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For some N.J. farmers, 'Right to Farm Act' doesn't go far enough

July 13, 2012

By Bonnie Schultz, for NewsWorks

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Field staff harvest dandelions at the Honey Brook Farm in Chesterfield, N.J. (Photo courtesy of Sherry Dudas, Honey Brook Farm)

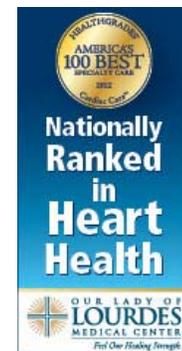
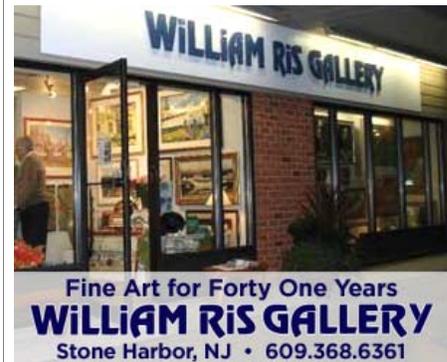
In 1983, the New Jersey Legislature passed the Right to Farm Act, a bill that was intended to provide legal protection and support for farmers in the Garden State. But some farmers feel Right to Farm fails to cover all of the issues they encounter.

New Jersey Right to Farm

- Passed in 1983, amended in 1998

At a recent Northeast Organic Farming Association

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(NOFA) meeting, farmers from around the state shared stories of clashes with neighbors and communities over everything from land use to traffic.

Right to Farm requires farmers to operate in accordance with agricultural management practices (AMPs) that have been developed by the State Agricultural Development Committee (SADC). The Act also gives primary jurisdiction in resolving complaints against agricultural operations to County Agriculture Development Boards (CADB) and ultimately to the SADC if there are appeals.

Brian Schilling, who serves on the SADC, called the Right to Farm Act the strongest in the nation.

"The law says if you are farming and complying with accepted Agricultural Management Practices and a neighbor complains, you will be found to not be a nuisance. Farms generate dust, odor and noise, and Right to Farm determines that this is normal for a farm."

Potential issues with the legislation

But for Jim Kinsel and Sherry Dudas, owners of Honey Brook Organic Farm in Pennington, the legislation hasn't helped in their effort to expand their operation.

Honey Brook Organic Farm, which is a Community Supported Agriculture farm, is considered one of the oldest and largest in New Jersey. The farm has received national recognition, and was even featured in a segment on the Food Network. Kinsel and Dudas were encouraged by the farm's success and decided to expand into nearby Chesterfield.

Dudas says the problems started with neighbors who thought they had a right to park on the private lane leading to their farm.

"The neighbor has lived in Chesterfield longer than we have, so the cops were called, and it evolved into a legal dispute," Dudas said.

CSA members go to the farm to pick up their share twice a week and also do "pick-your-own" in the fields.

"From the beginning, neighbors raised concerns about the distribution center," Dudas said.

Kinsel and Dudas hired a lawyer and attempted to mediate. However, at their last meeting they say Chesterfield officials surprised the couple with a request for a traffic study and paving of the lane. They refused, and Chesterfield filed a formal **Right to Farm complaint** against them.

"This new regulation felt retaliatory, they seem to be dreaming up new regulations that the other CSA didn't have to go through," Dudas said. "The County Agricultural Development board has our deer fence on their July agenda to review along with the paving of the lane and the mandate for the traffic study. It's getting very expensive, and we are still trying to mediate with the town to make these problems go away."

Ralph Shrom, a spokesperson for Burlington County, confirmed that the deer fence and site plan requirements have been adjourned until a scheduled July meeting. Shrom said that the Burlington CADB is acting as arbiter between the town and the farm.

Chesterfield Mayor Michael Hlubik said officials have tried to work with Honey Brook.

"Chesterfield ordinances and our master plan have been in favor of agriculture, but if you do something on your site, you need to follow rules in accordance with the township. It may look like we are picking on Honey Brook but it's not the case, we're just asking them to do what is in the ordinance," Hlubik said.

Hlubik feels neighbors and the farm owners need to work together to find a solution.

Keeping up with the industry

Other farms, including Stonyfield Meadows and Bobolink Farm in Milford claim they have experienced similar issues in their communities

Schilling wouldn't comment on specific cases, but did say he feels there is a lack of familiarity with the law on the local and county levels.

"There isn't proper awareness of the Right to Farm Act, and the SADC has been trying to educate the public and officials as to the proper venue for complaints," Schilling said.

Schilling also feels the industry is evolving faster than the regulatory process. Language in Right to Farm may not cover farmers who opt to open their land to new activities.

• "The Act protects responsible commercial farmers from public and private nuisance actions and unduly restrictive municipal regulations."

