

**Ag Advisory Committee Minutes for September 13, 2011**

Meeting commenced at 7:30 pm with Chester Urbanski, Betty Jane Hunt and Greg Sappington present. Bill Kiriluk and Dave Miller were absent.

Minutes from the previous meeting of July 18, 2011 were reviewed and approved.

The Planning Board had requested that the AAC comment on 109-99,109-102, 109-103, Accessory buildings and Animal Waste Management. It was noted that most of these comments and suggestions were done via email over the last few months. The AAC will submit the following comments to the Planning Board for their next meeting:

**109-99**

**Riding academy, livery, or boarding stable.**

A riding academy, livery, or boarding stable may be permitted, subject to the following provisions:

A.

A lot area of not less than 15 acres shall be required.

B.

Accessory dwellings and farm buildings shall be permitted.

C.

No more than one horse per acre shall be permitted.

D. Four horse shows shall be permitted each year. Additional shows require Township Committee approval.

E. All structures, parking and loading areas and other facilities shall be set back a minimum of 150 feet from the exterior lot lines, only if adjacent to residential properties., otherwise the setback is 50'.

F.

There must be proof of a waste disposal and a management program certified acceptable by the County Health Department or local Board of Health.

**Comment [C. U.1]:** There is no definition in the code for accessory dwellings plus there are no regulations. There is a definition for farm buildings but there are no regulations

**Comment [C. U.2]:** This must be enforced.

**Comment [C. U.3]:** The Equine Clinic in East Amwell dumps all of their equine waste on wetlands which run into the Alexauken . These are sick horses and the waste material contains pharmaceuticals and medications.

G.

All new riding academies must be constructed of wood or stone and possess barn-like qualities such as steeply pitched roofs. Preexisting farm buildings not constructed of wood or stone can be converted for riding academy use, provided sufficient landscape screening is installed to shield the structure from the view of off-site residences.

**Comment [C. U.4]:** New materials are available, for example: fiberglass, corrugated plastic, steel. Construction materials should not be exclusive to wood or stone.

**Landscape contractor with plant nursery, with or without retail sales. 109-102**

The personal service business of building, installing and maintaining hard and soft landscape features off-site for a contracted fee may be permitted subject to the following provisions:

A. A minimum lot area of 6 acres shall be required.

**Comment [C. U.5]:** This will help people get into business, not prevent them from doing so.

B.

No more than 65% of the retail stock of a nursery shall be plant material raised on properties not owned or leased by the applicant.

C.

No power equipment, such as gas or electric lawn mowers and farm implements, may be sold wholesale or retail.

D.

All equipment and vehicles must be stored within a building.

**Comment [C. U.6]:** Does this mean under a roof or in an enclosed building out of sight? We recommend under a roof.

E.

All structures, facilities, parking and loading areas shall be set back a minimum of 100 feet from the front property line and 100 feet from the other exterior property lot lines only if the adjacent properties are residential, otherwise the setback shall be 50'.

F.

Frontage and access to the landscape contracting use shall be limited to any paved road.

G.

A landscaped buffer yard of 20 feet in width shall be required along the rear and side yard lot lines of the site only if rear and side yard lots abut residential properties.

**Farmers' market. 109-103**

A market consisting of booths and stalls which is organized, owned, and operated by farmers to sell produce and farm products to the general public may be permitted subject to the following provisions:

A.

The minimum lot area shall be two acres.

B.

A maximum of 500 square feet of selling area for any one individual farmer or retailer shall be permitted.

C.

Sales are limited to farm products and services, craftsman-produced goods and food services.

D.

A minimum stall size of six feet by nine feet with aisle widths of 12 feet.

**This is the current definition in the code of West Amwell for accessory uses;**

[Amended by Ord. No. 95-07] WAT

As used in this chapter, the following terms shall have the meanings indicated:

**ACCESSORY BUILDING**

A separate and subordinate building, on the same lot with a principal structure or a portion of a principal structure, **occupied or devoted exclusively to an accessory use**, whether or not said accessory building has a foundation. Where an accessory building is attached to a principal structure by any means, such accessory building shall be considered part of the principal structure for the purposes of determining setback requirements.

