

MENDHAM TOWNSHIP ENVIRONMENTAL COMMISSION (EC)

COMMENTS ON THE BACKER FARM PROPOSED BREWERY DEVELOPMENT, REGARDING ENVIRONMENTAL IMPACT RISK

Further to the below Appendix, with EC comments submitted to the Township Committee (TC) in February 2023, the EC has taken into account the revised proposed development plan, recent documents and various communications on this development, and provides this position to TC to make available to residents on this item.

The EC welcomed the focused TC meeting held on October 23 at the Middle School, with considerable exchange of views from residents on this issue. Residents living locally to the proposed development have shared views with EC, including most recently at the EC monthly meeting on October 16, 2023. Subsequently, an EC representative visited the proposed development site to clarify further the current practical details of the plan that might impact the local environment.

The EC has not been formally asked by TC to comment on this issue since it moved from Township Planning Board to Morris County Agriculture Development Board, although the EC committed to comment as described below in the position shared with TC in February 2023. The site is on Township land and it makes sense for the EC to consider potential environmental impact that could impact our community. It is important to note that the EC is accountable for the environmental impact aspects and sound interpretations of the science that might impact our environment. This EC position focuses on this objective context, regardless of individual preferences.

OVERALL POSITION

As concluded in the EC initial assessment, and providing that the current development plan meets the applicable regulatory constraints, particularly water quality management considerations to avoid any environmental detriment, the EC concludes this proposal represents minimal disturbance of land use or direct environmental impact.

DETAILS

The proposed development site plan utilizes the existing buildings' footprint, and the proposed extended parking area is presently gravel or surfaced for a previous horse ring area. These areas would maintain pervious surfaces to allow rainwater to drain through. Soil or plant impact in these areas based on this plan are not anticipated.

Capacity and numbers of people using the proposed new facilities could impact the environment at the site if largescale events were to be held which included significant overflow parking with heavy use of grassy areas. Regular compacting of soil could compromise soil quality and rain-water run-off. Constraints on scale, total numbers of visitors, frequency and extent of use of possible overflow parking would need further clarity, to ensure no such intense use that could cause such adverse environmental impact.

No development is planned for green or wooded areas, and no tree removal is included in the plans. No apparent wildlife natural habitat would be directly compromised. The owners indicate that additional trees are foreseen to be planted for further landscape appeal. EC recommends that native species would be used for such landscape enrichment, in line with our community program to promote native planting (see 'The Nature of Mendham' initiative, highlighted on the Township website).

EC recognizes the importance to manage water quality and potential impact on environmental water quality considerations for such a development, as also highlighted in the Raritan Headwaters letter of October 16, 2023, submitted to TC. Upon review in person, the site plans maintain the required 300 feet minimum set back distance from the category 1 (C1) stream at the edge of the property. With no development or encroachment onto this setback area this would be compliant and present no concern. As concluded in the report by Environmental Technology Inc., of March 8, 2021 (shared by TC), following NJDEP requirements, the site of proposed development is not within a wetland transition area or wetland.

The plans for the commercial water management used for production in the brewery indicates this water would not pipe into the septic system, but would be shipped off-site and would not create waste-water impact to the local environment. The new proposed septic system would handle waste-water other than from brewing. The renovation of the main barn will include new guttering which will improve water collection, and where no guttering is the present status for the barn. This is beneficial water management.

We note the engineering and management considerations raised in the letter to the Township Administrator from French & Parrello, of October 12, 2023, and welcome the developer's response.

Noise is an issue of environmental impact. The Township noise ordinance covers concerns in this aspect, and any events or activities at the site would need to be in compliance with the local ordinance.

Submitted October 29, 2023

On behalf of the Mendham Township Environmental Commission

M Slayne, Chair, Mendham Township Environmental Commission

APPENDIX

PAST EC POSITION SHARED WITH TC, FEBRUARY 2023

MENDHAM TOWNSHIP ENVIRONMENTAL COMMISSION (EC)

RESPONSE TO REQUESTS FROM RESIDENTS REGARDING THE BACKER FARM DEVELOPMENT APPLICATION

Aligned at EC meeting February 20, 2023, responding to questions from residents at the Township Committee meeting on February 13, 2023.

The EC reviewed the planning information that was made available through the Planning Board in 2021 and had no initial concerns, as concluded in April 2021 and communicated to the Planning Board. However, the application was withdrawn from the Planning Board agenda and there was no follow-up requested at that time. The application has since been assessed under the Morris County Agriculture Board. Nevertheless, the proposed development is within the boundaries of Mendham Township, and the EC welcomes an updated application to review.

Since 2021, new storm water regulations have come into effect, plus other regulatory developments, and the application would need revising. The current position of the EC is that it will review an updated application when it is made available through the Township Committee.

The EC is aware there are strong 'for and against' views from residents shared on this proposal that are out of scope for the EC. EC recommends that the Township Committee help to mediate to find compromise solutions for this proposed development, that do not unduly impact the local residential community, while facilitating reasonable beneficial activities at the site.