

MINUTES

7:30 PM

PRESENT: S. Harris  
D. Haywood  
J. Mathieu  
S. McNicol  
A. Russano  
M. Syrnick  
G. Vitale  
L. Voronin  
F. Murray, Alt #1  
C. Sobieski, Attorney

CALL TO ORDER

The meeting was called to order by D. Haywood at 7:31 PM.

NOTIFICATION

In order to ensure full public participation at this meeting, all members of this Board, and members of the public are requested to speak only when recognized by the Chair so that there is no simultaneous discussion or over-talk. Your cooperation is appreciated. The Board meeting is a virtual meeting held online. The meeting is hosted on Zoom with the link posted on the Township website.

Notification of the time, date and place of this meeting has been published in the Hunterdon County Democrat and Courier News on January 20, 2023, and has been posted in the Kingwood Township Municipal Building on January 20, 2023 and has been filed with the Municipal Clerk.

NEW AND PENDING MATTERS

Special Occasions Events on Preserved Farmland – Draft Ordinance

D. Haywood inquired if the Board had received any additional information on the matter. She stated the Board had discussed implementing an ordinance that was not as detailed as the Alexandria Township ordinance.

S. McNicol stated if she read the minutes correctly, there was some comment that the County was working on some guidelines and the Board was waiting for something from them or a draft from D. Banisch. She stated they did not talk about it at the Open Space/Ag (OS/A) meeting as there was nothing additional to discuss.

D. Haywood stated the Board had heard that the County was doing something but were not sure how far along they were in the process.

S. McNicol stated the OS/A would like to see an outline of a draft ordinance. The Board can ask D. Banisch to provide it to the OS/A.

M. Syrnick stated that S. McNicol was correct in that the minutes state that A. Russano commented that the County is moving forward in designing a tentative guideline that had not yet been prepared. She said that in the minutes A. Russano stated that the County did prepare and move forward about a month ago designing a tentative type of guideline but it has not yet been completely hashed out. Further in the minutes it indicates that D. Banisch was going to work with A. Fisher in drafting the ordinance and the Board should provide any input they had within the next two weeks of the meeting in June. M. Syrnick stated the Board is waiting for the professionals or input from the County.

A. Russano stated he had no additional information. He texted D. Banisch but has not received a response. There was supposed to be additional documents or additional contact to be made through D. Banisch. He stated it was imperative that the Board have something by next month so they can review it. He stated it was not that necessary for Kingwood to have as detailed an ordinance as Alexandria Township. He will reach out to D. Banisch.

D. Laudenbach stated she had sent an email to D. Banisch after June's meeting requesting the information for the July meeting.

S. McNicol stated she must have it for the OS/A meeting in September.

A. Russano inquired if everyone was in agreement that he request from D. Banisch a draft ordinance within two weeks so the secretary can distribute it to the Board members in time for discussion at the next meeting.

D. Haywood stated the only draft the Board has to look at is the Alexandria Township Ordinance and all the Board members agreed that it was too detailed. D. Banisch had discussed reducing it down but not sure how far he is with Alexandria Township. She requested A. Russano do what is necessary to get this expedited. It leaves the Township in a dangerous point if there is nothing in place and things get out of hand. She inquired if A. Russano knew the status at the County.

A. Russano responded he does not but will reach out to the County. After he receives a response, he will provide it to the secretary for distribution to the Board members.

D. Haywood stated she would like to see the Board make some progress. She stated if D. Banisch has produced anything that he hasn't shared with the Board she would like that distributed also.

A. Russano apologized for the delay and he will get on it immediately.

L. Voronin stated possibly D. Banisch is waiting for information from the County for guidance. She suggested that when A. Russano reaches out to D. Banisch he should inquire if he has been in contact with the County.

A. Russano agreed.

D. Haywood stated she thinks this will help the Board get moving and be able to make a recommendation to the Township Committee to put something in place.

