me?

2 MR. COHEN: Do you recall?

3 THE WITNESS: No, I don't remember the
4 specific conversation, but we were trying to lay out
5 an approach that would create the least noise affect
6 for our neighbors, so I assume that he was
7 communicating information relating to that and we
8 tried several different angles coming into set up,
9 an angle and approach pass that would work that
10 would not impact the neighbors negatively.

11 MR. COHEN: When you say giving you
12 information, are you talking in terms of realtime
13 data that he was reading, that he was giving to you?

14 THE WITNESS: No.

15 MR. COHEN: What information was given
16 to you?

17 THE WITNESS: We don't hear you. We
18 don't hear you coming, stuff like that. That
19 approach is better. Oh, when you come in like this,
20 it creates large noise. He was not getting realtime
21 data, I don't believe. It was his impression of
22 standing in different locations how that was
23 working.

24 MR. COHEN: There was some previous
25 testimony that there were about ten or so practice

1 runs during the course of that day leading up to the
2 6:30 p.m. demonstration. Does that sound about
3 right to you?

4 THE WITNESS: I could be. I don't
5 have an exact count, but we did fly a lot of
6 different angles and a lot of different approach
7 pads before we settled on the 78 corridor, Lamington
8 Church and the blue silos.

9 MR. COHEN: By the way, do you recall
10 a test demonstration that you flew in the fall of
11 '09?

12 THE WITNESS: I do.

13 MR. COHEN: What was the purpose of
14 that?

15 THE WITNESS: Well, my neighbor, my
16 closest neighbor Beth Davidson is a very good
17 equestrian and she has a lot of horses at her farm
18 and she is extremely concerned, this is my
19 perception, and I said well, I will be happy to fly
20 a demonstration for you. I believe that at the time
21 and still believe that her genuine concern was that
22 the approaching helicopter would frighten her horses
23 and cause them to be injured and that that would be
24 a significant problem. So, I flew several
25 approaches and one wasn't perceived, one was

1 perceived and one was done in the same course above
2 the 500 feet above people and buildings, but very
3 low, very slow approach over the Kennedy house
4 directly over her farm. I was looking very
5 carefully through the floor window at her horses to
6 ensure that they weren't spooking and I believe I
7 said to her at the time, the last approach that I
8 flew was more than a worse case scenario of how
9 someone would approach the heliport and I did that
10 to satisfy myself and, hopefully, to satisfy her and
11 her family that her horses wouldn't be damaged by
12 the experience, so after taking the input from that,
13 I thought very carefully about how we have to
14 approach because I was told that the noise bothered
15 some neighbors coming in from that angle, even on
16 the higher approach. So, we designed a different
17 approach based on that a very good and valuable
18 input that she helped get from me.

19 MR. COHEN: In other words, you came
20 to learn that neighbors' homes shook and windows
21 rattled?

22 THE WITNESS: I don't know that
23 neighbors' homes shook. I can't testify to that.

24 MR. COHEN: I am just asking what you
25 heard.

1 THE WITNESS: I heard people were
2 disturbed by the noise and I saw that the horses
3 were not disturbed by the noise. Some horses are
4 more flightier than others.

5 MR. COHEN: What does that mean?

6 THE WITNESS: Well, some horses are
7 spookier. Thoroughbred race horses are more spooky
8 than draft horses. She had all the horses turned
9 out, so I think it is better to have a full view of
10 that. She did to. She turned them all out and none
11 of them seemed to -- some will spook at a leaf
12 blowing by and some wouldn't spook at a train going
13 by.

14 MR. COHEN: So, horses spook --
15 different horses spook differently, fair enough?

16 THE WITNESS: Yes. I have been
17 exposed to most types of horses and I find that to
18 be true.

19 MR. COHEN: You are aware that there
20 is 25 mile an hour speed limit for cars around
21 horses in New Jersey?

22 THE WITNESS: I am not aware of that.

23 MR. COHEN: I'll ask you about the
24 policy of buying them.

25 THE WITNESS: I don't know what that

1 is. I wondered why the town lowered the speed limit
2 on the highway of Homestead. I thought it was evil
3 government. I could be wrong.

4 MR. COHEN: I am just kind of jumping
5 around. I believe you testified earlier when you
6 were explaining the approach that you designed for
7 either family members, buyers, whoever was coming to
8 the farm, you designed an approach that they could
9 use. I believe you testified that the landmark
10 could be seen by any experienced pilot?

11 THE WITNESS: I believe I would like
12 to clarify that if that is exactly what I said. In
13 a helicopter the three specific landmarks, as well
14 as Highway 78, are very easy to see for anyone, but
15 especially for a helicopter pilot. The golf course
16 covers a huge amount of acreage and it is clear
17 similar to the land around. The Lamington Church
18 steeple is very clear and very visible and it is
19 visible in the advantage that there are no other
20 steeples to confuse it with in the area and because
21 we happen to have the 80 foot blue silo and the 40
22 or 60 foot blue silo. They are very, very clear
23 landmarks.

24 MR. COHEN: And all of those landmarks
25 that you just told us about no one could see at

1 night, right?

2 THE WITNESS: No, I think you can see
3 that Trump at night definitely. I think you can see
4 Highway 78 at night. I know you can see the star on
5 the top of the silo. It is lit it up at night and
6 it is illuminated. I don't know whether the church
7 is illuminated at night or not, I would have to
8 check. Sometimes churches are lit at night
9 especially liturgy churches, I just don't know the
10 answer to that, but definitely it would be visible.
11 Also their heading, mileage as well and we can add
12 to this G.P.S. way point.

13 MR. COHEN: How would the Trump Golf
14 Course at night from a height of 500 to 1,000 feet
15 look any different than flying over this building?

