

**MILLSTONE TOWNSHIP
AGRICULTURAL ADVISORY COUNCIL
MEETING MINUTES
APRIL 9, 2024**

Chairperson Butewicz called the Meeting to Order at 7:36 p.m.

Chairperson Butewicz read the Adequate Notice

ROLL CALL:

Present: Mr. Asprocolas, Ms. Butch, Ms. Butewicz, Ms. Coppinger, Mr. Peck

Absent: Ms. Posten, Mr. Ziner

Public: Kevin Abernethy, Twp. Administrator
McKinley Mertz, PP AICP, Twp. Planner
Hanah Davenport, Associate
Katie Mazzella, SADC Representative
Howard Crawford, 26 Rising Sun Tavern Road
Dr. Abdul Kheder, 42 Olde Noah Hunt
Carol Birnbaum, 71 Red Valley Road

Speaker – McKinley Mertz – Regarding Assembly Bill A1227 dealing with labor housing proposals. It has not gone to committee review yet so there will be possible changes that get made before it becomes law. This proposal would expand on the current equine housing legislation to apply to farm labor housing. From a zoning perspective for the Township, regulations can be added to the code book to require that farm labor housing be temporary or non-permanent so that it can be removed when the use changes to non-farm related.

Mr. Peck expressed a concern that any farm housing ordinances must meet H2A/B guidelines which lend themselves to more permanent housing.

Ms. Butch noted that Right to Farm ordinances now in Millstone allow for housing of labor for farm related and equine activities. What's missing is a set of standards for the housing itself. It already stipulates that it must be for full time labor. Any additional ordinances by the Township must conform to State requirements and can not be any more strict than what the State permits.

Mr. Peck asked if the Township currently has any applications for farm labor housing.

Secretary DeFelice noted that the issue is with small farm assessed properties building large secondary dwellings/structures that can accommodate living quarters. The Township is concerned that these will turn into secondary residences/rentals that are not tied to farm activities.

Ms. Mertz noted that without specific ordinances in the code book, there is little enforcement the Township can do for properties using Right to Farm to bypass zoning laws. The Township can devise ordinances that are based on the current Equine labor housing law while waiting on the State to implement farm labor housing. The Township building department desperately needs guidance on how to proceed with requests by landowners that are farm assessed to build detached housing that may be converted down the road to rental or a second home.

Ms. Butch suggested that any farm labor housing use should be specified in the deed for that specific use.

Ms. Mertz noted that even if it is in the deed, the Township can't effectively enforce a change of use unless they have specific ordinances allowing them to do so.

Ms. Butch commented that there is little point to continue discussing the issue without knowing what the State will implement. She requested that Ms. Mertz address the SADC alternate pricing formula. Millstone needs to understand what unique features it has that should be included in a statewide formula. The SADC has a short timeline to get the SFV implemented and Millstone needs to provide input.

Due to the presence of public, the council moved to Public Comments before addressing the SADC statewide formula.

PUBLIC COMMENTS:

Carol Birnbaum, 71 Red Valley Road – Mr. & Mrs. Birnbaum have a 10.5 acre property at 71 Red Valley Road that they would like to put into farmland preservation. They want to remain on the property and not sell it to Open Space.

Ms. Butch noted that the property is in the RUP Zone which has a 10 acre minimum. The property is 10.5 with 1 residential unit already in existence. The development rights would not be worth much since the property would be considered fully developed.

Ms. Butewicz commented that the property does border other Township owed open space.

Ms. Butch noted that there may be other preservation opportunities to consider in the future. The Council will look into it.

Dr. Abdul Kheder, 42 Olde Noah Hunt Road – Mr. Kheder expressed concern that his application for preservation has not gone anywhere. He has 157 acres on Olde Noah Hunt Road that he is looking to put into both farmland preservation and Green Acres open space. His previous application several years ago was put on hold due to issues with ownership on the deed. That issue has been resolved. He was told by the Township that he should get a revised LOI since the one he has is over 10 years old.

Ms. Butch commented that he needed to be specific about what his plans are. There have been different variations in how many exception areas and subdivision plans. Ms. Butch recommended that Dr. Kheder deal directly with each program and bypass the Township.

Ms. Mazzelli noted that the application in September 2023 from Dr. Kheder was for Green Acres Open Space only and allowed for 2 lot exclusion zones. No farmland preservation application was given to the SADC. Green Acres was waiting for changes that were being implemented in their eligibility requirements before moving forward with the application. Katie offered to set up a meeting for Dr. Kheder, the SADC and Green Acres to move forward with State direct programs.