#### EV Charging Stations on Existing Commercial Sites located on Route 12 – Draft Ordinance

D. Haywood inquired if any of the Board members had a chance to look at the draft D. Banisch distributed. The Board had discussed the fines for violations and she does not see that included in the new draft. She stated the fines were supposed to be \$50.00 for the first offense, \$100.00 for the second offense with a maximum of \$250.00, with discretion being given to the judge.

F. Murray inquired if the Township had any EV charging stations.

M. Syrnick responded the State put in a requirement that if you have a parking lot so many EV parking stations have to be included. The draft ordinance will bring Kingwood up to speed with the State. She does not know if anyone has a charging station in their business. If someone would come to Kingwood they would have to go to zoning and construct their parking lot in accordance with the State requirements.

S. McNicol inquired what section of the draft deals with the violation fines. Can the Board vote this evening to make that amendment and make the recommendation to the Township Committee?

A. Russano stated the Board discussed the initial fine of \$50.00 and escalating it to \$250.00 which would provide some guidance for the judge in instituting the fine.

M. Syrnick stated the ordinance was also assigning the responsibility to the zoning officer for the review of the application. If there was a business in the Township that was being built, they would not have to come to the Planning Board for the installation of the EV station.

C. Sobieski stated the August 9, 2023 clean copy of the draft ordinance stated there is a \$50.00 fine but provided for no graduation of the fine.

D. Haywood stated is the section of the application and enforcement of the ordinance assigned to the zoning officer.

C. Sobieski stated he did a search and it seems as if the zoning officer is to enforce all signage and installation requirements.

D. Haywood requested the secretary to inform D. Banisch to make the corrections.

L. Voronin stated she agrees with S. McNicol in that the Board informs D. Banisch to make the amendment and forward it to the Township Committee for introduction. The Board should vote this evening to make the one change in the fee for violations.

C. Sobieski stated he saw three mentions of the zoning officer, the one he mentioned earlier and then on page five and page nine. He stated it seems that the zoning officer is the one tasked with carrying out most of the ordinance by his reading of the ordinance.

In response to a question if the Board could vote on the matter, C. Sobieski responded that the vote is really a recommendation to the Township Committee to introduce. After it has been introduced by the Township Committee it will come back to the Planning Board for a formal decision.

It was moved by S. McNicol, seconded by F. Murray and carried to make a recommendation to the Township Committee to introduce the draft ordinance with the amendment to add: \$100.00 for 2<sup>nd</sup> offense and \$250.00 for a maximum to the violation fines.

All members present voted AYE on ROLL CALL VOTE, except J. Mathieu who ABSTAINED.

### **Farmland Preservation Plan**

A. Russano stated he has an update. D. Banisch had spoken to the members of the OS/Ag Board at last month's meeting. The SADC has sent the draft back with comments and requested some revisions. D. Banisch stated he has completed the revisions and hopes to have the final version by next month. It is progressing forward. The revisions were minor.

### **County Agricultural Development Board (CADB)**

C. Sobieski stated that the memo was long because it is a very complicated set of regulations. The CADB supersedes municipal zoning in most cases. The Right to Farm Act (RFA) provides the authority from this type of issue. The RFA act created the SADC and CADB. The RFA lists a series of activities that one can do by right on a commercial farm such as basic agricultural activities. There is an enumerated list of these activities that are permitted by statute by the RFA. The RFA also allows for the SADC to designate other activities you can do on a farm regardless of what municipal zoning says to the contrary. That is the second layer of activities. The third layer comes from the CADB. As an example, if a commercial farmer wants to do something on their property that is farm related but would violate whatever the municipal zoning is in that area. He gave an example of someone who is in a zone like a downtown zone and the zone does not permit the raising of horses. He would go to the CADB and request a Site-Specific Agricultural Management Practice (SSAMP) determination. Once the SSAMP is approved by the CADB the activity is permitted and there is nothing the municipality can do to stop it. He stated that is the short version but there are a lot more intricacies and things that are more detailed in the memo. The property never received an SSAMP determination. The property received certification as a commercial farm but the parking of trailers on the property is not a covered activity either by the RFA or by the regulations of the SADC. The third option is that the property was approved by the County to have the trailers. His firm could not find that he received an SSAMP determination. The Township zoning official cited the property on January 24, 2017. The property's commercial designation was done in April 13, 2017. The zoning officer, on March 21, 2017 decided to stop pursuing the case against the property owner which was prior to the property being designated as a commercial farm. The most rationale explanation is that the property owner filed immediately after getting the violation for a commercial farm certification. The zoning officer was then made aware of the commercial farm designation and that he would be getting his SSAMP determination so the Township had no authority to enforce the zoning violation. To his knowledge the property owner never received an SSAMP determination. He stated he is likely able to store those trailers on his property because they probably fit the definition in the ordinance of a utility trailer.