16 THE WITNESS: The light reflects off
17 the water of all the ponds. You can definitely tell
18 when you are over a golf course, unless there is
19 total cloud covering the moon and he has that
20 incredibly lit flagpole. Everybody knows Trump
21 always puts up the biggest flag and lights it at
22 night, in Palm Beach, here, everywhere he goes.

23 MR. COHEN: Even buyers coming from
24 foreign countries would --

25 THE WITNESS: Buyers from foreign

1 countries probably wouldn't be flying the
2 helicopters themselves. I think most foreigners do
3 know Donald Trump.

4 MR. COHEN: To clarify some of your
5 testimony earlier I believe you were asked in
6 response to a question there were 16 or 18, I think
7 you meant to say heliports in the area. I believe
8 you may have said farms with heliports, so I just
9 want to clarify your testimony.

10 THE WITNESS: Well, actually I could
11 have that wrong. Sixteen is the number that sticks
12 in my head and most of them, I believe, are on
13 farms. They are probably a couple that are at
14 corporation headquarters so, I may have that piece
15 inaccurate. Thank you for helping me with that.

16 MR. COHEN: Have you ever researched
17 how many tax assessed farms in New Jersey have
18 approved heliports?

19 THE WITNESS: No.

20 MR. COHEN: Or even in the county?

21 THE WITNESS: No.

22 MR. COHEN: No. You testified that
23 you had buyers ask if they could land a helicopter
24 on your farm?

25 THE WITNESS: Uh-huh.

1 MR. COHEN: That's a yes? You have to
2 answer.

3 THE WITNESS: I'm sorry, yes.

4 MR. COHEN: Have any of those
5 individuals bought from you?

6 THE WITNESS: No actually. That was
7 unfortunate there was a group of buyers organized, I
8 believe, by Beacon Hill Point Farm and we missed a
9 big opportunity there and I felt bad about that, but
10 this location of Cedar Lane Farm from the prime
11 dairy areas of the Eastern United States is a
12 financial disadvantage.

13 MR. COHEN: So, the person who asked
14 to land, to come and visit your farm had never
15 bought from you and still has never bought from you?

16 THE WITNESS: I don't believe they
17 have. Certainly that group of buyers that they were
18 bringing around did not come to the farm and did not
19 buy. I don't supervise every transaction. I don't
20 actively manage the dairy farm, but to the best of
21 my recollection that is the case.

22 MR. COHEN: I guess you would have no
23 way of knowing that since they never came and they
24 never bought from you, they never would if they did
25 come?

1 THE WITNESS: I don't know. I think
2 our cows look pretty good. When we get people to
3 the farm, especially people who are spending money
4 like that, they are not a tire kicking trip. They
5 are there to buy. They know what is there. They
6 know the dynamics. They know the body scoring type.
7 They know the genomics and they are just coming to
8 see the actual individuals. So, if they are going
9 to make the effort to come, especially if they are
10 going to fly by helicopter, they are the kind of
11 buyers that are going to spend real money that will
12 be definitely able to change the financial liability
13 of our dairy.

14 MR COHEN: I think you said that
15 you -- did you or did you not testify earlier that
16 your hope is to have three or four buyers who
17 wouldn't have previously come, come now?

18 THE WITNESS: I am hoping, yeah.

19 MR. COHEN: That's a hope.

20 THE WITNESS: Yeah.

21 MR. COHEN: Do you recall there being
22 a public meeting at Oldwick Firehouse in February of
23 2010?

24 THE WITNESS: I do.

25 MR. COHEN: Do you recall chatting

1 with some of your neighbors at that time?

2 THE WITNESS: I do.

3 MR. COHEN: And do you recall telling
4 some of the neighbors that you had a subtotal of one
5 buy, three in the last five years ask to come to the
6 farm by helicopter?

7 THE WITNESS: I may have said that. I
8 may not have. I can't be sure, but I know because I
9 have checked with the farm manager and the previous
10 farm manager, that number is more. I know we had
11 one that was rejected and did not come. So, there
12 may be some confusion of asked to come, came anyway,
13 but I know that there was that one trip there was a
14 lot of buyers. They bought a ton of embryos from
15 me, so there may be some confusion in how it was
16 asked or how I answered it.

17 MR. COHEN: That is why I am asking
18 you. So, in other words, you may have told
19 neighbors that there is one buyer?

20 THE WITNESS: There was one trip with
21 one group of buyers, that is it. It seldom would be
22 one actual buyer. There is a broker and there are
23 usually two buyers or the broker will fill an order,
24 which may include multiple buyers and they are
25 actually doing an inspection.

1 MR. COHEN: So, there is one broker?

2 THE WITNESS: In that case it was a
3 group being put together. I think the broker
4 probably was the organizer of that trip. That was
5 some time ago and it is hard to remember all the
6 details of it. I don't run the farm on a day to day
7 basis.

8 MR. COHEN: Also just to clarify, I
9 believe, in response to one of Mr. Bernstein's
10 questions, I believe you were asked if you live on
11 the site of where the heliport is proposed and I
12 believe you said you did, but is that the question
13 that you meant to answer yes?

14 THE WITNESS: Yes.

15 MR. COHEN: Your home is on the lot?

16 THE WITNESS: It is.

17 MR. COHEN: Lot 23?

18 THE WITNESS: Yes.

19 MR. COHEN: Do you know how much land
20 in Bedminster that your sister owns? Is it your
21 sister?

22 THE WITNESS: It is an entity
23 actually.

24 MR. COHEN: It's an entity.

25 CHAIRMAN JOHNSTONE: It's an LLC.

1 MR. COHEN: It's an LLC. Do you know
2 how much land they own in Bedminister?

3 THE WITNESS: It is two separates lots
4 and blocks. I am guessing it is about 150 acres,
5 something like that.

6 MR. COHEN: Total or each?

7 THE WITNESS: Total. I think the
8 total is 150. I haven't been at that in a long
9 time. It stretches, oddly enough, all the way from
10 the bridge by Jimmy Brady's house along the river
11 about this wide to quite wide and then it has a
12 section all the way to the Lamington Bridge. So, it
13 is quite a big piece of property, but much of it is
14 in the flood plain or the 300 foot section of the
15 river.