**ACCESSORY STRUCTURE**

A separate and subordinate structure, on the same lot with a principal structure or a portion of a principal structure, devoted exclusively to an accessory use, whether or not said accessory structure has a foundation. Where an accessory structure is attached to a principal structure by any means, such accessory structure shall be considered part of the principal structure for the purposes of determining height and setback requirements.

**ACCESSORY USE**

A use naturally and normally incident and subordinate to the principal use of a structure or lot and located on the same lot as the principal use to which it relates.

**If “Accessory dwelling” below is replaced with “Accessory Building” as per code, we have consistency of definitions.**

**Riding academy, livery, or boarding stable.**

A riding academy, livery, or boarding stable may be permitted, subject to the following provisions:

A.

A lot area of not less than 15 acres shall be required.

B.

**Accessory dwellings** and farm buildings shall be permitted.

C.

No more than one horse per acre shall be permitted.

D.

Horse shows shall be permitted only by approval of the Township Committee and shall be limited to a specified number each year for each riding academy.

E.

All structures, parking and loading areas and other facilities shall be set back a minimum of 200 feet from the exterior lot lines.

F.

There must be proof of a waste disposal and a management program certified acceptable by the County Health Department or local Board of Health.

G.

All new riding academies must be constructed of wood or stone and possess barn-like qualities such as steeply pitched roofs. Preexisting farm buildings not constructed of wood or stone can be converted for riding academy use, provided sufficient landscape screening is installed to shield the structure from the view of off-site residences

**SADC RULES ARE ENFORCED BY HUNTERDON COUNTY HEALTH DEPARTMENT**

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**RULE ADOPTIONS**

**AGRICULTURE**

**DIVISION OF AGRICULTURAL AND NATURAL RESOURCES**

41 N.J.R. 1171(a)

**Adopted New Rules: N.J.A.C. 2:91**

**Criteria and Standards for Animal Waste Management**

Proposed: March 3, 2008 at 40 N.J.R. 917(a).

Adopted: February 17, 2009 by the State Board of Agriculture and Alfred Murray, Acting Secretary, Department of Agriculture.

Filed: February 18, 2009 as R.2009 d.88, **with substantive and technical changes** not requiring additional public notice or comment (see N.J.A.C. 1:30-6.3).

Authority: N.J.S.A. 4:9-38, 4:27-19 and 2A:58-10 et seq.

Effective Date: March 16, 2009.

Expiration Date: March 16, 2014.

SUBCHAPTER 1. PURPOSE AND SCOPE

2:91-1.1 Purpose and scope

(a) These rules set forth the requirements for the development and implementation of self-certified Animal Waste Management Plans (AWMPs), high-density AWMPs and Comprehensive Nutrient Management Plans (CNMPs) for farms that generate, handle or receive animal waste. The rules in this chapter require the use of best management practices to protect water quality **\*and public health\*** by:

1. Controlling animal access to the waters of the State;
2. Storing manure at least 100 linear feet from surface waters of the State;
3. Applying manure using proper nutrient management practices;
4. Minimizing odors from manure storage and application areas;
5. Controlling vectors and fomites; and

6. Optimizing the beneficial use of nutrients from manure and bedding materials.
- (b) These rules only apply to farms with animals identified in the definition of "livestock" at N.J.A.C. 2:91-2.1 **\*and to farms receiving or applying animal waste\***. These rules do not apply to facilities regulated by the New Jersey De-Page 15 41 N.J.R. 1171(a) partment of Environmental Protection under N.J.A.C. 7:26 (solid waste management rules), 7:26A (solid waste recycling rules) and 7:14A (CAFO General Permit #NJ0138631).
- (c) Aquatic farms that comply with the provisions of the Aquaculture Management Practices at N.J.A.C. 2:76-2A.11 and who possess an aquatic farmer license pursuant to N.J.A.C. 2:89 shall be deemed in compliance with the requirements of this chapter.
- (d) Nothing in this chapter shall be construed to alter or compromise the goals, purposes, and provisions of, or lessen the protections afforded to farmers by the Right to Farm Act, P.L. 1983, c. 31 (N.J.S.A. 4:1C-1 et seq.), and any rules adopted pursuant thereto.

See Subchapter 3. Page 18. Animal Waste Management Requirements, 2:91-3.1 to 2:91-3.10

The meeting adjourned at 9:00 pm.

Minutes prepared by Chester Urbanski.