G. Vitale stated he is familiar with the operation. The farmer does have utility trailers. All of the trailers are registered and can be on the road. He stated the trailers fit the ordinance as it is written. G. Vitale stated that the property owner was informed that the zoning officer said that there was nothing more he had to do.

L. Voronin inquired if all of the trailers are registered with the DMV and insured.

G. Vitale responded he is not aware.

L. Voronin stated the photos of his property show that there are about 20 or 30 of trailers.

G. Vitale responded he has about 100 and all of them are registered and street legal.

L. Voronin inquired if they were insured and if he has seen the documentation.

G. Vitale stated he has not but the property owner will provide the documentation if requested.

L. Voronin stated the Township should be provided with the registration and insurance for each one of the trailers.

S. Harris stated Exhibit A states with the commercial farm status now certified the CADB can move forward with the SSAMP hearing at the property owner's request or in response to a formal complaint by the Township. He stated unless there is a formal complaint by the Township the property owner doesn't have to do anything.

C. Sobieski stated if the Township's ordinance did not permit him to have the trailers, then he would have to go to the CADB but the Township's ordinance permits these trailers.

C. Sobieski stated the ordinance defines utility trailers and where they can be located on a lot:

#### *Utility Trailer*

*Any trailer which is utilized to transport produce, livestock, farm equipment, boats, motorcycles, racing cars, antique cars, snowmobiles, jet skis and other agricultural products or equipment or recreational equipment.*

*Utility trailers, mobile homes, vacation trailers and campers may be stored outdoors in the AR-2 Zone only when such storage is confined to the rear or side yards of the lot. Utility trailers may be stored outdoors in any zoning district other than the AR-2 Zone only if such trailer is used in conjunction with the business conducted at that location and only when such storage is confined to the rear or side yards of the lot. Construction trailers may be stored outdoors in any zoning district only if such trailer is used in conjunction with a landscape contracting or construction contracting business validly and lawfully conducted at that location and only when such storage is confined to the rear or side yards of the lot.*

C. Sobieski stated cargo containers are defined as follows:

#### *Cargo Container*

*This definition of cargo container shall not include any trailer or other container which is equipped, or at one time was equipped, with wheels allowing it to be transported by towing. A cargo container is any combination of materials consisting of four sides, a floor and a ceiling which form an enclosure whose principal use is the storage of goods, equipment, and material for transportation via sea or overland via truck or railroad.*

C. Sobieski stated in his legal opinion they fit the definition of a utility trailer. They are not portable storage containers because they are licensed, tagged and insured.

C. Sobieski stated portable storage containers are defined as follows:

*Portable Storage Container*

*Any container or other unit, consisting of four sides, a floor and a top, that is designed or used for the purpose of holding, transporting, or storing items and/or materials, including but not limited to household goods, wares, building materials or merchandise, on a temporary or permanent basis, or for shipping such items and/or materials, and which can be transported from place to place by truck, train, or ship. Notwithstanding the foregoing, all trailers and trucks that are currently registered, tagged and insured for use on public roads and are used by an agricultural, commercial, or industrial operation to transport goods, products and materials from one location to another shall be excluded from the definition of "portable storage container."*

C. Sobieski stated the Board can make the determination based on the composition of the trailer. They could be portable storage containers if they were not tagged and insured. He stated the long and short of it is that there is not much the Township can do with how the ordinance is written.