16 MR. COHEN: When you considered the
17 particular location where to put the proposed
18 helistop, did you consider placing the proposed
19 heliports further into your approximate 2,000 acres
20 --

21 THE WITNESS: Yes.

22 MR. COHEN: -- away from the
23 neighbors' homes?

24 THE WITNESS: Yes.

25 MR. COHEN: Was the reason -- what was

1 the reason that you choose not to?

2 THE WITNESS: The center of noise at
3 Cedar Lane Farm and the activity combined with the
4 fact that it is physically co-located in the dairy
5 and the dairy office provided a convenient approach
6 for buyers, for family members and kept all the
7 tractor noise, corn dryer noise, that is the flute,
8 silos blowing down all in one center spot to the
9 farm, that was how we came to the location. That
10 seemed the most logical and seemed far enough from
11 the neighbors to be able to create an approach that
12 has very low impact. Sound-wise I think the impact
13 is really low there and it allow us to do the
14 approach in hindsight, actually, completely over the
15 farm with almost no noise impact from what people
16 said on the ground.

17 MR. COHEN: Were you aware of any
18 receptors being placed on the ground where the
19 landing took place during the test demonstration
20 during the summer?

21 THE WITNESS: I believe the test
22 things were placed near the neighbors' homes.

23 MR. COHEN: Are you aware of any
24 receptors being placed around the landing area?

25 THE WITNESS: I don't think so. Not

1 that I am aware of. I don't remember where he put
2 them all, but we purposely wanted to check the noise
3 for neighbors not really for ourselves.

4 MR. COHEN: I assume this goes without
5 saying, but I will ask it anyway. The proposed farm
6 use for the heliport is for perspective buyers to
7 come to the farm. Correct?

8 THE WITNESS: Yes.

9 MR. COHEN: The proposed use of that
10 helicopter is not for actual farm operations such as
11 transporting hay or cattle?

12 THE WITNESS: We are not proposing to
13 transport hay or cattle by helicopter, nor are we
14 proposing to do air spraying with the helicopter.
15 In Florida they use the helicopters to invert the
16 air to keep the corn from freezing so they fly back
17 and forth over the farms all night. We probably
18 couldn't prevent the freezing here in spite of all
19 that.

20 CHAIRMAN JOHNSTONE: Anything else,
21 sir?

22 MR. COHEN: This is all I have.

23 CHAIRMAN JOHNSTONE: Yes, sir?

24 MR. KENNEDY: Chris Kennedy, 50
25 Homestead Road. Tucker, you raised a point, I think

1 it was something I thought about, the difference
2 between the commercial pilot and the private pilot.
3 Can you give me a little bit more information about
4 that? You said that the commercial license was
5 special or something.

6 THE WITNESS: There are distinctions
7 in a commercial pilot and a private pilot. There
8 are distinctions between Part 91 rules for private
9 flights and Part 135 rules for charter or air taxi
10 flights and then there are rules for airline
11 flights, but I am not an aviation legal expert. I
12 always defer to Mr. McNamara for specific questions
13 for that.

14 MR. KENNEDY: You're flying as the
15 private license?

16 THE WITNESS: We fly under Part 91
17 rules, yes.

18 MR. KENNEDY: That would mean that
19 you're not really going to be, you personally won't
20 be transporting individuals with your helicopter
21 from the airports to the farm?

22 THE WITNESS: I could conceivably do
23 that, I believe, yes.

24 MR. KENNEDY: Would that be considered
25 commercial?

1 THE WITNESS: Apparently that would
2 fall under Part 91 ancillary use. I asked Jack
3 while we were on the break.

4 MR. KENNEDY: Your two helicopter
5 pilots that you have either on the contract or
6 employed, are they commercial pilots?

7 THE WITNESS: No, I believe they are
8 ATP pilots, airline transport pilots. It's a higher
9 standard.

10 MR. KENNEDY: That is even higher than
11 commercial?

12 THE WITNESS: It is.

13 MR. KENNEDY: Now, they would be the
14 ones most often that would transport the buyers or
15 brokers back and forth?

16 THE WITNESS: It is conceivable that
17 they could. It is conceivable that they could have
18 their own pilot.

19 MR. KENNEDY: What does it cost to fly
20 from your farm say by helicopter to a local airport
21 or say JFK or wherever these people would fly into?

22 THE WITNESS: To fly to Newark or JFK
23 would cost in kerosene or diesel or jet fuel, they
24 are all about the same. It would probably use 50
25 gallons, something like that on a round trip.

1 MR. KENNEDY: You probably have to
2 advertise the cost of the machine as well?

3 THE WITNESS: Yeah. I don't know.
4 That is more complicated.

5 MR. KENNEDY: That was the end of
6 that.

7 THE WITNESS: You said cost. I think
8 that is how much gas you have to put in it.

9 MR. KENNEDY: How much is 50 gallons
10 of aviation fuel?

11 THE WITNESS: I think you can get jet
12 fuel from five to ten dollars a gallon.

13 MR. KENNEDY: We are not talking a
14 huge cost?

15 THE WITNESS: In fuel it is not a huge
16 cost. It is a very efficient helicopter.

17 MR. KENNEDY: Shifting gears a little
18 bit, sorry if I jump around a little bit, I have a
19 lot of notes, Tucker, but you mentioned the four
20 generations the Johnsons have been there and
21 certainly we respect that and we respect everything
22 that you have said about what your family has done
23 for the community, believe me. However, let's talk
24 about the siblings and the parents and more so the
25 13 kids. What is the age, the earliest age that

1 that person can get a helicopter license?

