

**HUNTERDON COUNTY AGRICULTURE DEVELOPMENT BOARD
RESOLUTION 2024-07**

RIGHT TO FARM COMPLAINT

**[REDACTED], LLC
DELAWARE TOWNSHIP, HUNTERDON COUNTY, NEW JERSEY**

WHEREAS, pursuant to the Right to Farm Act, N.J.S.A. 4:1C-10.1(a) and the State Agriculture Development Committee's Right to Farm Rules, N.J.A.C. 2:76-2.7(a), any person aggrieved by the operation of a commercial farm shall first file a complaint in writing, with the applicable county agriculture development board or the State Agriculture Development Committee ("SADC") in counties where no county board exists, prior to filing an action in court; and,

WHEREAS, the Hunterdon County Agriculture Development Board ("Hunterdon CADB") received a complaint filed by "Delaware Township Residents for Responsible Farming" (Exhibit A); and

WHEREAS, the complaint alleges Health Code violations including improper manure management, improper disposal of carcasses, illegal livestock slaughter, lack of appropriate fencing, transportation of livestock across state lines, animal cruelty, and various business and construction code violations and nuisance violations such as noise and odor; and

WHEREAS, pursuant to N.J.A.C. 2:76-2.7(b), the CADB 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, pursuant to N.J.A.C. 2:76-2.7(c)1, the CADB determines commercial farm eligibility and/or determines 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

WHEREAS, if the CADB determines that the operation is a commercial farm, that the dispute involves agricultural activities that are on the list of the permitted activities set forth in the RTF Act, and that the commercial farm meets the eligibility criteria of the Act, then the CADB shall begin the conflict resolution process; and

WHEREAS, if the CADB determines that the dispute does not involve a commercial farm, and/or agricultural activities included on the list of the permitted activities set forth in the RFT Act, and/or the commercial farm does not meet the eligibility criteria of the Act, then the CADB shall dismiss the complaint; and

WHEREAS, on August 28, 2024, Hunterdon County Counsel, on behalf of the CADB, sent a letter to [REDACTED], asking him to provide evidence that the operation is a commercial farm (Exhibit B); and

WHEREAS, the County gave La Granja a deadline of September 20, 2024 to submit its proofs if it wished to submit to the Board's jurisdiction; and

WHEREAS, the County did not receive a response by the September 20, 2024 deadline; and

WHEREAS, on October 2, 2024, Bob Merenich, Esq. contacted Hunterdon County Counsel to advise that he represented [REDACTED] and that they had not decided if they wished to submit to the jurisdiction of the Board; and

WHEREAS, on October 8, 2024, the Hunterdon County Counsel received a letter from Bob Merenich, Esq., Counsel to Earth's Best Organic Farm [REDACTED] attached as Exhibit C; and

WHEREAS, Mr. Merenich's letter confirmed that his client did not wish to engage the jurisdiction of the CADB to address the Complaint.

NOW THEREFORE BE IT RESOLVED, the Hunterdon CADB hereby determines that because [REDACTED] through its attorney, has represented that it does not wish to submit to the Board's jurisdiction, that the Board lacks jurisdiction over [REDACTED]'s operation and dismisses the complaint. The activities occurring on the subject property are outside the purview of the Hunterdon CADB and remain under the jurisdiction of applicable local, state and federal authorities; and

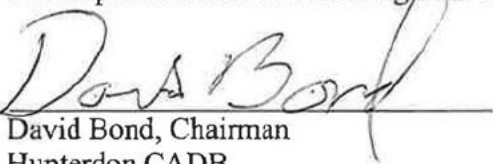
BE IT FURTHER RESOLVED that pursuant to N.J.A.C. 2:76-2.7(g), certified copies of this resolution will be forwarded to the following individuals and agencies:

Bob Merenich, Esq., Attorney for [REDACTED]
Corey Klein, Esq., Attorney for Delaware Township Residents for Responsible Farming
State Agriculture Development Committee

BE IT FURTHER RESOLVED, that pursuant to N.J.A.C. 2:76-2.7(k), any person aggrieved by the Hunterdon CADB's decision may appeal the decision to the SADC within 10 days from the receipt of the CADB's decision. The SADC shall schedule a hearing and make a determination within 90 days of the receipt of the petition for review.

1. The decision of the SADC shall be binding, subject to the right of appeal to the Appellate Division of the Superior Court.
2. Any decision of the Hunterdon CADB that is not appealed shall be binding.

I hereby certify the above to be a true copy of a resolution adopted by the Hunterdon County Agriculture Development Board at a meeting held on October 10, 2024.


David Bond, Chairman
Hunterdon CADB

10-10-24
Date