S. Harris asked for clarification on page 5 from C. Sobieski – If the SADC or CADB approves a proposed activity, operation and/or structure as a SSAMP, that activity, operation, and/or structure specifically will receive RFA protections, including those pursuant to NJSA 4:1C-9 which preempt municipal land use regulation. He stated since the property owner only got approval from the CADB and never went through the SSAMP process the municipality would still have jurisdiction.

C. Sobieski stated the municipal regulations allow him to have the trailers.

L. Voronin stated that seems to be a problem. Someone can have an unlimited number of trailers on their property. She stated that is absolutely ridiculous.

C. Sobieski responded yes as far as the ordinance permits. If someone wanted to put 1000 utility trailers in their yard, they would run into stormwater regulations and create a nuisance. Based on what he saw with Google maps and the satellite view, he would not move the needle in that direction. He stated theoretically there does not seem to be a limit of how many utility trailers someone may have on their property per the ordinance.

L. Voronin stated looking at properties on Google maps there could be 500 trailers in that yard. She made the suggestion that the Planning Board should review the trailer ordinance and put a number in it.

S. Harris inquired would not that restrict commerce if they are doing it for a business. He would not want to restrict a farm from being able to produce efficiently.

L. Voronin suggested the Township should be reasonable in how many trailers you could have on a property. She inquired if a farmer really needs 500 or do they really need 10 or 20. She stated that is a lot of trailers to have on your property. She stated another issue in the memo is that the property owner is using those trailers to go to another farm and picking up hay. She referenced S. McNicol's memo which indicated that in order to have a farm stand you have to make 51% of what you are selling on that farm. She said it does not seem as if he is harvesting hay so he is selling stuff on his property that he does not produce on the property. He is a distributor and not a farmer.

C. Sobieski stated he has a commercial farm certification and he has numerous ways to protect himself and has a lot of entitlements.

G. Vitale stated he is registered as a farmer for 100 or so farms where he is taking care of the hay on those farms. He also provides hay for the County fair. He is a massive hay farmer in the County. He stated he probably is storing empty trailers on the property because he uses them for hay storage at the places he farms.

L. Voronin inquired where he was getting the hay.

G. Vitale responded he does not farm in all of NJ but is local. He is probably storing the empty trailers for hay storage when he is harvesting hay. They are sometimes taken away or stored on the property. He is using the trailers for transport and to store hay. They are being used for agricultural products.

C. Sobieski stated the Township can take it to extremes by stating you could have 1,000 trailers on your property. The question is what can the Township do to curtail it?

G. Vitale stated he deals with other ordinances at the State level where it is a density type of ruling that says a person can have only so many trailers per acreage. He stated if the Township was going to choke someone's business, they could use the approach of saying they could have two trailers per acre.

C. Sobieski stated the real issue is that this is an on-going use of the property in the storing of the trailers. If the Township changes the ordinance tomorrow to indicate that none are allowed, the use on that property would be a pre-existing non-conforming use which is a grandfathering of a prior use. He gave an example of if a shed was originally permitted to be 10' from the property line and a change in the ordinance now required 20' the shed is grandfathered in and does not have to be moved. The same protection applies to uses on a property. The use would be able to be continued until he stops using the trailers for his hay business. There are a lot of different theories to what constitutes an extinguishment of a use.

D. Haywood stated the Board is talking about changing the ordinance but what she heard was that it does not matter if the Township amends the ordinance, the RFA is governed by the State and County. She stated L. Voronin pointed out that the property was violating the Township's ordinances. The County had said they could have more than one trailer and the number of six came up but L. Voronin stated they have more than six.

C. Sobieski stated the CADB did not approve the trailers on the property. The Township's ordinance permits him to have the trailers. He stated someone had filed a complaint that he had trailers on his property. The zoning officer issued a citation and the property owner thought to himself that if he gets certified as a commercial farm and a SSAMP determination it would allow him to store the trailers. The property owner files for commercial farm certification and the zoning officer receives notice of that certification and dropped the

case or relooked at the ordinance. The zoning officer determined that it was a permitted use. The property owner never got an SSAMP determination because he did not need it. If the Board was going to change the ordinance today, it would affect anyone in the future. He did not see anything that the storing of trailers was covered under the RFA.