2 THE WITNESS: Sixteen.

3 MR. KENNEDY: So, you have one or a
4 couple that might be close to that by a couple
5 years?

6 THE WITNESS: Uh-huh. I think they
7 will be going to school most of the time between
8 then and their 20's, but legally 16 is the age.
9 They all seem pretty occupied as students right now.

10 MR. KENNEDY: And there was recently a
11 subdivision of the land, right?

12 THE WITNESS: Yes.

13 MR. KENNEDY: The purpose of that
14 subdivision was?

15 THE WITNESS: Well, there were some
16 purposes and I think one of the primary purposes, at
17 least from my interpretation of my role in the
18 family is they wanted to create lots that could be
19 moved into individual trusts or different ownership
20 in different pieces as my father was leaving his
21 legal residence in New Jersey to Florida and I think
22 that will help us in the next few years with our
23 estate planning. We were trying to get something
24 accomplished much quicker, but with that many
25 grandchildren and only a few lots and some,

1 hopefully, will want to stay and acquire the legacy
2 of the farm.

3 MR. KENNEDY: There could be the
4 potential for 13 family, at least to take on another
5 generation of Johnsons there?

6 THE WITNESS: Yeah, I don't think we
7 would have to add all that many homes to accommodate
8 it.

9 MR. KENNEDY: I am not so concerned
10 about the homes. I think that is great. That is
11 wonderful. I am concerned with the helicopters and
12 the transport, you know, that transport and number
13 of flights that would -- all of that might impact.
14 Do you want to make a comment on that?

15 THE WITNESS: I think you're bringing
16 up real and valid concerns. I think these are good
17 to get out in the air and good to deal with. I
18 think different members of the family will have
19 different choices and different lifestyles and from
20 time to time family members may want to use it to go
21 up to a parents weekend or go out to see my parents
22 in Long Island or have my parents come out. I don't
23 view that and I observed a lot of very affluent
24 families very closely that have even multiple
25 helicopters, even some relatives and to see them get

1 used more than a couple times a week it just seems
2 to be very rare, no matter how big the family or how
3 big the budget and I would also point out in my
4 earlier testimony when the helicopter was here from
5 June to just last week, it was flown 1.3 times per
6 week and everyone had free access and there was a
7 period of time when the large aircraft wasn't
8 available and it was a new thing so people like to
9 try new things, so 1.3 times a week is pretty low
10 volume.

11 MR. KENNEDY: All that is personal
12 use, all that for family?

13 THE WITNESS: That was all personal
14 use.

15 MR. KENNEDY: With expanding family I
16 am sure it would be reasonable to project that that
17 usage would increase or decrease?

18 THE WITNESS: I have 25 years of
19 records of every single flight, every occupied seat,
20 every destination and actually I have seen a
21 reduction in our flight usage and it does not seem
22 to be proportional. They follow historic patterns.
23 There is always something, going to parents weekend.
24 Right now my parents maintain five houses on their
25 compound in Florida and they tend to fly their

1 grandchildren down their when they have winter
2 weekends. I don't actually -- I don't know. It
3 sounds logical. I agree with your sediment. It
4 doesn't match the statistical data that we have
5 assembled. It should, but it doesn't.

6 MR. KENNEDY: Makes sense.

7 THE WITNESS: Even when they had free
8 run, now we had to make some budget cut backs to
9 general airplane usage, it sort of had a peak of
10 quite a while ago. It has dropped back down.

11 MR. KENNEDY: It sounds like --

12 CHAIRMAN JOHNSTONE: Can we just have
13 questions because we are running out of time.

14 MR. KENNEDY: I have a couple of
15 questions.

16 CHAIRMAN JOHNSTONE: Let's get to the
17 questions.

18 MR. KENNEDY: I guess my question is
19 more so into the future, the four generations are
20 here and yet everyone in the family seems to have
21 multiple homes, your father and mother who are not
22 primary residents here in Oldwick at this point in
23 time, things are changing in the Johnson family and
24 I mean you look down into the future, if you sold
25 the land, and all of that may seem a strange

1 concept, anything could happen, but the heliport
2 could go along with it, I would suspect.

3 THE WITNESS: As a member of our
4 principals committee involved in all the
5 discussions, we are not in the position where we are
6 contemplating de-accessing Cedar Lane Farm and we
7 are certainly not considering in anyway de-accessing
8 the center core of Cedar Lane Farm, so I can't tell
9 you what will happen beyond the next two
10 generations.

11 MR. KENNEDY: The operation isn't very
12 profitable you testified earlier?

13 THE WITNESS: We would like very much
14 to make our agricultural operations more profitable.

15 MR. KENNEDY: That might make it a
16 little bit more likely to remain unprofitable.

17 THE WITNESS: It would be nice if we
18 could have more profit and more people who feel
19 comfortable about keeping the farm.

20 MR. KENNEDY: Thank you.

21 CHAIRMAN JOHNSTONE: Next row?

22 MR. RESNICK: Jerry Resnick, 36
23 Homestead Road.

24 MR. BERNSTEIN: Do you want to spell
25 your last name, sir?

1 MR. RESNICK: R-E-S-N-I-C-K. My only
2 real question is do you have any idea as to what the
3 hours of operation are? I guess those are my
4 biggest concerns. I think daytime flights are not
5 such a big deal, 85 decibels over your house at
6 12:00 at night would be a concern, so that is sort
7 of -- I know that if the board gives it up and there
8 are no rules really other than safety, so the
9 question is I would be concerned if it is going to
10 be hour of operation issue more than anything else.

