



State of New Jersey

STATE AGRICULTURE DEVELOPMENT COMMITTEE
HEALTH/AGRICULTURE BUILDING
PO BOX 330
TRENTON NJ 08625-0330

CHRIS CHRISTIE
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Lt. Governor

DOUGLAS H. FISHER
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Susan E. Payne
Executive Director
(609) 984-2504
(609) 292-7988
(609) 633-2004 ~ FAX

July 1, 2011

Douglas H. Fisher
Chairman

Mr. Saul Levin

TRENTON
NJ 08332

Re: Right to Farm complaint
Block 79, Lot 65, Deerfield Twp., Cumberland County

Dear Mr. Levin:

A February 15, 2011 Right to Farm complaint filed by Mr. William Szoke was transmitted by the Cumberland County Agriculture Development Board (CCADB or board) to the State Agriculture Development Committee (SADC or Committee) on May 16, 2011. The complaint alleged that your livestock operations on the above property created a nuisance to Mr. Szoke and other neighbors due, in part, to the manure management practices on site, and that the operation may pose a health risk to the livestock on site and to the neighbors. The case was transferred by the board to the SADC for a hearing because no agricultural management practice recommended by the Committee in agency regulations addressed those disputed activities.

One of the eligibility requirements for protection under the Right to Farm Act is that a commercial farm comply with all relevant state and federal laws and not pose a direct threat to public health and safety. In order to understand the site conditions better, representatives of the SADC, the New Jersey Department of Agriculture's (NJDA) Division of Agricultural and Natural Resources, and the Cumberland-Salem Soil Conservation District visited your property on June 21, 2011. An issue of primary interest was a determination as to whether your livestock operation is in compliance with the NJDA's regulations adopted March of 2009 titled "Criteria and Standards for Animal Waste Management"(N.J.A.C. 2:91). Those regulations, in part, require that your farm develop a high-density animal waste management plan (AWMP) no later than September, 2010 in compliance with the standards set forth in the regulations. During the visit, you and Mrs. Levin stated that no such AWMP has been prepared for your operation.

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As a result of the inspection, the SADC has determined that your operation is not eligible for right-to-farm protection because it is not in compliance with the NJDA's animal waste management regulations referenced above.

To ensure that your operation is eligible for right-to-farm protection in the future, we encourage you to work with the appropriate NJDA personnel to make sure you are complying with all appropriate state laws and regulations, as well as accepted agricultural management practices. We recommend that you contact Frank Minch of the NJDA Division of Agricultural and Natural Resources at (609) 292-5532, to determine the most expedient path for you to follow in obtaining the animal waste management practice. We also encourage you to contact Dr. Manoel Tamassia, Acting Director of the NJDA's Division of Animal Health, to ensure that your operation is in compliance with all applicable laws and rules regarding the treatment and care of animals. The contact phone number for the Division of Animal Health is (609) 292-3965.

In the meantime, because you are not eligible for right-to-farm protection at this time, please be advised that Mr. Szoke and his neighbors are entitled to proceed in court against you to seek abatement and remediation of any alleged nuisances being caused as a result of the activities on your property.

If you have any questions or need further assistance, please do not hesitate to contact me at (609) 984-2504.

Sincerely,



Susan E. Payne
Executive Director

c: Mr. William Szoke
Matthew E. Pisarski, CCADB Administrator
Karen Seifrit, RMC, Deerfield Township
Kim Bell, Cumberland County Health Department
Dr. Manoel Tamassia, Acting Director, NJDA-Div. of Animal Health
Frank Minch, NJDA-Division of Agric. & Nat. Resources