L. Voronin stated she did not like the use of the word “choke.” She would like to see all the residents to be playing by the same rules. She does not want anyone to be disturbed with trucks going in and out. She would like the Board to think about updating the ordinance in regard to the number of trailers. She inquired if the Township would really like a lot of trailers on resident’s properties. She stated there is a company down on Route 519 that has a lot of trailers and she is curious of what is in all of those trailers. She would also like to know if the property owner does have registration for all those trailers on his property and if they are insured. She is not certain how to pursue.

S. Harris agreed that the property owner should be following the regulations. If the trailers are not actively being used for the business they should not be stored on the property. He stated but if they are being used for the business, the Township supports farming.

C. Sobieski stated the trailers also provide protection.

G. Vitale stated the trailers provide a protective barrier for the bales. They are used for more than just transportation.

C. Sobieski stated the provision of portable trailers apply to temporary moving containers. The person fills them up and the company takes them away. His opinion is that is what the ordinance anticipated. It did not anticipate semi-truck trailers stored on a regular basis. The ordinance was adopted in 1999 and the portable storage containers were added in 2010.

S. McNicol suggested it was for something like a “POD.”

A. Russano stated a farmer’s original intent for storage containers was to utilize the ones that come off the ships to store grain so rodents would not get into the grain and contaminate it. The Township is a farming community. He agrees that the Township has to be able to keep it moving in the forward direction with agriculture but at the same time it does not mean the Township has to allow people to store containers on their property. He thinks that the containers are less expensive than a 1,000,000 sq ft building. He stated this discussion has brought up some valid points. He inquired if the Board wanted to review the issue any further?

S. McNicol stated she thinks what L. Voronin is concerned about is abuse. Anyone can easily see someone coming in from the outside and informing the Township of what they are doing but they are not really doing it. They are moving trailers in and out. In this particular facility she has seen them running trailers at night around 11 o’clock. She stated someone lives next door and that is somewhat disruptive. She is somewhat sensitive to the abuse situation. There was a specific property on Oak Grove Road. The Township had problems in the past with vehicles being brought in, filling the entire 2-acre parcel, and trailering them at all hours of the day and night. It was really hard to get fixed and was very disruptive to the entire neighborhood. She is very much pro farming but maybe there should be a limit. A property owner should not be able to fill up their entire 100-acre farm from top to bottom with trailers.



M. Syrnick stated if you have 100 acres you are farmland assessed. The property is inspected. The property owner cannot take his entire farm and park trailers and still be farmland assessed.

C. Sobieski made the following suggestions that the Board could consider in regard to trailers:

Restriction of 1 or 2 per acre;  
Hours of operation – such as no moving of trailers from 10:00 pm to 7:00 am;  
Making a distinction between semi-truck trailers or other large truck trailers;  
Require screening.

C. Sobieski stated D. Banisch would probably be the one to come up with the appropriate policy.

D. Haywood inquired of A. Russano if that was something the Township would be interested in pursuing.

A. Russano stated he has been farming in Kingwood for about 40 years. His property does not have any containers but does have some sheds. The majority of the sheds have holes for the rodents to get in and out. He stated it may be something, if the Board is so inclined, to look into and continue the conversation. He stated the residents have a beautiful community and would like it to stay pristine. He would not want to see 1,000 trailers on a property.

L. Voronin agreed with A. Russano's comments. Can the Township put in a number or density requirement on the property? She is not concerned about the farming operations but concerned of other people storing who knows what in the trailers.

S. Harris stated until he read the letter from Mr. Agulis on how unaffordable it was to run a farm in the area, Mr. Agulis gained a lot of sympathy from him. He does not like the aesthetics of it but wants to encourage farming. He inquired what happens to a farm if they cannot operate any longer.

D. Haywood inquired if anyone has any objection to continue the matter. She stated L. Voronin thinks the Board should continue the discussion and she has heard other opinions that the Board should not continue. She feels that it is something that Board should look into and discuss. The Board wants to encourage farming but do not want it at the expense of something becoming an eyesore, which could happen if there aren't any regulations.

