



# County of Burlington

## Department of Resource Conservation

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Eve A. Cullinan, *County Administrator*

## Board of County Commissioners

Felicia Hopson, Director  
Dan O'Connell, Deputy  
Linda A. Hynes  
Tom Pullion  
Balvir Singh

### **BURLINGTON CADB RESOLUTION # 2021-13**

#### **Right to Farm Complaint Under The New Jersey Right to Farm Act**

**Medford Township  
Block 201, Lot 1.04  
Mount Laurel Township  
Block 809.02, Lots 1.01, 2.01, & 2.02**

**October 14, 2021**

WHEREAS, On September 7, 2021 the Burlington County Agriculture Development Board ('Board') staff received a Complaint ('Complaint') addressed to the Board submitted by Mr. Russell Smith ('Complainant'), owner of Block 201, Lot 1.06 in Medford Township and Block 809.02, Lot 1.02 in Mt. Laurel Township, pursuant to the NJ Right to Farm Act ('Act') N.J.S.A. 4:1C-10.1a and N.J.A.C 2:76-2.7a pertaining to a specific activity occurring on the property (the 'Property') referenced above; and

WHEREAS, the Complaint was filed against Getts Services, LLC, d/b/a Arrowhead Stables with the physical address of \_\_\_\_\_, New Jersey 08055; and

WHEREAS, Arrowhead Stables operates the Farm Management Unit consisting of Block 201, Lot 1.04 in Medford Township and Block 809.02, Lots 1.01, 2.01, & 2.02 in Mount Laurel Township; and

WHEREAS, Ms. Barbara Getts serves as the Farm Owner/Operator for Arrowhead Stables and the Farm Management Unit in question; and

WHEREAS, the Farm Management Unit is a combined Equine operation offering services including, but not limited to, boarding / training / riding lessons; and

WHEREAS, according to Medford and Mount Laurel Township tax records, the properties that make up the Farm Management Unit are currently receiving agricultural assessment for property tax purposes and are in an area in which, as of December 31, 1997 or thereafter, agriculture has been a permitted use under the municipal zoning ordinance and is consistent with the municipal master plan, or which commercial farm is in operation as of the effective date of P.L. 1998, c.48 (C.4:1C-10.1 et al); and

WHEREAS, the Complaint alleges that Arrowhead Stables ‘does not comply with agricultural management practice for equine activities on commercial farms (N.J.A.C. 2:76-2A.10) by failing to engage in industry best practices to maintain pastures, avoid contaminated groundwater runoff, correct erosion, or clear debris from the property.’; and

WHEREAS, the Complaint further alleges that Arrowhead Stables ‘does not maintain or implement an Animal Waste Management Plan (AWMP) as required by N.J.A.C. 2:91-3.5.’; and

WHEREAS, pursuant to N.J.A.C. 2:76-2.7(b), in response to such a Complaint, the board shall contact the commercial farm owner or operator to provide evidence that the agricultural operation is a commercial farm pursuant to N.J.S.A. 4:1C-3; and

WHEREAS, since the receipt of the Complaint, Board staff has had multiple correspondences with Ms. Getts and her attorney via a Notice of Complaint letter, phone calls, emails, and an on-site visit reviewing the Right to Farm process, the allegations contained in the Complaint, and the information that Arrowhead Stables is required to submit in order to seek Right to Farm protections; and

WHEREAS, the September 10, 2021 Notice of Complaint letter addressed to Ms. Getts requested that by September 21, 2021 Arrowhead Stables submit evidence that the Farm Management Unit qualifies as a ‘Commercial Farm,’ including the most recently completed NJ Farmland Assessment forms (FA-1) submitted with Medford and Mt. Laurel Townships, and proof of annual income ‘...of at least \$2,500...’ as required by the Act; and

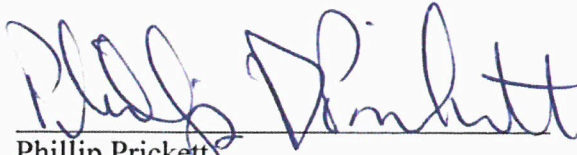
WHEREAS, during an on-site meeting with Ms. Getts on September 20, 2021, Ms. Getts expressed her intention to Board staff to not seek Right to Farm protections for this matter. Ms. Gett’s intention was confirmed by her attorney via email correspondence received by Board staff on October 1, 2021; and

WHEREAS, pursuant to N.J.A.C. 2:76-2.7(c)1 the board shall, at one or more regular meeting(s), determine ‘Commercial Farm’ eligibility and/or determine whether the operation or practice is included in one or more of the permitted activities set forth in N.J.S.A. 4:1C-9.; and

NOW THEREFORE, BE IT RESOLVED by the Board after reviewing the allegations of the Complaint summarized by Board staff, the lack of evidence provided to determine ‘Commercial Farm’ eligibility as required by the Farm Management Unit owner/operator, and the owner/operator’s decision not to seek Right to Farm protections, the Board makes the following findings:

1. The Complaint filed in this matter was duly filed and was considered by the Board.
  
2. The Farm Management Unit consisting of Block 201, Lot 1.04 in Medford Township and Block 809.02, Lots 1.01, 2.01, & 2.02 in Mount Laurel Township, Burlington County, is not a 'Commercial Farm', as defined in N.J.S.A. 4:1C-3 and N.J.A.C. 2:76-2.1, because the Farm Management Unit owner/operator presented no evidence to the Board to prove that the property meets the statutory or the regulatory definition of a 'Commercial Farm,' and because the owner/operator notified Board staff that she is not seeking Right to Farm protections for this matter.
  
3. The Board lacks jurisdiction over the activities occurring on the property and dismisses the Complaint. The activities occurring on the property are outside the purview of the Board and remain under the jurisdiction of applicable municipal, state, or federal agencies.
  
4. Pursuant to N.J.A.C. 2:76-2.7(k), any person aggrieved by the Board's decision may appeal the decision to the SADC within 10 days from the receipt of the Board's decision. The SADC shall schedule a hearing and make a determination within 90 days of the receipt of the petition for review.
  
5. A copy of this Resolution shall be transmitted to Mr. Russell Smith as the Complainant, to Ms. Barbara Getts as the owner/operator of Arrowhead Stables, and to the NJ State Agriculture Development Committee.

Member	Yes	No	Abstain	Absent
Phillip Prickett	✓			
John H. Hlubik	✓			
Peter Johnson				✓
Paul Shinn	✓			
Sherry Dudas				✓
Stephen Specca				✓
Jeff Tober (Alt.)	✓			
Kevin Sparkman	✓			
John Kocubinski				✓
Daniel Kennedy				✓
Ed Cohen	✓			
Randi Rothmel	✓			
Brian Lestini	✓			

  
 Phillip Prickett  
 Chairman, Burlington CADB

10/14/2021  
 Date