11 THE WITNESS: I'll try to answer your
12 question very quickly. Generally we are asleep by
13 midnight. I usually try to go to sleep before 10:00
14 because my kids get up early for school. We are not
15 a late night family. There had been one occasion
16 this fall where I got back from parents weekend, I
17 got home at 8:00 at night, that is a late general
18 flight. We don't usually fly around a lot at night
19 and I can give you one antidotal incident. I was
20 doing flight training at the Stewart Airport in
21 Florida and we are required as pilots to maintain
22 our night currency, so I was doing three take offs
23 and landings. There was a noise complaint I was
24 told by the airport manager. I contacted the home
25 owner, found out where their home was, apologized

1 for it, adjusted my training pattern, which I do
2 monthly and we resolved the problem and if the board
3 was kind enough to look favorably on our application
4 and you had a problem and a night flight had
5 disturbed you, I would hope that you would call me
6 through the office and let me know and we would make
7 sure it didn't happen again in a way that would
8 bother you.

9 CHAIRMAN JOHNSTONE: Anyone else in
10 that row? Next row?

11 MR. FLOWERS: Bob Flowers,
12 Pottersville, New Jersey. You plan on using the
13 heliport more for business use or for personal use?

14 THE WITNESS: I would like there to be
15 some farm business use that would change the income
16 and I would like that to be some percentage of it
17 and I think there will be a larger percentage of it
18 probably officially in the beginning that is family
19 use.

20 MR. FLOWERS: What percentage would be
21 business, what would be personal?

22 THE WITNESS: I really can't say
23 because we have never had permission to have it
24 before.

25 CHAIRMAN JOHNSTONE: Anyone else in

1 that row? Next row? Anyone in the back?

2 MR. BIGLIOLI: Mark Biglioli,
3 B-O-G-L-I-O-L-I, 12 McCann Mill Road, Pottersville.
4 I'm a little confused on the flight frequency
5 question. You went through frequency numbers and I
6 thought I heard 2.8 per week and now I thought I
7 heard 1.3 per week or something along those lines.
8 I was wondering if you could clarify that.

9 THE WITNESS: Thank you, I would be
10 happy to clarify it. During the period of time of
11 June 2011 through this October just ending the
12 aircraft was flown with free access to family
13 members 1.3 threes time a week just measured on
14 number of flights and time, so in the total
15 ownership of the helicopter, it has operated from
16 2007, February, until approximately sometime this
17 summer, 2.8 trips per week. I use the aircraft in
18 Montana quite regularly, quite regularly and in
19 Florida quite a bit so it gets a lot more use. Here
20 it seems to sit.

21 CHAIRMAN JOHNSTONE: Anyone else at
22 this time in the public?

23 MS. DELERY: Barbara Delery, 4 Lennon
24 Farm.

25 MR. BERNSTEIN: Could you spell your

1 last name, ma'am?

2 MS. DELERY: D as in David E-L-E-R-Y.

3 You said that you were landing the frequency 1.3,
4 2.8 whatever it was. Where were you landing this if
5 don't have access to the farm now?

6 THE WITNESS: We used Somerset Airport
7 here.

8 MS. DELERY: So, once you get access
9 the frequency could go way up?

10 THE WITNESS: It could go up, that is
11 why I wanted to give you both numbers, the 2.8 times
12 total usage. Some of that -- most of that time it
13 was based at an airport 20 minutes away from the
14 house and then recently I received permission to
15 have a heliport/helistop at my farm in Florida, but
16 I'm just giving you the facts that I have. That
17 total for usage for family members this summer, they
18 happened to use it 1.3 times. Over the whole
19 ownership 1.8 times a week it has been used.

20 MS. DELERY: But strictly for personal
21 use?

22 THE WITNESS: Strictly personal.

23 MS. DELERY: You have absolutely
24 nothing to do with the farm business here?

25 THE WITNESS: I am sorry?

1 MS. DELERY: Do you have anything to
2 do with managing the farm business here?

3 THE WITNESS: I sit on our family's
4 principal committee. I help make decisions for our
5 family in terms of land issues, technical issues and
6 for a large number of years, I owned the dairy
7 myself and I have given my father input on how to
8 operate the dairy since he took ownership of it. I
9 am not directly involved in its day to day now and I
10 don't work for that entity, but it's a subject that
11 comes up in our principals discussions and quarterly
12 budget meetings and other times.

13 MS. DELERY: But you don't manage
14 anything here, so you really -- so landing here
15 would just strictly be personal?

16 THE WITNESS: For me personally?

17 MS. DELERY: Yes.

18 THE WITNESS: There may be a time when
19 I go to look at cows, fly out to Harrisburg for the
20 cow show to check and look at other cows on other
21 farms and then some personal use.

22 MS. DELERY: Then you have never had a
23 profit on this farm?

24 THE WITNESS: I think -- every
25 operation runs itself differently. We have many

1 different divisions of the farm. We had some years
2 that were better than others, but those were the
3 years where we were selling more embryos and we
4 would like to augment this and I think heliport with
5 help.

6 MS. DELERY: It is just a hope at this
7 point?

8 THE WITNESS: I think it's a logical
9 progression and plan. I am always hopeful.

10 MS. DELERY: That is it.

11 CHAIRMAN JOHNSTONE: Anybody else on
12 this side of the room? I see no one. Back over to
13 this side of the room? How many more people have
14 questions, raise your hands. One, two, three, four.
15 Okay, four more people than we are one. Ladies
16 first.

17 MS. CAROLONZA: Colleen Carolonza,
18 C-A-R-O-L-O-N-Z-A, 16 Dryden Road. Could I ask
19 where this helicopter lands or stays now?

20 THE WITNESS: It's in Florida now at
21 my farm.

22 MS. CAROLONZA: I mean if you were to
23 bring it to New Jersey, where would it stay?

24 THE WITNESS: Somerset or Morristown.

25 MS. CAROLONZA: You mentioned the

1 example of the Ocean Reef Club requiring pilots to
2 fax proof of insurance. Will you require that of
3 pilots as well?

4 THE WITNESS: Yes.

5 MS. CAROLONZA: You mentioned earlier
6 that you see helicopters every day that you are
7 here. Can I ask where you see them?