• "The Right to Farm Program has established a formal conflict resolution process to help farmers, neighbors, and municipalities resolve such disputes."

• The SADC coordinates the Right to Farm Program in partnership with New Jersey's 18 CADBs



Honey Brook Farms employee Melissa Reddick holds a box of chard. (Photo courtesy of Sherry Dudas, Honey Brook Farm)

More Info:

- [Right to Farm Act of N.J.](#)
- [THE ARTFUL BLOGGER](#)
- [New film 'Sourlands' offers look at farming, sustainability in N.J.](#)

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But despite the issues, Schilling feels Right to Farm is effective and is doing what it was intended to do.

"Even in the face of suburbanization and the regulatory environment not as friendly to farms as it was years ago, it gives farmers a sense of security that if they are doing the right thing, and someone complains about them, they will be protected under state law."

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Comments

"Garden State" — Donna 2012-07-15 11:23

This is sad. Reports on the dwindling number of farms in NJ make it sound like an issue that needs to be addressed but then people behave as though they want all the farms gone or conveniently not in their back yard. Where do they think food comes from, anyway?

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Chesterfield Issues — Dagmar 2012-07-26 11:20

This whole dispute I believe is due to the fact that the neighbors formerly lived in this little "burg" and then now they have to contend with traffic and so on. And they don't like it. Part of living next to or near a farm is that you may be inconvenienced at times with slow moving farm equipment vehicles and in this case people who come to pick up their produce. Perhaps they would be happier if the land was sold to a developer a midst houses and cars, etc? I think that the neighbors wouldn't be happy with that either, since part of the reason they are there is because they enjoy the open land. It's time to be neighborly and let Honeybrook do what they excel at, farming, and growing things without chemicals, as many conventional farmers do. Perhaps they and the mayor need to visit the farm to see the little children, the bees, the butterflies and the gorgeous produce and for the most part the nice people who frequent the farm and the nice people who work there, to better understand the situation. This might lead to more tolerant behavior on their part.

[Reply](#)

RIGHT TO FARM — Christine 2012-07-26 20:33

I have been a member of the Honey Brook Organic Farm for 15 yrs. I am also a cancer survivor. They provide my medicine (produce). I'm shocked at how local authorities have treated their expanding business. It pains me to know that SO MUCH money has to be spent to educate neighbors & the town. Are the residence OK with all the tax paying dollars being spent on ignorance? Is this the "Garden State" I live in? Maybe they would prefer putting them out of business & having a chemical dumping farm in town. My prayers go out to all involved. I believe the community would be healthier with farmer Jim in town. There is a solution to lower the staggering high numbers of cancer patients in NJ. The solution is to take a stand & support NJ farmers! We love ya Jim.

[Reply](#)

Here here! — Lisa 2012-07-31 22:15

I agree with you. It's not only cancer though, it's all illnesses that are popping up in large numbers. Especially diabetes. I have a chronic, inflammatory illness and I KNOW that a diet rich in organic, local produce has helped me stay healthy. Stories like this are SO frustrating!! No one is pointing a finger at the countless fast food restaurants just down the street on Routes 130 and 206 - the amount of traffic, pollution and poison that they bring to our communities is FINE because it's not next to someone's driveway who is friends with the Mayor. They should all be ashamed.

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Conflict of Interest? — Steve 2012-07-31 21:50

Funny that the mayor of Chesterfield has the same last name as a commercial/open to public farm just down the road...Coincidence or just another case of a NJ politician using their office for personal agenda? Hmm...I wonder if that farm would stand to gain more customers if Honey Brook had to fold their Chesterfield operation?

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What's in a name? — Lisa 2012-07-31 22:10

I bet that fact that the Mayor's last name is Hlubik has NOTHING to do with this? Isn't that the name of the "other" CSA just down the street. I guess they would rather have condos or a mini mall as their neighbor? What ever happened to being NEIGHBORLY? We LOVE our CSA at Honeybrook and will do whatever we can to support them. It's a shame when small town politics interfere with citizen's rights to own land and operate an organic FARM of all things. This is America isn't it?

[Reply](#)

Small town small minded — Jennifer 2012-08-03 21:37

I have been a member of Honey Brook for twelve years. Three in Chesterfield and 9 at the Pennington location. The attitude of the "old boy" farmers in Chesterfield is disturbing. They think that they can control and run everything to their liking. I used to stop at Hlubiks on my way home and buy some things that Honeybrook doesn't produce like corn. When I learned of the bad attitude and legal problems the local Chesterfield farmers were causing for my beloved CSA, I stopped going there and have not bought produce at any Chesterfield farm. I would rather drive out of my way. The Chesterfield farmers and residents need to realize that they can't control everything. Organic farming is healthier. They should be happy to neighbor an organic farm who is not spraying chemicals that would contaminate their property.

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