

**Springfield Township Planning Board Meeting
August 18, 2015**

Chair Jacques called the meeting to order at 7:30 p.m. and led the salute to the Flag.

The Chair read the Open Public Meetings Statement. "Public notice of this meeting, pursuant to the Open Public Meetings Act, has been given by the Springfield Township Planning Board in the following manner on January 7, 2015;

- a. Posting written notice on the official bulletin board at the Municipal Building, Jobstown, N.J.
- b. Mailing written notice to the Burlington County Times and Register-News.
- c. Filing written notice with the Clerk of Springfield Township.
- d. Mailing written notice to each person who has requested copies of the regular meeting schedule and who has prepaid any charges fixed for such service.

Roll Call:

Jo Jacques, Chairperson	Present
Anthony Marinello	Absent
John Hlubik	Present
Bernard Dunn	Present
Theresa Nicholson	Absent
William Bauma	Present
Stephen Makuka	Present
William Pettit, 1 st Alternate	Present
Michael Welsh, 2 nd Alternate	Arrived 7:30pm

Also present was Board Solicitor Denis C. Germano, Esq.

Minutes:

July 21, 2015

Chair Jacques called for motion to approve said minutes. Mr. Makuka indicated the numbering on page 3 is out of sequence. Mr. Makuka motioned to approve the minutes as corrected, seconded by Mr. Pettit

All in favor: Dunn, Bauma, Makuka, Pettit, Jacques

Opposed: None

Abstain: Hlubik

Resolutions:

#2015-03 –Sherjung Benipal, Block 701, Lots 1 & 2

Dismissing Minor Site Plan Approval Without Prejudice

Mr. Germano indicated that applicant has not returned any of the Planning Board Administrator's calls. Therefore, it will be dismissed without prejudice.

Chair Jacques called for approval of said resolution. Mr. Hlubik motioned to adopt said resolution, seconded by Mr. Dunn

All in favor: Hlubik, Dunn, Bauma, Pettit, Makuka, Jacques

Opposed: None

Abstain: None

Plans and Deeds for Signature:

#5-14 –Moose Run Development, Block 2106, Lot 2.01

Final Plat and Major Subdivision

The plans were signed by Chair Jacques and Board Secretary, Sue Minock

Other Business:

- Discussion Farm Labor Housing

Mr. Germano provided a copy of the Model Farm Labor Housing Ordinance and he drafted a memo to the Board in which he proposed changes as discussed in the following:

- The definition of Farm Employee indicates who can live in the year round houses. The model ordinance indicates they work on the farm 51% of the year. Mr. Germano feels this is vague. North Hanover's ordinance talks about the year round housing being for management employees who work fulltime on the farm. What is fulltime working on a farm? Mr. Germano feels the model ordinance has the right idea with that 51%. Mr. Welsh arrived to the meeting at 7:39pm. Mr. Germano gave brief overview of discussion thus far. Mr. Germano prefers to stay as close to the model ordinance as possible. Mr. Germano feels that 51% should be determined by weeks. Mr. Makuka asked if that would be 27 weeks and Mr. Germano agreed. The SADC determines with money where records would need to be revealed and people can resent that method. Chair indicated that it also depends on what they're doing. Mr. Dunn stated that it would depend on how much per hour and how would one figure out. Mr. Germano said the SADC made the farmer demonstrate that the employee earned more than half of his income from working on the farm. Mr. Dunn asked how the farmer would prove the amount of money versus the number of hours or weeks. Mr. Germano indicated the W2's may provide the answers. Chair indicated that the W2 would provide the amount of money and time period but it wouldn't provide the detail needed. Mr. Germano agreed that W2's would not work. Further discussion of weeks versus pay. The number of 27 weeks is the minimum for year round employees. Horse farmers would have year round help. Mr. Bauma indicated that vegetable farmer can have greenhouses to keep active year round.
- Mr. Germano moved onto the next definition of Farm Labor Housing indicated by the model ordinance. Mr. Germano would like to see 3 items change. Mr. Germano pointed out the apartments, multifamily dwellings are mentioned. However, the Board has already decided that they would go with single family houses and duplexes. The next sentence indicates the 51% income which will be removed as per the previous discussion. The substitution will indicate 27 weeks. In the model ordinance definition, in the last sentence, is a clarification if the farmer's wife, kids, parents is living in it, then it is not farm labor housing.
- The next section of the model ordinance lays out 4 requirements. It begins as stating, "Farm labor housing units shall be permitted as an accessory use on a commercial farm, subject to compliance with the following requirements in addition to the existing residential requirements of the zone". It continues to list the 4 requirements; however, Mr. Germano feels it should stop at this point and go no further. These items were discussed at the last meeting and he would like to say the things the Board had decided so it's a minor language change.