M. Syrnick stated there are a lot of farmers in the community which grow grasses for mushroom farming and hay. That is the type of farming that is predominantly done in Kingwood. She inquired if it would make sense to forward it to the OS/A for discussion which actually has members who are farmers or keep it before this Board.

S. McNicol stated she thinks the Board should keep it here and try to develop something that is not super restrictive. It should be developed to provide something that the Township could have some control over and then at that point send it to the OS/A board. She stated the OS/A board tend to flounder if they don't have something in front of them to discuss. They need something to review. She stated there must be other communities that have dealt with the issue.

C. Sobieski reviewed after re-reading the utility storage trailer provision it limits where the trailer can be parked in the AR-2 zone. In the AR-2 zone it can be parked in the rear or side lot. Outside of the AR-2 zone it can be stored in the rear or side yard but has to be connected to a business. The ordinance was drafted in the 1990's and probably anticipated that farmers would be storing trailers on their properties.

A. Russano stated, him being on the OS/A Committee, if the attorney could provide a synopsis and identify the concerns.

C. Sobieski stated he will provide it to both the OS/A Committee and the Planning Board. He stated if the Board members had any other concerns, they should email him them.

Several of the Board members agreed with the process of the attorney preparing the synopsis and identifying the concerns. The attorney agreed to provide it for the next month's meeting.

A. Russano stated he would then take the information and convey it over to the OS/A committee and get their input.

S. McNicol stated the next OS/A meeting is scheduled for 1<sup>st</sup> Tuesday of September.

### **Farm Stand Memo**

D. Haywood stated there is an inconsistency between the percentages in the two sections of the ordinance. One requires 51% to be produced on the farm and the other one requires 75%. The memo talked about the difference between a farm stand and farm market.

S. McNicol stated the OS/A Board was requested by the Township clerk to review the farming and open space ordinances. After reviewing the ordinances, a member picked up the different requirements in the two ordinances. In the ordinance for a farm stand 75% had to be from the farm but for a larger farm market 51% had to be generated on the farm. A farm market is defined in the ordinance. She stated the OS/A Board discussed if there was a difference between a farm stand and farm market. She inquired if farm stand should be defined. She inquired if there should be parking requirements for a farm stand. She stated the general feeling was that putting out a table with eggs, flowers or tomatoes shouldn't have limitations on parking. A member of the OS/A Board also asked about liability. She thinks that the homeowner's insurance should cover people if someone was injured picking up eggs from your stand. She inquired if the Board felt that the Township needs to have farm stand defined and if the intention was for a farm stand to have 75% of the product from the resident's land.

M. Syrnick stated if you have chickens and want to put a little stand at the end of your driveway or are selling tomatoes and your produce, it should be 75% of what your selling is coming from your farm. The Township does not hear a lot of complaints about farm stands. The Township does receive a lot of complaints from farm stands that barely 30% comes from their farm or less. She stated that if a farm stand is required to only have 51% of what is raised on their property it would allow them to sell anything else.

S. Harris stated, on Route 519 the Sisters Farm, has the little buildings. They sell flowers, mums and it is not really a farm stand.

S. McNicol stated the owners say it is a farm stand and now they have events and all other stuff.

S. Harris inquired what would it be if it doesn't follow any of the regulations.

G. Vitale stated he thought that the farm stand is open air and a farm market is a walk-in. The farm stand is at the end of the driveway and is seasonal. The Township needs to define farm stand. For the farm stand it should be 75% from the property, which it is most likely 100%. If a person has a farm market, then they are selling other than what is produced on the property.

