



Raritan Headwaters

Honorable Nick Monaghan, Mayor
Mendham Township Committee
2 West Main Street
PO Box 520
Brookside, New Jersey 07926

October 16, 2023

Re: Backer Farm, Mendham Township

Dear Mayor Monaghan and Members of the Township Committee:

Raritan Headwaters writes to express our continued concerns regarding the application by the Backer Farm to the Morris County Agriculture Development Board (MCADB) for approval of a site-specific agricultural management practice (SSAMP) to operate a brewery.

As the local watershed association, Raritan Headwaters shares your residents' concerns about the impact of the proposed SSAMP at the Backer Farm on water quality and stormwater runoff.

The tributary stream on the Backer Farm is a Category One (C-1) stream and is part of the Raritan Basin system. It is a vital element of the drinking water system for approximately 1.5 million New Jersey residents. It is critically important that the MCADB protect the stream, its riparian buffers, associated wetlands and flood hazard areas, and the forests and soils that protect water quality.

The 300' C-1 buffer must be protected. This includes protecting soils within the 300' buffer from compaction caused by long-term parking. Traffic and parking on unimproved surfaces compacts the soil. Compaction of the soil destroys the organic soil layer, makes it difficult or impossible for plants to grow in the soil, severely reduces or eliminates the soil's ability to absorb water, and destroys the critical ability of soil to filter surface water and shallow groundwater. Soil compaction on site will result in additional erosion, stormwater runoff, and pollution. No parking or traffic areas should be allowed within the 300' C-1 buffer.

The applicant describes the parking on unimproved surfaces on site as "temporary." This is not consistent with the common definition of temporary. A temporary condition is, by its very nature, temporal; it is time-limited and has an end-date. The need for parking on this site is not temporary but is a significant recurring need with no apparent end to the need. The parking need may not be a daily need, but it is consistent, recurring, and long-term. Therefore, it is not a temporary use.

The applicant has recently redesigned their proposal and eliminated approximately 14,000 square feet of parking space. However, the applicant has not indicated that there is any change in use in the proposal. If the use has not changed, the need for parking has presumably not changed. The applicant needs to explain if the proposed use of the site has changed and if it has not, explain where the cars that would have parked in the former 14,000 square feet of parking are going to park now.

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After reviewing the updated proposal, it appears that the project remains a major development pursuant to both New Jersey Department of Environmental Protection (NJDEP) regulations and the stormwater ordinance of Mendham Township. The project must be required to meet Mendham and NJDEP stormwater standards, including the use of Green Infrastructure.

If the Backer Farm is to be allowed to develop a portion of the farm as a commercial brewery, the development must be managed in a way that preserves soil integrity, protects water quality, and does not increase stormwater runoff.

Thank you for considering our comments.

Sincerely,

A handwritten signature in black ink, appearing to read 'W. S. Kibler', written in a cursive style.

William S. Kibler
Director of Policy