Model Ordinance Requirement #1

- "The parcel on which the housing unit is located is at least 10 contiguous acres". Mr. Germano indicated that last month, the Board decided that it qualifies for Ag Assessment. Chair indicated that it would continue to qualify even after the construction. Chair further indicated that a farmer would need an acre for the house, another 5 acres for the farm and another acre would be needed for the farm labor housing because an acre couldn't be taken from the farm acreage. Mr. Dunn indicated that the State Law states it must be 5 acres without a house and 6 with a house as of last year.

Model Ordinance Requirement #2

- "The unit must be a permanent structure". Mr. Germano proposes to add to that sentence that mobile homes, trailers and the like are not permitted.

Model Ordinance Requirement #3

- "The occupants must use the same driveway as the farm operation or principal resident of the property". Mr. Germano indicated that if the County doesn't want to provide a permit, then they cannot do so. Chair indicates that if there is no house but only out buildings, then they would have to locate the housing next

to working barns. Mr. Germano agreed that is what it would mean. Mr. Makuka asked if they would need to get a waiver or get a variance. Mr. Germano responded they would need to get a variance and go before the Zoning Board. We're trying to not have them get a use variance. Discussion incurred of the driveway use not "eating up more ground". After discussion completed, Mr. Germano recommended deleting that item entirely. Chair suggests leaving it up to the farmer to eliminate micromanaging.

Model Ordinance Requirement #4

- "The overall density shall not exceed one unit per 10 acres. Requests for more than one farm labor housing unit for a single commercial farm will only be approved if the farm operator demonstrates a need for the more farm labor housing supported by a business plan. The local Agricultural Advisory Committee (AAC), or the County Agricultural Development Board, if no AAC has been established, shall be consulted in this approval. Mr. Germano reminded the Board that they decided to delete this requirement at last month's meeting. This is the section saying that you can only have 1 per property. Mr. Germano pointed out that each farm labor housing unit must have its own well and septic system; the farm labor housing unit must comply with the front, rear, side and aggregate side yard setbacks, the height limitations applicable to principal buildings and the impervious cover and building coverage limitations applicable in the AR-10 zone as decided by the Board last month. Also a minimum of 50' of separation is required between farm labor housing units and between other dwellings and farm labor units as decided by the Board last month.

Mr. Germano pointed out the proposed changes to the ordinance and how it would read. The Board read it. Discussion incurred of using the term of domestic partner. Mr. Bauma asked about proof of length of employment. The farmer will need to provide employment proof on an annual basis. Mr. Germano said that something will be needed to have burden of proof if presented in court. Mr. Makuka gave an example of the farm having farm labor and he moves on after a few months and then a new worker comes in, how would this work out for an annual verification of 27 weeks. Discussion took place.

Mr. Germano asked about the initial application. The first year verification is not needed until the home has been there for at least 1 year or if the home is vacant, the farmer gets the home going again and then the clock starts again. Mr. Dunn indicated if people are moving in and out, then a CCO (Continued Certificate of Occupancy) would be required for each new tenant.

Mr. Germano asked if the Board is ok with the North Hanover idea that if they cease to qualify, there should be a provision that it has to stay vacant. If they fail to meet all requirements, then the house has to remain unoccupied. Mr. Germano indicated that this completes his proposed changes. Mr. Dunn asked about the 50' separation requirement between farm labor housing units and between other dwellings, will it be interconnected with the farm building regulations or is it separate? Mr. Germano responded as seeing it as separate and further continued that the houses and Ag buildings now have a 100' separation. The labor housing separation will not supersede the Ag buildings. Mr. Hlubik asked about the income verification. The work week verification will be utilized on an annual basis not the income verification as per Mr. Germano. The farmer will need to provide proof that someone is working there at least 27 weeks. Chair Jacques asked if anyone had further questions/comments.


Public Comment:

No public in attendance

Adjournment:

Mr. Welsh motioned to adjourn, seconded by Mr. Makuka. Motion carried unanimously. Meeting adjourned at 8:28pm.

Respectfully submitted,


Susan A. Minock

Planning Board Secretary