Howard Crawford, 26 Rising Sun Tavern Road – Mr. Crawford is the owner of the Rising Sun Tavern Farm. They have a farm market that they have renovated to serve the community. They took the old barn and turned it into a quaint country store/market. He did not understand the numerous zoning and township ordinance requirements. The Township is complaining that the square footage of his farm market exceeds land use ordinances. The area in use for his farm market did not change from the original footprint that previously existed. He is hoping the Ag Council can help him with his dealings with the Township Code and Land use Departments.

Ms. Butewicz noted that the Ag Council was unaware of the reason for the farm market to be prevented from opening. The Township did not reach out to the Ag Council to alert them which they should be doing for these situations dealing with farmers. There are similar markets in neighboring towns with much larger areas than Rising Sun Tavern Farm.

Mr. Abernethy noted that it is up to the landowner to share information with the Ag Council about issues with zoning or land use. Township officials should not be sharing private matters with third parties.

Ms. Butch noted that the Township is regulating space associated with farm operations and are going beyond what Right to Farm permits. There is no square footage restrictions listed so the Township can place their own restrictions.

Mr. Abernethy commented that if there are ordinances that are too restrictive, the Ag Council needs to present the changes needed to the Township Committee in order to get them changed. A meeting will be set up next week with the Township Code office, Township Administrator, Mr. Crawford and representatives from the Ag Council to address the situation with the farm market.

Mr. Crawford confirmed that he has a meeting with the County Health Department to address their concerns and will meet with the Fire Department to address their concerns.

Ms. Butch informed Mr. Crawford that he can also go to the County to get a Site Specific Agricultural Management Practice (SSAMP) that would over ride any Township ordinances. Ms. Butch and Ms. Butewicz will meet with Mr. Crawford to review the standard AMP.

Stern Farms LLC – A letter from Stern Farms LLC was read regarding their concerns about how the lease of the Spring Road property was handled. Mr. Abernethy confirmed that the letter was presented to the Township Committee for their review and that the Township Attorneys reviewed the bid process in reference to the letter’s concerns.

Katie Mazzella, SADC Representative – Ms. Mazzella informed the Council that while the State is creating the Statewide Formula Value for appraising farmland preservation applications, an interim policy is in place to allow applications to move forward while allowing landowners to benefit from the SFV when it is available. It will take about 18 months for the State to come up with the SFV.

Ms. Butch suggested that the Ag Council present a resolution to the Township Committee at their next meeting to request buy in on allowing the SFV to be offered to farmland preservation applicants. A discussion ensued regarding whether a resolution is needed or not. Ms. Mertz will include the topic in her presentation to the Township Committee at the next meeting.

Ms. Mazzella stated that she did not know of any resolution requirement.

Katie Mazzella informed the Council that as a result of public comment, the SADC has made changes to the proposed soil protection standards. The standards will not be retroactive to any preserved farms enrolled in the program as of October 1, 2024 in regards to the soil disturbance. A copy of the changes can be found on the SADC website. Policy 53 has been expanded to cover all wildlife fencing not just deer fencing.

Ms. Butch commented that the changes are a move in the right direction but the standards are still too restrictive and cumbersome and need additional revisions.

MEETING MINUTES:

January 9, 2024 Minutes – Ms. Butch noted several changes to the January 9th minutes. Mr. Asprocolas moved acceptance with changes. Ms. Butch offered a second. Both voted in favor.

February 13, 2024 Minutes – Ms. Butch noted several changes to the February 13th minutes. Ms. Butch moved to accept with changes. Ms. Coppinger offered a second. Both voted in favor.

CORRESPONDENCE: Covered in public comment section.

OLD BUSINESS:

Spring Newsletter - The draft went out. Send revisions by the end of this week

SADC Soil Standards Update: Discussed under public comment.

Deer Management: Tabled

Labor Housing Ordinance: Discussed earlier.

NEW BUSINESS:

Mr. Asprocolas requested moving to a hybrid meeting format. Mr. Abernethy confirmed that the Ag Council would be allowed to do a hybrid meeting. Secretary DeFelice noted that the remaining meeting dates would need to be re-advertised and that someone would always need to be present in case public showed up. A location would need to be fixed. The Council voted to advertise moving meetings to hybrid.

Chairperson Butewicz moved to go to executive session at 10:08PM.

Council returned from Executive Session at 10:19PM.

Seeing no further business, Councilperson Asprocolas moved to adjourn. Councilperson Coppinger offered a second. Meeting adjourned at 10:19PM.

Respectfully Submitted,

Andrew DeFelice