8 THE WITNESS: Often they travel the
9 corridor from Merck up to the north. I see them go
10 fly over Homestead Road a lot, the big S76. I don't
11 know where they are going, but I seldom see -- and
12 my house sits directly on the approach path to
13 Morristown when they are landing to the south, so, I
14 do see quite a few. Actually, I love seeing
15 airplanes and helicopters, so I am always looking at
16 them and trying to identify which one I am seeing.

17 MS. CAROLONZA: Are you ever able to
18 read the numbers on those?

19 THE WITNESS: Usually if the
20 helicopter pilots in the State of New Jersey fly at
21 2,000 feet unless they are transitioning to provide
22 noise abatement and added safety in their cruise
23 routes, that is what I observed. At that distance
24 it is really hard. I know the Merck helicopter and
25 New Jersey State Police helicopter. I know a few

1 friends' helicopters, so I can spot them, but if
2 they are flying below the thousand feet where they
3 would be impacting people and making more noise, I
4 can read the tail numbers at that altitude.

5 MS. CAROLONZA: Thank you. You
6 mentioned that in Bedminister the farm heliports are
7 located close to houses. How do you know that?

8 THE WITNESS: Because I know a lot of
9 the people that have them.

10 MS. CAROLONZA: Have you ever asked
11 any of those people if you could land your --

12 THE WITNESS: No. Actually one
13 offered and asked me to come over for dinner, if I
14 would fly there.

15 MS. CAROLONZA: But you said no
16 thanks?

17 THE WITNESS: I fly the helicopter for
18 business or when I need to get somewhere, not to hop
19 around from backyard to backyard.

20 MS. CAROLONZA: We were talking about
21 repercussions of not following the established route
22 flight plan and you mentioned that that pilot would
23 not be invited back.

24 THE WITNESS: Yes.

25 MS. CAROLONZA: That is the

1 repercussion?

2 THE WITNESS: I think that is the only
3 way to deal with it. If they refuse to follow the
4 noise abatement procedures and are annoying my
5 neighbors, they are going to deter our quality of
6 life. That is not what we are interested in. We
7 are interested in working well with our neighbors.
8 Having good access to the farm, we would not be
9 tolerating that.

10 MS. CAROLONZA: What if one of these
11 helicopters were from your high value customers,
12 would you --

13 THE WITNESS: We would get his pilot
14 to fly in the right way.

15 MS. CAROLONZA: What if he didn't?

16 THE WITNESS: Then we would have to
17 get him another pilot or if it was valuable enough
18 we would find a way to get an aircraft to pick him
19 up and bring him correctly. We will not be
20 tolerating our neighbors getting bad treatment
21 because of the economics. We would find a way to
22 solve the problem. We are very good neighbors to
23 work with.

24 MS. CAROLONZA: You mentioned that the
25 number is debatable as to how many heliports or

1 helipaths are in Bedminister?

2 THE WITNESS: I don't think it is. I
3 think there are 16. That can actually be checked,
4 not debated.

5 MS. CAROLONZA: You mentioned that or
6 stated in some way that these have not presented any
7 problems for neighbors of those --

8 THE WITNESS: I believe that to be
9 true.

10 MS. CAROLONZA: Is it possible that
11 some of those residents are bothered by it and that
12 perhaps it wasn't communicated to you?

13 THE WITNESS: It is possible, but I
14 know a lot of people who live there. I know a lot
15 of professionals who make the applications there and
16 I know a lot of the neighbors of people who live
17 near the busier ones and it has not been a problem
18 that I know of.

19 MS. CAROLONZA: Does Cedar Lane Farm
20 have any horses?

21 THE WITNESS: Yes.

22 MS. CAROLONZA: Where were they during
23 the test flights?

24 THE WITNESS: I don't know. I know
25 some were turned out. Some were in the barn. I

1 land at the farm. I have horses. I compete -- used
2 to compete at the international level and had some
3 very keyed up flighty horses. Horses are generally
4 not afraid of helicopters. They are loud enough.
5 They can see them coming. They don't seem to spook.
6 I know some thoroughbred farms right near the track.
7 That is a regular thing. Those are the spookiest
8 horses I know. It has not been a problem.

9 MS. CAROLONZA: Just to that, during
10 the test flight you said some of the horses were
11 turned out. Does that mean they are not in the
12 barn?

13 THE WITNESS: At Beth Davidsons' farm
14 the horses were turned out --

15 MS. CAROLONZA: No, no. I meant -- is
16 it Cedar Lane Farm?

17 THE WITNESS: At Cedar Lane Farm?

18 MS. CAROLONZA: Is that the same as --

19 THE WITNESS: No, Cedar Lane Farm is
20 the Johnson farm. Some were turned out and some
21 were in the barn.

22 MS. CAROLONZA: Okay. During the test
23 flights?

24 THE WITNESS: Yes. In Florida my
25 horses are in a tent where it doesn't provide a

1 sound insulation. Even when they can hear it
2 coming, they don't seem to have a reaction.

3 MS. CAROLONZA: Hearing you speak
4 tonight you seem very passionate about growing this
5 farm business. Have you taken any other measures to
6 look forward to these future profits other than
7 establishing a heliport? In other words, if this
8 application was denied, does that mean that your
9 business could not flourish or --

10 THE WITNESS: It seems to be one way
11 that we are hoping to augment it. Financially it is
12 not currently flourishing and we have been trying
13 many things.

14 MS. CAROLONZA: I think that is it.

15 THE WITNESS: Thank you very much.

16 CHAIRMAN JOHNSTONE: Okay, one down
17 three more to go. Put your hand down. Yes?

18 MR. WHEAT: Floyd Wheat, 20 Keats
19 Road, Pottersville.

20 MR. BERNSTEIN: Sir, spell your last
21 name?

22 MR. WHEAT: Sure. Just like the
23 grains, W-H-E-A-T. My question is the fact that
24 this is an area of a lot of public interest and I
25 think you know one of the great ways to evaluate

1 that in terms of what are the benefits for the
2 community and what are the risks to the community,
3 so I am just curious, how did you evaluate the risks
4 to the community of extra helicopter traffic?