S. McNicol inquired if farm stand is defined in the ordinance.

C. Sobieski responded there is no definition in the ordinance. He stated in the farming section of the code reads as follows:

*Commercial Agriculture*

*The production, principally for sale to others, of plants and animals or their products, including but not limited to forage and sod crops; grain and feed crops; dairy animals and dairy products; livestock, including beef cattle, poultry, sheep, horses, ponies, mules and goats; the breeding and grazing of such animals; bees and apiary products; fruits of all kinds, including grapes, nuts and berries; vegetables; and nursery, floral, ornamental and greenhouse products.*

*Farm*

*An area of land of single or multiple contiguous or noncontiguous parcels which is actively devoted to agricultural or horticultural use, including but not limited to cropland, pasture, idle or fallow land, woodland, wetlands, farm ponds, farm roads and certain farm buildings and other enclosures related to agricultural pursuits.*

*Home Agriculture*

*The production principally for home use or consumption of plants, animals or their products or bees or their products and for sale to others where such sales are incidental, including but not limited to gardening, fruit production and poultry and livestock products for household use only.*

C. Sobieski stated a few more definitions would be helpful. He stated Section 74-2.A2 provides for the following:

*Providing for the wholesale and retail marketing, including U-pick marketing, and sales of the agricultural output of the farm and related products that contribute to farm income, including the sale at the owner's farm stand of agricultural products so long as at least 75% of the products being sold at the farm stand by the owner of the farm have been grown on said farm where the stand is located.*

C. Sobieski stated there is no definition of a farm stand in Section 74. He stated the CADB or SADC should be able to provide a template. He stated East Amwell does have a definition for farm stand. He will provide it to

the Board. He stated it is something a lot of towns have grappled with. He read from East Amwell's ordinance the definition of farm stand:

*Farm Stand*

*A facility for the wholesale or retail marketing of the agricultural output of a commercial farm, and products that contribute to farm income except that if a farm stand is used for retail marketing at least 51% of the annual gross sales of the retail farm stand shall be generated from sales of agricultural output of the commercial farm, or least 51% of the sales area shall be devoted to the sale of agricultural output of the commercial farm; provided, however, that if the retail farm stand is located on land less than five acres in area, the land on which the farm stand is located shall produce annually agricultural or horticultural products worth at least \$2,500.*

S. McNicol stated the Township has a pretty serious farm market ordinance but it needs to define the smaller farm stands.

G. Vitale stated his recommendation would be that a farm stand is open air with a small footprint (possibly the square footage of a folding table), the products sold are limited to be from the property. He would not limit the definition to be that it has to be a commercial farm. If they are a commercial farm, they are under the RFA and all of its limitations.

Several board members agreed with G. Vitale's comments.

S. McNicol stated at the September OS/A Board she will inform them that the Planning Board will be looking at defining farm stands and no one should have restrictions for parking or number of required spaces.

**Minutes**

It was moved by S. McNicol and seconded by M. Syrnick and carried to approve the minutes of June 8, 2023 and place on file with the following correction:

*S. McNicol stated they did but it was just sort of a discussion of the pros and cons. Nothing was really set. A group The OS/A committee members did respond that they were concerned and had some issues with what went on near their homes and that they would like to see some regulation. ....*

All members present voted **AYE** on **ROLL CALL VOTE**.

**CORRESPONDENCE**

D. Haywood reviewed as per the agenda:

NJ Planner – May/June 2023;  
Commitment to Communities;  
SADC – Notice of Rule Proposal (Added 8/8/2023)

**PRIVILEGE OF THE FLOOR**

M. Syrnick commented on the piece of correspondence regarding Commitment to Communities. She stated G. Vitale had brought it up previously. She stated it is getting a lot of traction in New Jersey.

G. Vitale stated it talked a lot about using the roads. A possibility would be to do a racing movie in the Township with loud cars driving really fast.

A. Russano stated that the movie that was set in either East or West Amwell was postponed. He had a sidebar conversation with M. Salak, Hunterdon County Director of Economic Development, and offered should he or anyone else inquire about a location, the residents in Kingwood would be interested in a future movie set.

C. Sobieski commented that Netflix opened up a studio in southern New Jersey.

### **ADJOURNMENT**

It was moved by A. Russano, seconded by S. McNicol and carried to adjourn the meeting at 9:09 PM. All members present voted **AYE**.

**Respectfully submitted,**

**Diane Laudенbach, Secretary**