



SOMERSET COUNTY
AGRICULTURE DEVELOPMENT BOARD

Dedicated to our Friend and Founding Chairman Thomas R. Everett

County Administration Building 20 Grove Street P.O. Box 3000 Somerville, N.J. 08876-1262

"Celebrating 25 Years of Preserving Farmland & Enhancing the Industry of Agriculture in Somerset County"

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Somerset County Planning Board
Agriculture Development Board

Anthony V. McCracken, Sr., AICP/PP
Assistant Director of Planning

Tara Kenyon
Senior Planner

Catherine Bunting
Administrative Assistant
(908) 231-7021
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November 13, 2009

Mr. Robert Eurick
Rolling Acres Flower Farm
611 Case Road
Neshanic Station, NJ 08853

**RE: Response to Noise Complaints
Rolling Acres Flower Farm
Block 79, Lot 8
Case Road, Neshanic Station**

Dear Mr. Eurick,

The Somerset County Agriculture Development Board (CADB) has recently received complaints regarding the noise created by the roosters on your property. These complaints were received in writing and investigated by the CADB's Right-to-Farm Subcommittee, with their results forwarded to the entire CADB at their regularly scheduled meeting of November 9, 2009.

HISTORY

The Rolling Acres Flower Farm consists of 9.49 acres and is primarily a retail greenhouse operation. This farm is not under a Deed of Easement through the Branchburg, Somerset County or New Jersey Farmland Preservation Program. It is located on Case Road, Branchburg Township.

Complaints received state that there are approximately three to five roosters on your farm currently, and are located approximately 150 feet from the neighboring property line. The roosters are said to be excessively noisy between 4:30AM and 7:00AM, creating a nuisance for the neighbors of your farm. The complaints go on to say that because this farming operation is more of a hobby for you, rather than a livelihood, and the nuisance created to the neighbors is excessive in nature, that the roosters should be removed from your property to eliminate further disturbance.

The CADB received documentation from you, addressing these complaints, including a "Certification of Commercial Farm" form, a written statement from you regarding the nature of your operation and

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photographs of your property, the roosters in question, and the coops where the roosters are housed. Your statement describes the location of the roosters to be approximately 200 -250 feet from the neighboring property line. You also informed us that you have recently incorporated a new strategy on your property, which you believe has reduced the noise volume by at least fifty percent.

CADB INVESTIGATION

CADB staff reviewed all documentation received from the complainants and you, regarding the nature of this operation, as well as the location of the roosters and the noise volume created. This material was distributed to the CADB's Right-to-Farm subcommittee and then to the full CADB for their review.

Upon review of the above-referenced documentation, a member of the CADB went to a location central to your farm and where the complaints originated from, at 6:00AM. This CADB member listened to the noise created by the roosters, and kept a detailed log of when the noise began, when the noise ended and the duration of time between. The CADB member presented his findings at the Right-to-Farm Subcommittee, held on November 9, 2009. These findings were then forwarded to the full CADB for their determination.

CADB DETERMINATION

It is the opinion of the CADB that the raising of roosters is a generally accepted agricultural practice under the SADC standards, and is protected under the Right-to-Farm Act (NJSA 4:IC-1), section 9a, entitled, "Commercial Farm Owners, Operators; Permissible Activities". It is also the understanding of the CADB that the roosters are being penned and kept at a reasonable distance from the nearest neighbor's property line, thereby reducing the amount of noise to the best of your ability.

Your effort to reduce the noise volume from your roosters is commended, and will hopefully eliminate nuisances to the neighboring property.

The CADB would also like to note that whether or not this agricultural operation is a hobby or livelihood is irrelevant to the matter at hand, as your operation meets the criteria established for protection under the Right-to-Farm Act.

Please note, the opinion of the CADB is based on guidelines and regulations set forth by the SADC. The CADB did not create these guidelines and standards, but are interpreting them based on this request. Any and all approvals should be received from the SADC.

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Please contact me directly via telephone at (908) 231-7021 or via email at Kenyon@co.somerset.nj.us if you have any questions, or require further information. We look forward to our continued work in preserving farmland and advancing the industry of agriculture in Somerset County.

Sincerely,



Tara Kenyon
Senior Planner
Somerset County Planning Board/Agriculture Development Board

cc: Branchburg Agriculture Advisory Committee
Township of Branchburg Code Enforcement
Mr. Frank Magrosky
Mr. John Mazellan
Somerset CADB Members
State Agriculture Development Committee

December 14, 2009 Somerset CADB Meeting:
Relevant section from the meeting minutes

I-2) Rolling Acres Farm Complaint-Appeal to Decision

Ms. Kenyon informed the Board that Planning Staff has received an appeal to the decision made at the previous CADB meeting regarding the Rolling Acres Farm Complaint. The CADB had determined that the farmer of the Rolling Acres Farm was and is practicing in an agriculturally acceptable practice. The appeal was received from a neighbor which was then forwarded to the SADC.

Recently Chairman Mark Kirby made a second visit to the Rolling Acres Farm area and after discussion the Board did not waiver from their original decision that the farmer was operating under standardized agricultural management practices and the appeal would be forwarded to the SADC for consideration as required by statute.

When Ms. Kenyon offered a mediation process regarding this issue the offer was denied.