5 MR. WINDER: Mr. Chairman, I am going
6 to object to the question. It calls for a legal
7 conclusion. I don't think this witness is prepared
8 for that. We haven't heard from the planner.

9 CHAIRMAN JOHNSTONE: First of all, it
10 is not an improper question. If Mr. Johnson
11 understands and he says he doesn't know the answer
12 to that question, he can perfectly say that, so I
13 will allow the question.

14 THE WITNESS: Can you just restate it
15 as one simple statement or question?

16 MR. WHEAT: How did you evaluate the
17 risks to the community of additional helicopter
18 traffic.

19 THE WITNESS: I did not personally
20 undertake any risk assessment.

21 MR. WHEAT: The following question
22 would be then did any of your team of experts or
23 other advisers provide any assessment?

24 THE WITNESS: I think they have
25 testified to or our planner will testify to all the

1 studies and an assessment that have been done.

2 MR. WHEAT: Part of the reason I
3 haven't heard anything along those lines up until
4 now and I would think it would be pretty important
5 consideration. How do you personally feel about it?

6 THE WITNESS: Obviously, I feel safe
7 enough to continue to use one and having one land at
8 my farm in Montana, my farm in Florida. I always had
9 a fear of them, even though I was a pilot. For
10 years I never flew one. I could never understand
11 how people would take the chance. Now that I have
12 become more educated about the safety of
13 helicopters, especially turban helicopters,
14 personally I have decided I feel safe doing it. I
15 feel safe flying my children, my parents, my family.
16 I feel safe having the people around us that we love
17 on the ground nearby where we are operating. That
18 is really my personal assessment, not a technical
19 assessment, but I had the same fear.

20 MR. WHEAT: For the larger community
21 then aside from yourself, they are very safe?

22 THE WITNESS: They are very safe.
23 They operate in a lot of places. I am in Florida.
24 They come by the house, over the beach every day,
25 all day. They are a very safe mode of

1 transportation.

2 ME. WHEAT: That is all.

3 CHAIRMAN JOHNSTONE: Thank you. That
4 is two down. Anybody left?

5 MR. ROSS: Larry Ross, 60 Homstead
6 Road. Tucker, you mentioned that you weren't aware
7 of there being any problems with helicopters and the
8 neighbor over in Bedminister?

9 THE WITNESS: Yes.

10 MS. ROSS: What about the problem that
11 the Thortons had with the Mel application for a
12 heliport and the fact that the Thortons closed their
13 land to hunt because the hunt did not defend them
14 against the application of that heliport? There is
15 a lot of bad feeling there, as you know.

16 THE WITNESS: I would be very happy to
17 address this subject very carefully. I don't know
18 the Thortons very well. I knew they were concerned
19 about the application. I knew they tried to -- they
20 had some difficulties with Mr. Mel and the legal
21 access. They perceived they had a back driveway.
22 My perception and the information I have is they
23 were trying to use the Essex Foxhounds to press
24 Mr. Mel into giving up his heliport and there was
25 some leveraging there. I don't want to criticize

1 them. The plan was worked out. They had stated the
2 concern about safety when the hunt was operating and
3 it could spook the horses and Mr. Mel agreed not to
4 fly in and out voluntarily on the days that the
5 Essex Foxhound were hunting. The Thortons have been
6 very kind and allowed us back in there to hunt. I
7 was referring to problems with an operating heliport
8 not problems getting the application through. So,
9 when I was making the statement that I'm not
10 personally aware of any problem related to people
11 who have heliports, that is true. I did know that
12 there was some bad blood, but it was not related to
13 operation because Mr. Mel hadn't even used the
14 heliport. There was more of a dispute over a
15 driveway, frankly, than it was about a heliport.
16 There was a lot of --

17 MR. ROSS: He used the heliport as an
18 excuse.

19 THE WITNESS: I don't know. I want
20 to --

21 CHAIRMAN JOHNSTONE: First of all, ask
22 the question. Mr. Johnson will respond to the
23 question.

24 MR. ROSS: Moving on, are you aware
25 that horse shows, if the helicopter has to come for

1 an emergency landing, riders are asked to dismount
2 and the horses are expected to be returned to the
3 vans?

4 THE WITNESS: I did not know that.

5 MR. ROSS: That's a fact.

6 THE WITNESS: Okay.

7 MR. ROSS: You mentioned that the star
8 on top of the silo is lighted (sic) at
9 Christmastime?

10 THE WITNESS: Yeah, I saw it tonight.

11 MR. ROSS: Does that mean that if we
12 do indeed have a heliport, that that star will be
13 lighted 365 nights a year?

14 THE WITNESS: You know, it is funny, I
15 haven't thought of that. That might only be up
16 there at Christmas, but excuse me, there would be
17 marker lights to prevent anyone from flying into the
18 silo, so it would be noticeable. Whether that is
19 the star which is there seasonally, it may be on
20 there year round, I don't know the answer.

21 MR. ROSS: You said you might have
22 blinking lights on the top of the silo?

23 THE WITNESS: I don't think there
24 would be any more produced by Cedar Lane Farm. I
25 believe that the lights that are associated with the

1 heliport are mic activated lights. When the
2 helicopter approaches, they hit the mic button seven
3 times, the lights come on. They remain for five or
4 15 minutes or whatever you set it at, then they
5 automatically go off.

6 MR. ROSS: That is pretty sure?

7 THE WITNESS: Yeah. If there were
8 ever a problem with that and the light was bothering
9 you, something was wrong, you have to let us know.
10 We can address it.

11 MR. ROSS: I am sure as far as you are
12 concerned. We are concerned there won't be a
13 problem. It is others we are worried about. What
14 concerns me, I want to ask you a question, in 2009
15 when you gave us that other demonstration, at that
16 time you said to us, those of us that were there at
17 the demonstration, that you couldn't be always sure
18 that you wouldn't fly over our house or the
19 neighbors' houses because the wind could shift or
20 weather would require you to take another route, so
21 has that changed?

22 THE WITNESS: I think it has for me
23 and, you know, I looked at it very carefully and I
24 have flown a lot more since then. I landed in New
25 York City the other day with the wind right up the

1 tail 15 or 20 knots on the short dock at 33rd Street
2 and there was no problem. So, I am very comfortable
3 with the idea of requiring people to follow this
4 approach path and following it myself and so, I
5 don't believe that would be a problem.

6 MR. ROSS: But it could be a problem?

7 THE WITNESS: It won't be a problem.
8 We won't be flying over your house.

9 MR. ROSS: But haven't we had a lot of
10 discussion tonight well, there could be people that
11 might not be invited back, so it could happen?

12 THE WITNESS: If someone -- it could
13 happen that someone flies over. It could happen. A
14 Medivac helicopter flies and lands at your place or
15 at somebody else's place that would be disturbing
16 because it would be close and noisy. It might even
17 be scary, but in terms of people who have permission
18 to operate at a helistop at Cedar Lane Farm, if this
19 town approves it, we will not let them fly in and
20 out of our place if they are flying over your house.

21 MR. ROSS: Last question, during that
22 2009 demonstration you mentioned something that in
23 addition to family use and business use that maybe
24 some of your shooting buddies would want to come fly
25 in and out. Is that still the case?

1 THE WITNESS: Well, if I had a friend
2 over, they would have to follow the same path and I
3 have one friend who has a helicopter who does shoot
4 and has me to his house in Florida. He does not
5 keep it currently based in New Jersey. He only
6 keeps it in Florida, but it is conceivable that he
7 might want to come by and come out shooting for the
8 day in the fall months, yeah, I think that is
9 possible and these pilots are as familiar as any
10 good pilot is with reading these and following those
11 rules.

12 MR. ROSS: So, then it is fair to
13 expect that there will be friends of the family that
14 will be flying in and out?

15 THE WITNESS: I think I addressed
16 that. The principals committee would have to
17 determine whether that was okay or not and our
18 family for a specific thing. I don't think it is
19 inconceivable that I could have someone come over
20 and join me for a day. Thank you very much.

21 CHAIRMAN JOHNSTONE: Okay, we are
22 done. How many questions do you have? All right
23 you got two questions. Okay, you get two and that
24 is it.

25 MS. HELD: And the amount, the time

1 that it takes depends on how long-winded Mr. Johnson
2 is.

3 Nancy Held, 3 Woodegde Road. Where
4 are your closest competitors located for the sale of
5 embryos? Are there any competitors in New Jersey?

6 THE WITNESS: I don't think of them as
7 competitors. There are several farms in New Jersey,
8 I think Morsan sells some genetics, another one --

9 MS. HELD: Who do you consider your
10 closest --

11 THE WITNESS: I don't consider them
12 competitors. Actually to be advantageous if there
13 were more of them close by, I think a lot of them
14 are in Pennsylvania and New York State scattered
15 around and then there are people out in Wisconsin.

16 MS. HELD: So, you don't know where
17 they are?

18 THE WITNESS: Do you want me to list
19 all of the farms that sell --

20 MS. HELD: No, I am just asking where
21 the closest is?

22 THE WITNESS: I don't know what the
23 closest is. I don't know. I know there is one in
24 Allentown that use to sell a lot of genetics.

25 MS. HELD: Okay. And the trip that we

1 have talked about several times tonight about the
2 cadre of potential buyers would not come to your
3 farm because they couldn't come by helicopter, how
4 do you know that they bought a lot of embryos?

5 THE WITNESS: That is what I heard.
6 That is what I heard back -- I know that these
7 groups come in and do buy quite a bit.

8 MS. HELD: These groups are what?

9 THE WITNESS: They come into farms and
10 I believe that group bought quite a bit of cattle
11 and it changes the outcome of the finances of the
12 farm quite a bit when they spread the wealth around
13 like that.

14 CHAIRMAN JOHNSTONE: That's it from
15 the public. Correct? All right, thank you. Anyone
16 around the board have any final questions of
17 Mr. Johnson? I see no one else. Thank you,
18 Mr. Johnson, for your testimony.

19 THE WITNESS: I would like to
20 apologize for being long-winded, but I was trying my
21 best to give the fullest answers I could.

22 CHAIRMAN JOHNSTONE: I think you did
23 fine.

24 MR. BERNSTEIN: Could you announce the
25 next meeting?

1 CHAIRMAN JOHNSTONE: November 16th is
2 the next meeting. We will have it here. No new
3 notice.

4 (Whereupon the hearing was concluded
5 at 10:30 in the evening.)

6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

C E R T I F I C A T E

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

I, EILEEN THERESA CORLETT, C.C.R, a Notary Public of the State of New Jersey, Notary ID. # 2108104, Certified Court Reporter of the State of New Jersey, hereby certify that the foregoing is a verbatim record of the testimony provided under oath before any court, referee, board, commission or other body created by statute of the State of New Jersey.

I am not related to the parties involved in this action; I have no financial interest, not am I related to an agent of or employed by anyone with a financial interest in the outcome of this action.

This transcript complies with regulation 13:43-5.9 of the New Jersey Administrative Code.

EILEEN THERESA CORLETT, C.C.R.
License # XI02077, and Notary
Public of the State of New
Jersey #2108104, Notary
Expiration Date
December 24, 2013

Dated: