

Susan R. Rubright
Direct Dial: 973-403-3157
Direct Fax: 973-618-5557
E-mail: srubright@bracheichler.com

October 27, 2021

VIA EMAIL and OVERNIGHT DELIVERY

Beth Foley, Secretary
Mendham Township Zoning Board of Adjustment
2 West Main Street
Post Office Box 520
Brookside, New Jersey 07926

Re: Interpretation Application per N.J.S.A. 40:55D-70b and
Mendham Township Ordinance, Chapter XV, Section 15-8,
Regarding Block 109, Lot 23 -- 32 Ironia Road, Mendham Township

Dear Ms. Foley:

This office represents Bernadette Koenig, George Koenig, Kimberly Hines Hart and Eric Hart (the "Applicants") in connection with an application seeking an ordinance interpretation under N.J.S.A. 40:55D-70b and Mendham Township Ordinance, Chapter XV, Section 15-8b pertaining to the above referenced property. We submitted our application and supporting materials by letter dated September 16, 2021. Attached please find an original and fifteen (15) copies of supplemental materials in further support of our application, the hearing on which is scheduled for Tuesday November 11, 2021:

1. Printed versions of "pages" from the Backer Farm Website, which I certify I printed on October 25, 2021:

- a. "A Little Bit About Us"
- b. "Goings On"
- c. "After School Programs, Classes, Scout Meeting, Visits"
- d. "CSA Memberships"
- e. "Pumpkin Picking at Backer Farm"
- f. "Backer Brewery"
- g. "Hay"
- h. "Food Truck Take Out Night Orders"

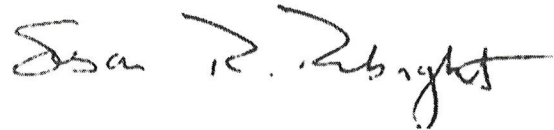
2. "Property Review and Report" prepared for B.F. Partners, LLC, by Kenyon Planning, dated September 15, 2020.

Chairman Kevin Giordano and Members of the Mendham Planning Board
October 27, 2021
Page 2

3. Report from Pinto Consulting addressed to Ms. Nicole Voigt, Esq., dated February 26, 2020, RE: Proposed New Uses on Preserved Farm- Farm-based Brewery and Distillery. List of Appendices is attached without the documents. These can be provided if requested.

Please advise of any questions or comments, and thank you for your courtesies.

Sincerely,

A handwritten signature in black ink that reads "Susan R. Rubright". The signature is written in a cursive style with a large, sweeping "S" and "R".

Susan R. Rubright

SRR:nas

Cc: Anthony Sposaro, Esq.
Nicole Voigt, Esq.

1

A



A little bit about us...



Backer Farm began in 1927, when Richard & Jessie Backer purchased the 37 acres on Ironia Road for \$3,000. A farm had always been a dream of Richard's, who was a very successful painter/paper hanger for the wealthy people of the Mendham area. In 1929, a baby boy was born in the front room of the farm house, Frederick Teets Backer. Fredrick loved farming right from the beginning. His older brother Joe had started a dairy business and Fred joined him milking cows at a very early age. Joe & Fred expanded the business by building the dairy barn in 1954, along with the creamery where they bottled their own milk, a chicken house, granary and other essential buildings for a traditional family farm. The crops were planted and harvested with a team of horses up until the 1940's when they purchased their first tractor. Jessie raised her 6 children, bottled milk, worked the garden and became the typical farm wife of that era.

In 1971 Fred & Joe decided to transition the dairy business into a horse boarding facility. The Dairy Barn was converted to horse stalls, the Creamery became a tack room, and an outdoor riding ring was constructed behind the barn, in addition to many other changes. As the horse business grew, a second barn was constructed in the 1980's. Jessie passed away in 1977 and Joe in 1980, leaving Fred, his wife Barbara and their 8 children, who lived across the street, to continue the business. The Backer Farm is still run as a family business by Fred's Grandson Derick (Frederick T. Backer III), along with his family. They still grow their own hay, vegetables and fresh eggs. Follow us on Facebook for up to date information on our available produce.

On December 28, 2015, Fred Backer passed away in the house he was born in. He had sorted and boxed the eggs that afternoon and left us later that evening. His casket was transported on the back of his hay wagon that was pulled by his Farmall M with Derick at the wheel. It was a fitting tribute to a man who devoted his life to his family and his farm. For those of us, who were privileged to know him, he will never be forgotten. His legacy lives on at Backer Farm!

The farm continues to thrive and grow! Along with the naturally grown produce, we are offering a wide range of delicious jarred products including salad dressings, pickles, jellies, jams, dips, salsa, and fruit butters. We are proud to be offering our own pasture raised pork in a variety of cuts. Our camp and after school programs continue to be a big hit with the community. We also offer a CSA (Community Supported Agriculture) Program and Farm to Table events with our resident chef. We have also expanded into Pick Your Pumpkins and other fun fall activities!!!

B



Goings On

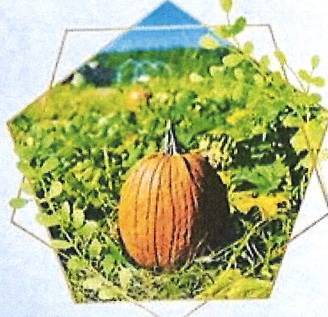


Backer Farm

SAVE THE DATES

OCTOBER 2021

BIBBIDI BOBBIDI BOO BASH 17TH
PUMPKIN PATCH TO 24TH



NOVEMBER 2021

FARM TO TABLE DINNER 13TH
WREATH MAKING CLASS TBD

FARM STAND OPEN ALL YEAR

DECEMBER 2021

FARM TO TABLE BRUNCH 4TH
COOKIES WITH SANTA & FARM HOLIDAY SHOPPE 5TH



JANUARY 2022

FARM TO TABLE BRUNCH 22ND

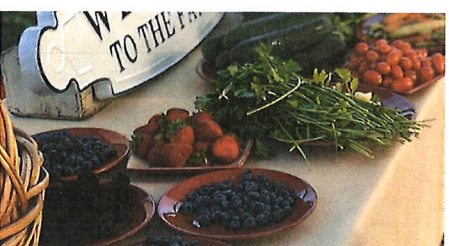
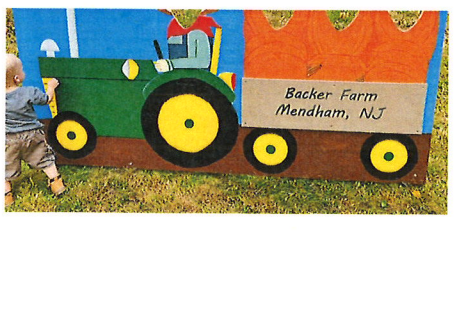
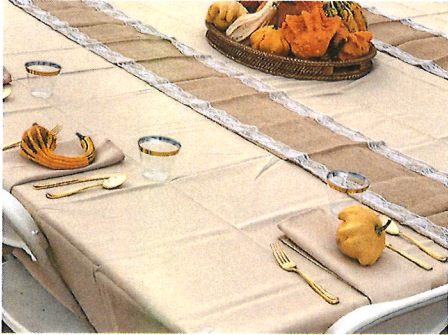
- Inquire about our farm parties -

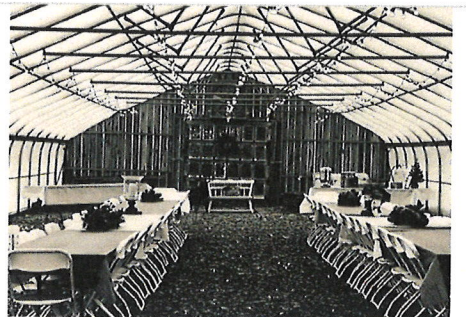
CHECK OUR WEBSITE & SOCIAL MEDIA FOR WINTER POP UPS & SPRING PARENT & ME ON THE FARM, STORY-TIME & FARM PAL CLASSES. ALSO BOOKING SPRING PRIVATE GROUP EDUCATIONAL VISITS.



Ticket links to follow.....

For private event inquiries please EMAIL backerfarmnj@gmail.com





C



After School Programs Classes Scout Meetings Visits

We are so excited to offer such a fun variety of classes this fall and winter. We will be hosting half day, full day, after school, and weekend Farm Pals Programs, Parent and Me on the Farm, Story Time, Pumpkin Picking Playdates, Meditation Classes and more!!!

Please join us for our Farm Pals Program for kiddos ages 3-9!! Children will learn and explore on our 40 acre farm in Mendham NJ. Classes are created and facilitated by two local mamas who are also certified teachers. Classes will be held in our beautiful event/class greenhouse which is well ventilated and shaded yet can be closed and heated in the winter months.

Children will participate in:

Farm Science/STEM projects

Arts and Crafts

Animal Care

Farm Chores - harvesting, planting, collecting chicken eggs

Yoga on the Farm

Games

Story time

Farm themed show and share days

Understanding the farm to table concept

Masks are optional for all.

All ages will work collaboratively, as well as participate in age appropriate activities.

Make ups will be scheduled for cancellations due to inclement weather. We do host classes in the



Half and Full Day Farm Pals

Half Day or Full Day

15 weeks

Choose either:

9am-12pm; 1-4pm; or our full day 9am-4pm with byo lunch and playtime from 12-1pm
\$525/half days; \$900/full day

Session Two:

Tuesdays 1/11-5/3

15 weeks

two weeks off tbd

registration to open shortly

Choose either:

9am-12pm; 1-4pm; or our full day 9am-4pm with byo lunch and playtime 12-1pm
\$525/half day; \$900/full day

Sample Schedule:

9:00- 9:30- Morning Meeting

9:30-10:15- Morning Farm Routines (Animal feeding, pony grooming , chicken egg collection,
water/food distribution)

10:15-10:30- Snack from home

10:30-11:00- Farm Themed STEM project/craft

11:00-11:45- Harvesting & Planting

11:45-12:00- Farm Games & Morning Dismissal

12:00-1:00- Lunch for full day farmers

1:00-1:30- Afternoon Meeting

1:30-2:15 Afternoon Farm Routines and Pony Rides

2:15-2:30- Snack from home

2:30-3:00- Farm Yoga

3:00-3:45- Harvesting & Planting / Cooking Lesson

3:45-4:00 Farm Games and Afternoon/Full day & Afternoon Dismissal



An email will be sent upon registration with more detailed information about drop off and pick up, allergy and emergency contact info, etc.

Parent and Me on the Farm
for kiddos under age 6

Join us as we explore all the farm has to offer!!! Participate with your littles in farm themed crafts, planting, harvesting, feeding the animals, pony grooming, and pony rides!!!

one child/adult pair per registration

Weekend Single Sessions
9/26 and 10/24 9:30-10:30am

\$35/pair; \$15 additional child

This program runs rain or shine, unless there is a severe thunderstorm.



Parent and Me on the Farm

\$15.00 - \$35.00

Parent and Me on the Farm

[Shop](#)

Story Time on the Farm

designed for kiddos 6 and younger but all ages are welcome with adult

Enjoy a farm themed story followed by an accompanying craft.
Afterwards take a stroll around the farm, see our animals, visit the farm stand.

9/22 and 10/20 9:30-10:15

\$20/adult and child pair

\$15/additional child

10/20 class has been cancelled

This program runs rain or shine, unless there is a severe thunderstorm.



PLEASE CHECK OUT OUR SLIDE SHOW!!!

WE OFFER PRIVATE VISITS FOR SCHOOLS, HOME SCHOOLERS, AND SCOUT TROOPS!!!

Inquiries please contact Heather backerfarmnj@gmail.com



D



CSA MEMBERSHIPS

Our 2021 CSA season is currently full!! Thank you to all that signed up!! First pick ups are 6/16 or 6/17 depending on the day you signed for. We truly appreciate the support!!!

Welcome to the 2021 CSA Season!! We are excited for a fresh and new upcoming season with increased variety, focus on quality and quantity, new share boxes, weekly recipes created in collaboration with Chef Chuck, naturally grown, freshly harvested produce!!

The 2021 CSA season will run Wednesdays and Thursdays June 16 and 17, 2021 - October 20 and 21, 2021 (18 weeks). This season there will NOT be pick-ups June 30 and July 1.

Pick Up will be at Backer Farm located at 32 Ironia Road in Mendham, New Jersey every Wednesday or Thursday (depending on the day you choose).

Along with credit card, cash, and check payment we also accept Venmo!! Just choose "invoice" at check out.

Vacation holds and temporary pick up changes can be made via our CSA link <http://backerfarm.csasignup.com> or by contacting backerfarmnj@gmail.com.

we currently have Thursday spots left for the produce, eggs, and farm to fork meal csas; and both days available for flower csa pickups

Membership Types:

2021 Produce Shares

Naturally grown, freshly harvested produce - nongmo seed, no synthetic pesticides/chemicals, our own compost, increased variety, maintain our focus on quality and quantity, new share boxes, weekly recipes created in collaboration with our partner Chef Chuck, convenient pick ups! Tomatoes, root vegetables, cucumbers, zucchinis, berries, melons, peppers, squash, carrots, turnips, radish, leafy greens, eggplants, herbs, sweet potatoes, beets, cabbage, broccoli, cauliflower, corn, beans, and so much more!!!!

First Pick Up: Wednesday June 16, 2021 or Thursday June 17, 2021 any time after 3:30pm

no pick-ups June 30 or July 1

Last Pick Up: Wednesday October 20 or Thursday October 21.



2021 Egg Shares:

Our own farm fresh, non gmo, antibiotic free, cage free brown eggs

\$54 weekly half dozen

\$99 weekly dozen

\$144 weekly dozen and a half (18)

Program runs the same 18 weeks as the Produce CSA; pick up is in the farm stand after 3:30pm.

2021 Farm to Fork Dinner Share:

Let us do the cooking for you throughout the CSA season!! Freshly prepared, farm to table meals that complement our weekly CSA offerings, created by our resident chef. Meals are composed of seasonal, naturally grown produce straight from the farm and are chef's choice for the week.

Convenient pick up in the farm stand during the produce CSA pick up. One stop shopping!!

Some examples to make your mouth water.....

Pasta with grilled eggplant, smoky tomato sauce and fresh basil

Pulled Chicken or Seasonal Veggie Tacos with Gluten Free Tortillas

Roasted Herbed Chicken with a Pea Puree

Backer Farm Caesar Salad with Parmesan Croutons and House Made Dressing

Penne Pasta with House Made Pesto

Seasonal Vegetable Stack with Balsamic Honey Drizzle (using honey from our farm)

Pulled BBQ Pork and House Made Corn Bread

Roasted Pork Loin with Maple Dijon Roasted Carrots

~one meal per week per person that includes a starter or dessert ~ menu is chef's choice~

Meal for Four: \$875

Meal for Two: \$450

Fresh Flower CSA

Enjoy weekly or monthly pick ups of beautiful, local fresh cut flowers from Spring Hill Flower Farm in Bernardsville.

Springhill Flower Farm is perched on a scenic vista atop the Bernardsville mountain on a parcel of land that was established as a gentleman's farm back in 1892.

Our mission at the farm is to make everyday a special occasion, worth celebrating, that's why we set out to restore this magical parcel of land where we grow beautiful organic blooms for all to enjoy.

Weekly pick ups: every week on Wednesday or Thursday (your selected day for the season) in the farm stand after 3:30pm 32 Ironia Road Mendham \$360 for 18 weeks

Monthly Pick ups: once a month Wednesday or Thursday pick ups in the farm stand 32 Ironia Road Mendham ~ 6/23-24, 7/21-22, 8/25-26, 9/22-23, 10/20-21 \$100

Thank you for supporting small, family run farms!!





E



Pumpkin Picking at Backer Farm



BACKER

FOOD TRUCK MENU 10/16-17

FARM

**BACKER FARM EGG, TAYLOR
HAM & CHEESE SAMMY**
\$6

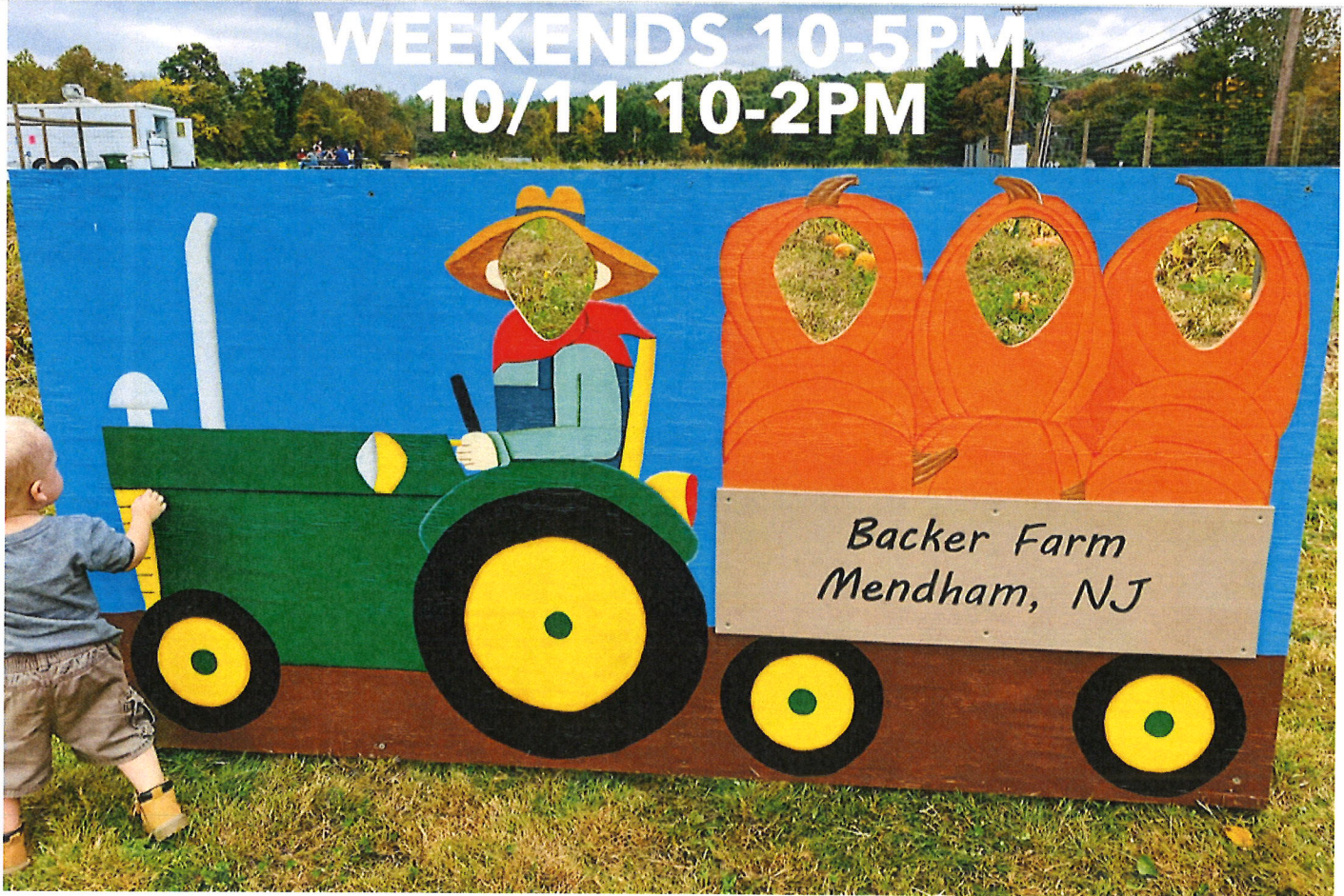
SWEET POTATO BISQUE
\$4

**CHICKEN TENDERS, HAND
CUT FARM FRIES, AND
HOUSE MADE SLAW**
\$8

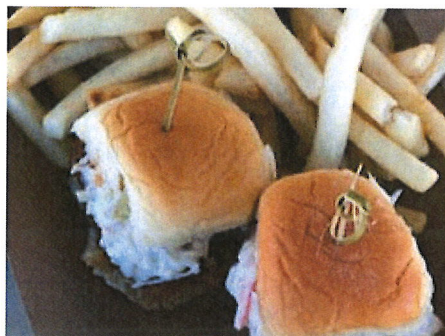
**HOT DOG, HAND CUT FARM
FRIES, AND HOUSE MADE
SLAW**
\$8

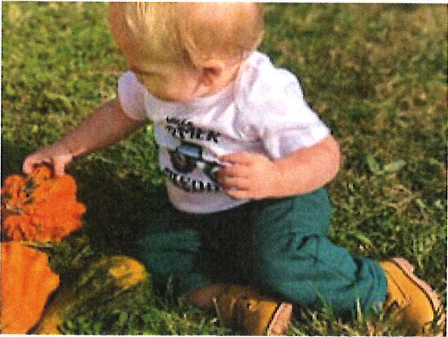
BIG SIDE OF FRIES
\$3

**Pumpkin Picking, Hayrides,
Feeding the Animals, Farm
Stand**
open Saturday and Sunday
10-5



Pumpkin Picking is now open for the 2021 season. Please text 908-619-0088 or email backerfarmnj@gmail.com for inquiries regarding discounted bulk pumpkin sales and private pumpkin picking.





F



Backer Brewery

BACKER BREWING PROJECT SMALL BATCH . AUTHENTIC . LOCALLY GROWN. FARM BREWING.

The Backer Family has owned and operated Backer Farm in Mendham for nearly 100 years.– We love, respect, and appreciate this extraordinary place, and the ideologies in which it upholds.

- Our family and staff have put generations of craftsmanship, sweat, tears, and passion into this land and community.
- Preserving what Mendham means to our family is not only a priority, it is deep in our roots as citizens and neighbors.

For our many supporters, we say thank you. More to come...

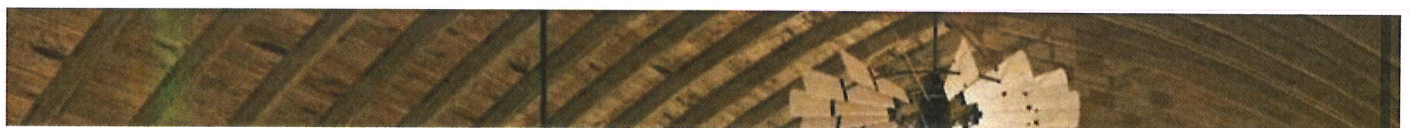
With Love,

The Backer Family

Our goal is to provide accurate information about our brewing project in an effort to keep everyone properly informed. It is important that both false information and exaggerations are corrected.

Please visit our brewery website FAQ page for more detailed information.

<https://backerbrewing.com/faqs/>







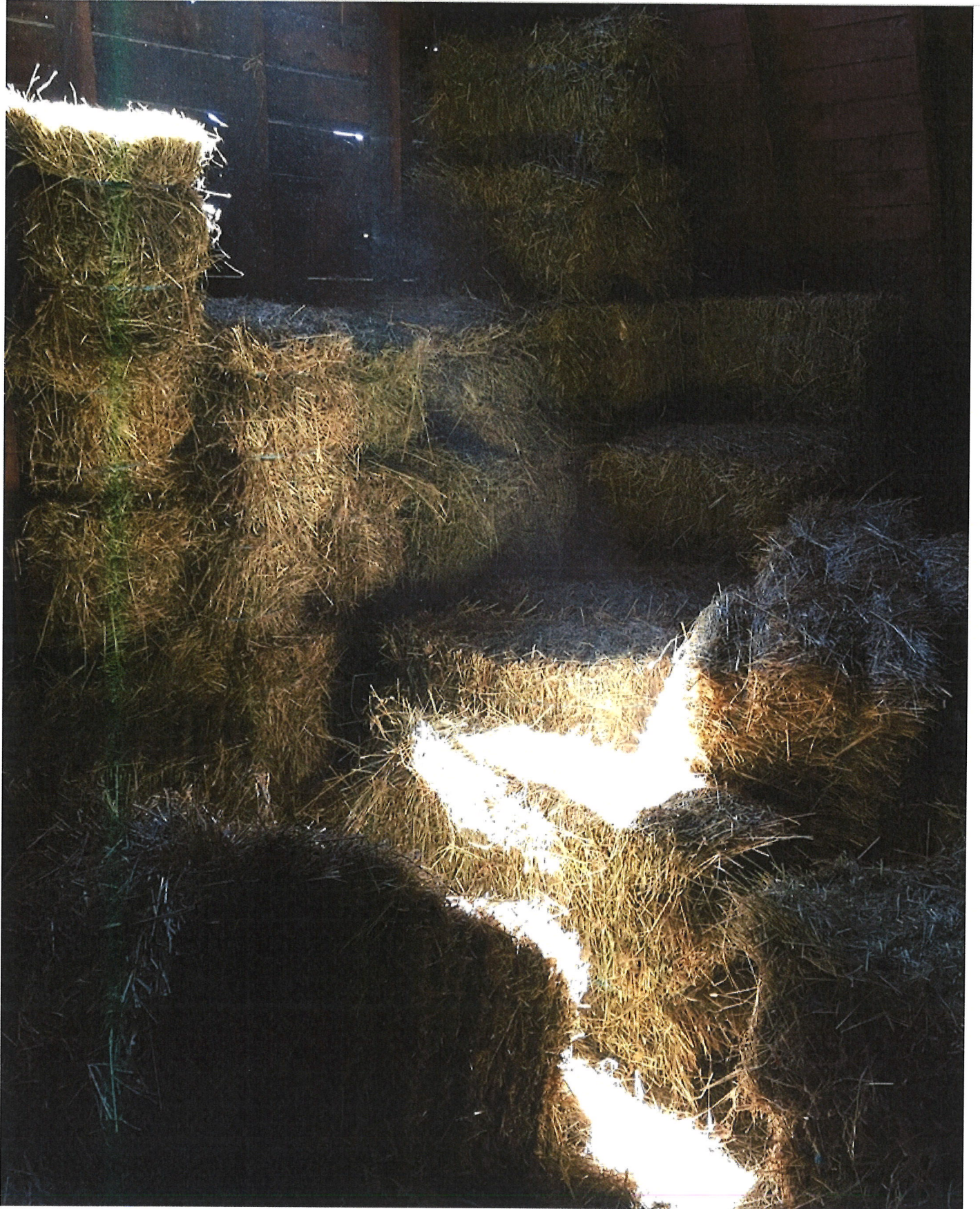
Some renderings of what we hope the brewery to look like upon completion.

G



We cultivate our own hay both on and off site. We currently have beautiful 1st cutting available for sale. No amount too big or too small. Delivery available. Please call Derick for details at 908-619-0088.







Н



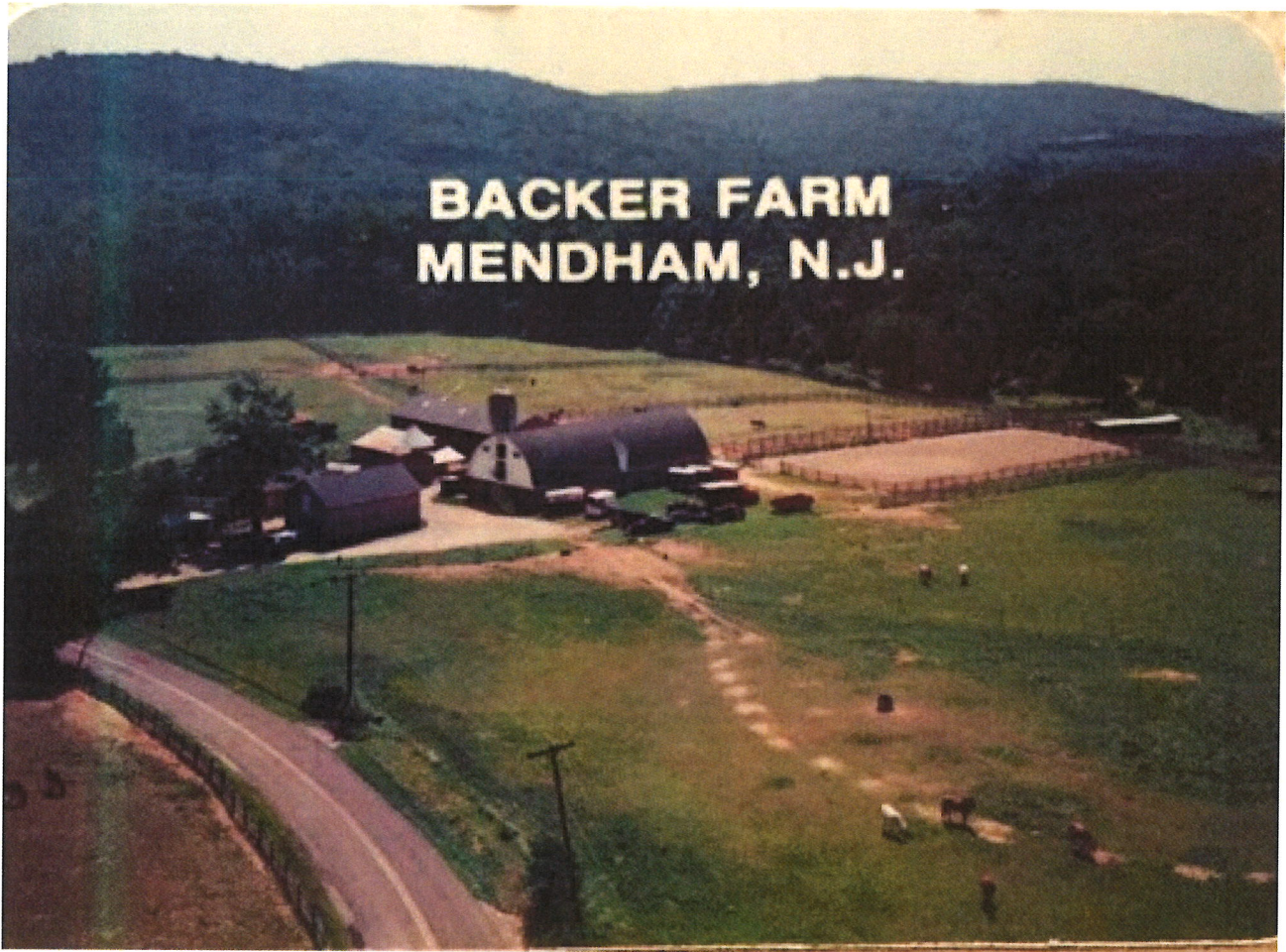
Food Truck Take Out Night Orders

2

PROPERTY REVIEW AND REPORT

BACKER FARM

32 IRONIA ROAD, TOWNSHIP OF MENDHAM
MORRIS COUNTY, NEW JERSEY
BLOCK 109 – LOT 23



Prepared for:
B.F. PARTNERS, LLC
September 15, 2020



Table of Contents

INTRODUCTION	3
ONSITE AND SURROUNDING LAND USES	3
ZONING	7
ENVIRONMENTAL CONSTRAINTS	9
ON-FARM DIRECT MARKETING AGRICULTURE MANAGEMENT PRACTICE	13
NEXT STEPS	16

INTRODUCTION

B.F. Partners, LLC (herein, “applicant” or “landowner”), owners and operators of the preserved Backer Farm located in Mendham Township, New Jersey, has engaged the services of Tara Kenyon, AICP/PP, Principal of Kenyon Planning, LLC to review the property regarding zoning, environmental features and constraints, and other issues related to change in use on the property to allow for a brewery with allowances for On-Farm Direct Marketing facilities, activities and events. This report outlines these details and provides recommendations for next steps.

The Backer Farm is a 37.48-acre farm established in 1927 and preserved in 2004. The subject is located at, and has access from, 32 Ironia Road in Mendham Township, Morris County. Originally, the Backer Family operated a dairy farm, which was then converted to an equine operation. Today, the Backer Farm grows a variety of produce, raises pork and chickens for eggs, hosts farm-to-table events, agritourism activities and events, and operates a successful CSA.

The Backer Family now wishes to create and operate a craft brewery where a minimum of 51% of the products for the brewery will be produced by the Farm Management Unit. The existing dairy barn is proposed for renovation and ultimately be used for two new separate tasting rooms and two new production areas. The proposed new use was presented to the Morris County Agriculture Development Board for conformance with the Deed of Easement and was approved on June 4, 2020 ([Attachment A](#)).

ONSITE AND SURROUNDING LAND USES



FIGURE 1: AERIAL – SUBJECT PROPERTY

The land uses onsite are as follows:

- 61% Other Agriculture
- 22% Deciduous Wooded Wetlands
- 7% Deciduous Forest (10-50% Crown Closure)
- 5% Mixed Shrub/Scrub Wetlands (Dominantly Deciduous)
- 4% Deciduous Forest (>50% Crown Closure)
- 1% Residential Rural

Source: *New Jersey Conservation Blueprint* (www.njmap2.com)

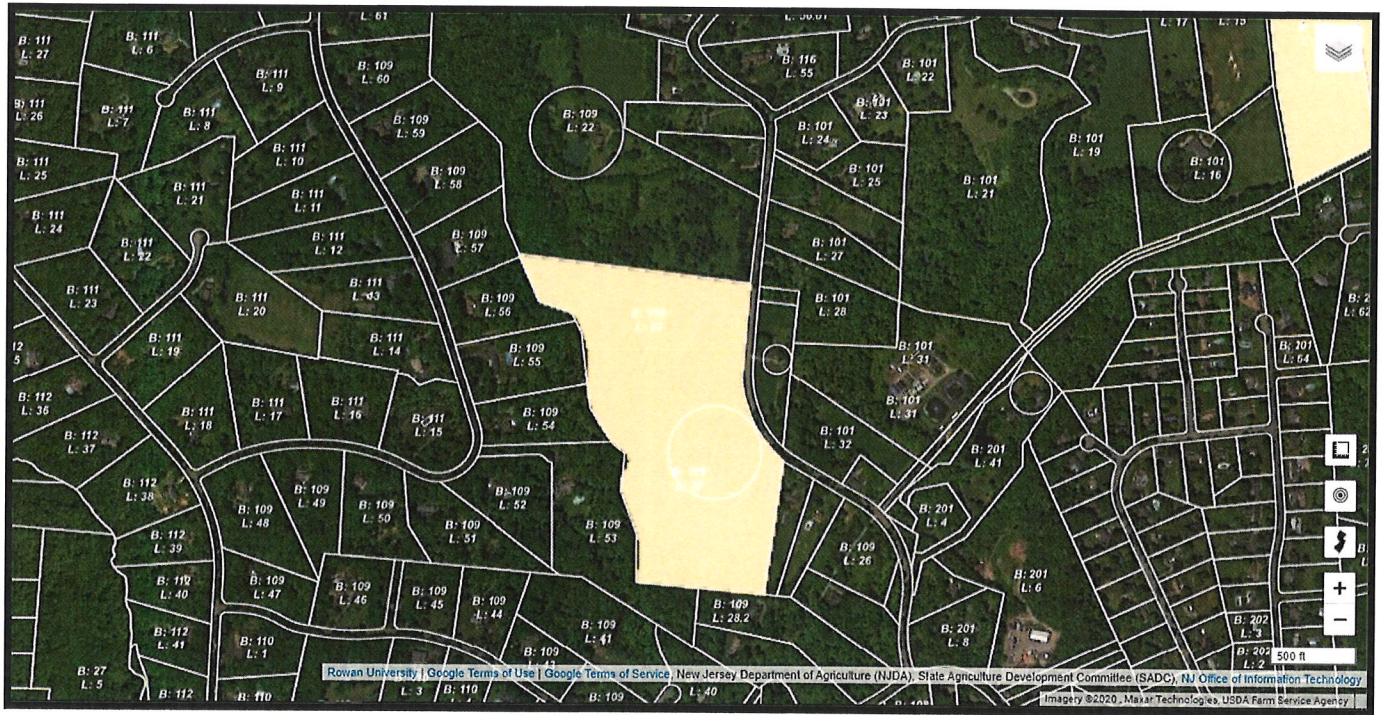


FIGURE 4: PRESERVED FARMLAND

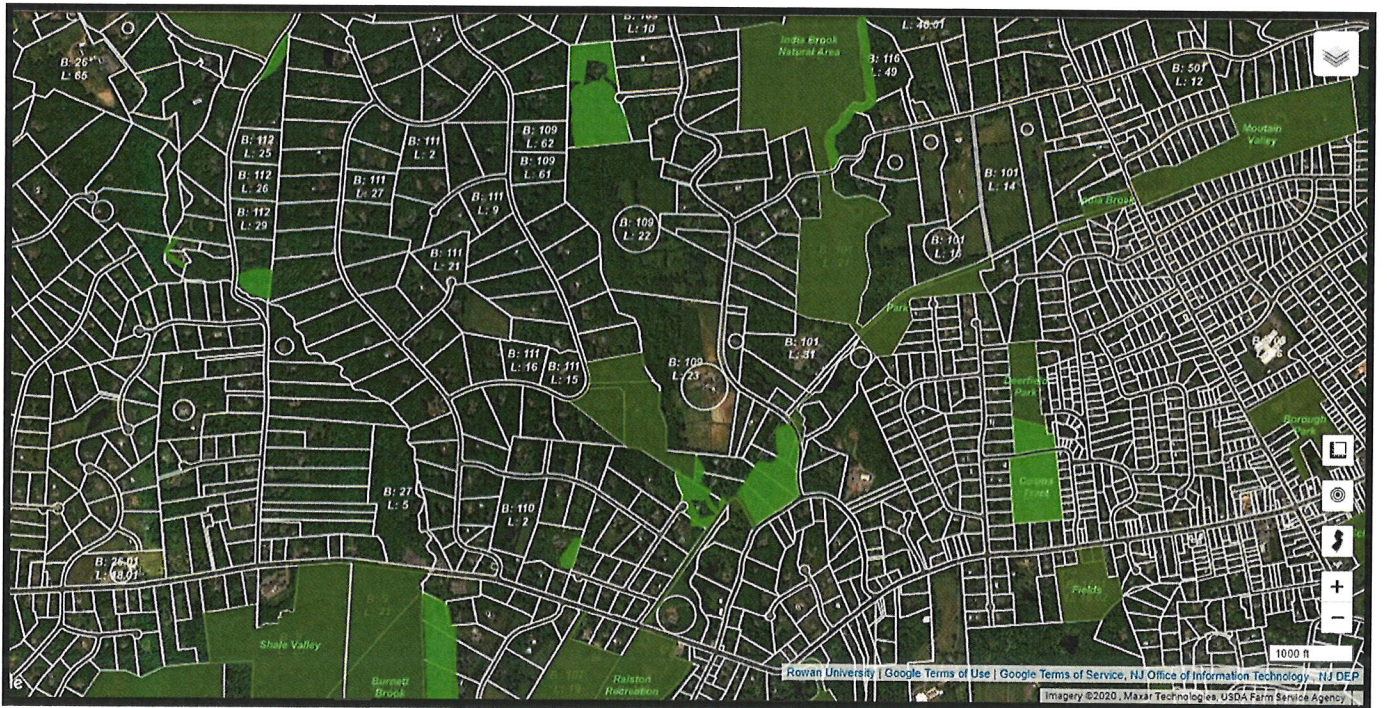


FIGURE 5: PRESERVED OPEN SPACE

The Backer Farm is also situated entirely in the Highlands Planning Area and is a parcel within the Protection Zone (Highlands Land Use Capability Zone). The Protection Zone is defined by the New Jersey Highlands Council as “high resource value lands that are important to maintaining water quality, water quantity, and sensitive ecological resources and processes”. Development activities within the Protection Zone are severely limited, and land acquisition is strongly encouraged. When identifying the boundaries of the Protection Zone, the New Jersey Highlands Council utilized the following criteria:

- *Total Forest Area within Forest Resource Area* – consists of all upland and wetland shrub and scrub lands that contain high intensity ecological forest areas
- *Core Forest > 250'* – lands greater than 300' from unaltered edge of Core Forests
- *Total Forest Area* – total area of forested lands
- *Riparian Corridor Condition (High)* – lands with predominantly natural vegetation, water/wetlands species and high-quality water habitat
- *Prime Groundwater Recharge* – land area that contributes to the highest recharge areas that contribute 40% of groundwater recharge volumes during drought conditions
- *Critical Habitat* – lands with Threatened and Endangered Species Ranks 3 through 5 (Federally-Listed, State Threatened and State Endangered Species)
- *Vernal Pool* – lands with vernal pools plus 1000' buffer
- *Significant Natural Areas* – lands that provide important habitat for endangered, threatened and/or rare plant species
- *Preserved Lands*



FIGURE 6: PROTECTION ZONE – HIGHLANDS PLANNING AREA

ZONING

The subject property (Block 109– Lot 23) is located in the R-10 Zoning District (Single-Family Residential), which is regulated under the Township of Mendham’s Land Use Ordinance (Chapter 21-1-11) The following requirements, allowances and exclusions are noted for the subject property:

- Principal Permitted Uses include:
 - Detached, Single-Family Residences occupied by no more than one family, and consisting of at least 800 square feet
 - Horticulture or agriculture as a livelihood (agriculture is permitted in all residential zones across Mendham Township)
 - Parks and playgrounds not associated with any building
 - **“All uses and structures customarily incidental to agriculture shall be permitted as accessory uses in all residential zones, including, but not limited to”:**
 - Storage, processing, and sale of farm products
 - Irrigation pumps and equipment
 - Application of manure, chemical fertilizers, herbicides, insecticides, and pesticides
 - Onsite disposal of organic agricultural waste
 - Soil and water conservation practices as approved by the Natural Resources Conservation Service (NRCS)
 - Transportation of slow-moving vehicles and equipment on municipal roads
 - Employment of farm laborers
 - **Creation of noise, dust, odor, and fumes associated with approved agricultural practices**
 - **Conduction of farm practices at all times, as necessary**
 - Recreational uses of the property (hunting, riding of off-road vehicles, etc.), with the provision that any recreational uses that change the underlying nature of the agricultural land be subject to the municipal site plan and/or variance review and approval
 - Provision for the wholesale and retail marketing of products produced on the farm, including construction of temporary and permanent structures, and parking (all of which must conform with municipal purposes)
 - Raising and keeping of farm animals
- Conditional Uses
 - Scientific Breeding Farm for Dogs
 - Community Residences for no more than six (6) developmentally disabled residents
 - Community Shelters for no more than six (6) victims of domestic violence
 - Equestrian Farms (only in R-3, R-5, and R-10 zoning districts)
 - Water storage facilities for public water supply (only in R-3, R-5, and R-10 zoning districts)
 - Institutional Uses
 - Churches
 - Telecommunications (new and expansion on existing facilities)
 - **Accessory buildings and structures of a maximum of 2,000 square feet, either by its own footprint or when combined with all other accessory buildings (only in R-3, R-5, and R-10 zoning districts)**
 - All accessory buildings/structures are subject to minor site plan review and approval
 - Must be situated on lots larger than the minimum lot size requirements
 - For accessory buildings/structures in excess of 2,000 square feet, an additional three (3) acres per 1,000 square feet of excess accessory building/structure square feet is required
 - Accessory buildings/structures over 2,000 square feet must comply with the Supplementary Setback Regulations in Chapter 21-4.9, specifically 1.5 additional feet of setback on the front, rear and side yards is required per 1,000 square feet of accessory building/structure.

ENVIRONMENTAL CONSTRAINTS

To prepare this Report, Kenyon Planning, LLC performed a mapping analysis of the subject property using the New Jersey Conservation Foundation's, *Conservation Blueprint*, as well as the Township of Mendham's Zoning Map and the New Jersey Department of Environmental Protection's GIS Mapping Tool.

Wetlands

The subject property is comprised of 22% deciduous wooded wetlands and 5% mixed scrub/shrub wetlands, making the total wetlands onsite 27 acres. Wetlands identified onsite are located along the western border, moving in a north-south direction, and require a 50' buffer (Figure 8). Development within wetlands and wetlands transition areas is limited. Development requires a NJDEP-issued permit, as well as a delineation of the presence and type of wetlands. A Letter of Interpretation (LOI) is recommended for the site to determine restrictions on developable land, and conversely where development could be allowed with the required permits.



FIGURE 8: WETLANDS WITH 50' BUFFERS – SUBJECT PROPERTY

Waterways

The western border of the subject property is within North Branch of the Raritan River's 300' buffer, due to its classification as a C-1 Waterbody under the Surface Water Quality Standards (NJAC 7:9B). This classification means that the waterbody identified is protected from measurable quality change due to its exceptional ecological, recreational, water supply and/or fisheries resources. No "major development" is permitted within this 300' riparian area, and many activities are regulated (excavation, clearing of vegetation, stream stabilization practices, addition of impervious coverage) and only allowed through an NJDEP-issued permit. It is recommended that the riparian areas be delineated through NJDEP and/or via a licensed Engineer. Knowing the boundaries and exact development limitations, specifically where the proposed subdivision will occur, will be exceptionally important regarding the subdivision approvals needed and for the marketing of the newly created lot.

Figure 9 identifies the location of the North Branch of the Raritan River, as well as the extent of the 300' buffer. Figure 10 identifies other waterbodies located onsite and in the surrounding areas, requiring a 50' buffer.

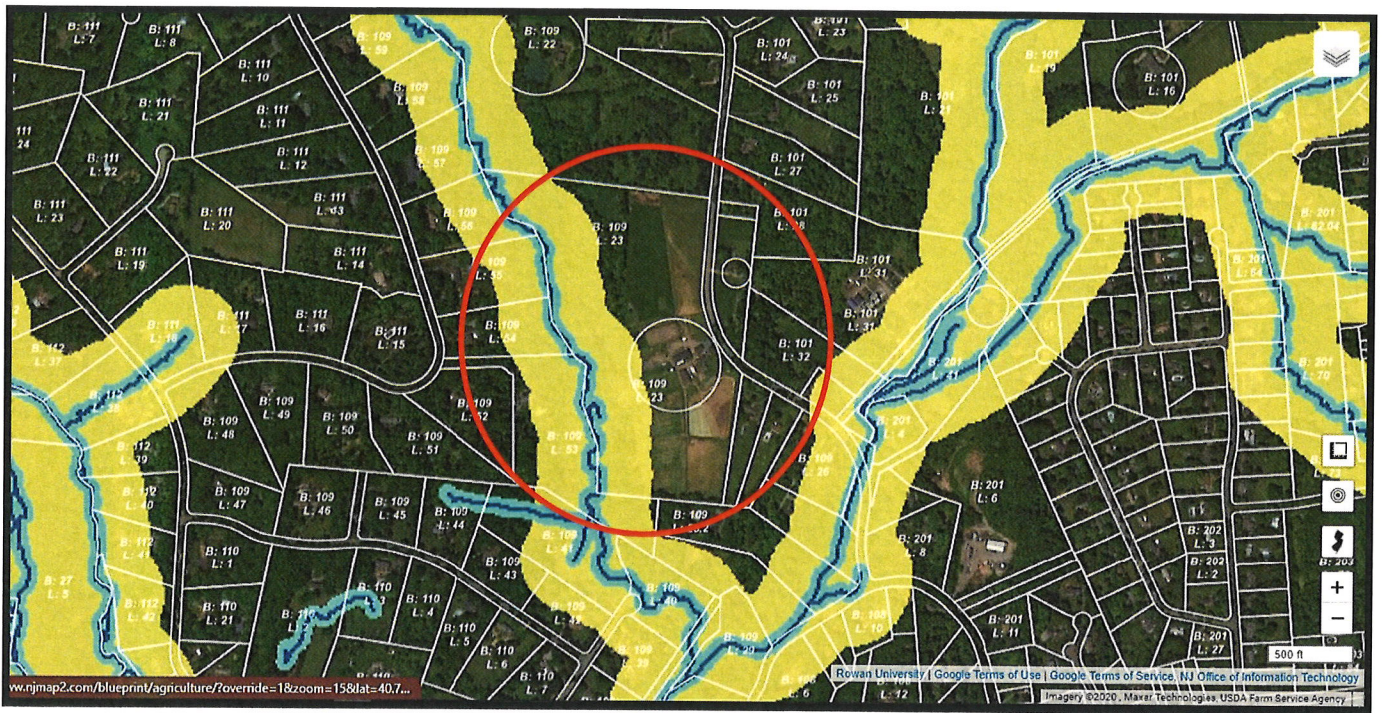


FIGURE 9: CATEGORY ONE WATERS WITH 300' BUFFERS – SUBJECT PROPERTY



FIGURE 10: WATERBODIES ONSITE AND IN SURROUNDING AREAS WITH 50' BUFFERS – SUBJECT PROPERTY

Soils

As a preserved farm, the quality and quantity of Important Farmland Soils is paramount to the continued success of the operation. The Backer Farm consists of 54% Prime soils (soils that produce the most variety of crops with the highest yields) and 23% soils of State Importance (soils that produce a significant variety of crops with average to higher than

average yields, dependent on the climate). With a proposed change in operation, it is recommended that soil conservation and health practices be employed to preserve the quality of the soil (planting of cover crops, implementing appropriate planting schedules, etc.). Assistance from the NRCS in terms of technical expertise and funding programs are available, and many give priority to preserved farmers in New Jersey. Figure 11 demonstrates the location of soils by category on the property.



FIGURE 11: IMPORTANT FARMLAND SOILS – SUBJECT PROPERTY

Threatened, Endangered, Rare and Unique Species

According to the Landscape Project (a project and mapping tool created by NJDEP to look at land use as it relates to the presence of threatened, endangered and rare species), a significant amount of unique species has been identified at the subject site. Figures 12 and 13 respectively show the number of potential species, as well as the ranking determined by the Landscape Project. These rankings, if verified, could limit development potential onsite.

All the threatened and endangered species on the site are Federally Listed (Rank 5), which are located in the western 1/3 of the property. The highest density of Federally Listed species is situated in the northwestern portion of the property. The presence of these species corresponds to the existing Category 1 Waterbody and wetlands.

According to the *Landscape Project, (Version 3.3)*, Rank 5 is assigned to species-specific habitat patches containing one or more occurrences of wildlife listed as endangered and threatened pursuant to the Federal Endangered Species Act of 1973. Species that live and breed in these designated areas are dependent on the highly specialized habitat found in Rank 5 and are protected at the highest limit under Federal regulations. Upon review of the NJDEP's Threatened and Endangered Species data through NJ GeoWeb, the following species have been found on the Backer Farm site:

- Bog Turtle
- Eastern Black Rail
- Indiana Bat
- Northern Long-Eared Bat

Prior to site plan approval and construction or disturbance of any portion of these areas, it is recommended that the property owners study the restrictions of the land, understand what species are present and what Special Areas of Concern exist

with buffers, and identify potential alternate locations in the event that development cannot occur due to the presence of these highly-sensitive species. Data can be requested from the NJDEP's Office of Natural Lands Management (<https://www.nj.gov/dep/parksandforests/natural/heritage/index.html#nhdb>) in the event that a Habitat Suitability Determination or other such document is requested by the Mendham Township Planning Board.



FIGURE 12: NUMBER OF UNIQUE SPECIES – SUBJECT PROPERTY



FIGURE 13: RANKINGS OF UNIQUE SPECIES – SUBJECT PROPERTY

ON-FARM DIRECT MARKETING AGRICULTURE MANAGEMENT PRACTICE

The On-Farm Direct Marketing Agriculture Management Practice (OFDM-AMP) was adopted in 2013 by the State Agriculture Development Committee (SADC) to set standards for on-farm direct marketing facilities, activities and events that market the farm's production and entice customers to the property to purchase products grown onsite. The OFDM-AMP was developed through input from the SADC, Rutgers Cooperative Extension, the Natural Resources Conservation Service, numerous CADB and municipal representatives, and the public. The ultimate goal is to allow farmers the opportunity to market their farms and farm-related products through safe, efficient, and economically viable facilities, activities, and events. This section discusses how the proposed operation on the Backer Farm conforms to the OFDM-AMP.

Below are the sections of the OFDM-AMP that are relevant to the proposed new use at the Backer Farm. Throughout this report, the definitions below should be used and understood for on-farm direct marketing facilities, activities, and events:

Facilities – permanent, temporary, and/or moveable structures, improvements, equipment, vehicles, and apparatuses necessary to facilitate and provide for direct, farmer-to-consumer sales of the agricultural output of the commercial farm and products that contribute to farm income. Such facilities include various types and sizes of direct marketing operations, including, but not limited to: farm stands; farm stores; CSA market and distribution areas; and pick-your-own (PYO) market areas. A facility may include one or more structures or a portion of a structure, and a facility may utilize new or existing structures. A facility's structures may also be used for the commercial farm's other farm purposes, for instance: equipment storage, equipment maintenance, and the production, processing, packaging, storage, or wholesale marketing of the agricultural output of the commercial farm.

Activities - an agriculture-related happening made available by a commercial farm that is accessory to, and serves to increase, the direct-market sales of the agricultural output of the commercial farm. Such activities are designed to attract customers to a commercial farm by enhancing the experience of purchasing agricultural products and include but are not limited to: agriculture-related educational activities; farm-based recreational activities; and ancillary entertainment-based activities.

Events - an agriculture-related function offered by a commercial farm that is accessory to, and serves to increase, the direct-market sales of the agricultural output of the commercial farm. Such events are designed to attract customers to a commercial farm by enhancing the experience of purchasing agricultural products; may include on-farm direct marketing activities as components; are either product-based or farm-based; and occur seasonally or periodically. Product-based events, provided they demonstrate the required relationship to marketing the output of the commercial farm, may include, but are not limited to: an apple, peach, strawberry, pumpkin, wine, or other agricultural or horticultural product festival held at a commercial farm that produces that particular product. Farm-based events provided they demonstrate the required relationship to marketing the output of the commercial farm, may include, but are not limited to: seasonal harvest festivals held at a commercial farm that produces such seasonal farm products, farm open house events, CSA membership meetings, and farm-to-table events that showcase the agricultural output of the commercial farm.

N.J.A.C 2:76-2A.13(c) – Hours of Operation

The OFDM-AMP allows facilities and activities to be offered and/or open on weekends, weekdays, holidays, seasonally, for part of the year or year-round. Events may be offered and/or open on weekends, weekdays, holidays, seasonally or for part of the year. Facilities, activities, and events may be offered and/or open between the hours of 6:00am and 10:00pm, with the availability for the hours to be temporarily extended to 11:00pm.

The Backer Farm is already familiar with the standards established in the OFDM-AMP as they already host activities and events using existing and temporary facilities on the property. B.F. Partners, LLC has already designed the hours of operation for the proposed brewery facilities, activities, and events, and are described in detail in Chart 1 below. The anticipated heaviest volume of patrons is anticipated on Friday and Saturdays during the summer and fall, primarily later afternoon to evening.

	Farm Market		Brewery Tasting Room	
	Open	Close	Open	Close
Monday	9 AM	8 PM		
Tuesday	9 AM	8 PM	12 PM	11 PM
Wednesday	9 AM	8 PM	12 PM	11 PM
Thursday	9 AM	8 PM	12 PM	11 PM
Friday	9 AM	8 PM	12 PM	11 PM
Saturday	9 AM	8 PM	12 PM	11 PM
Sunday	9 AM	8 PM	12 PM	11 PM
Brewing Days				
Monday	Brewing			
Tuesday	Brewing			
Wednesday	Clean/Organize			
Thursday	Brewing Next Steps			
Friday	Deep Clean			
Saturday				
Sunday				

Chart 1: Proposed Hours of Operation – Backer Farm Brewery

Source: *Event Management Plan* – Pinto Consulting, LLC

N.J.A.C 2:76-2A.13(d) – Lighting

When on-farm direct marketing facilities are open, or activities and/or events are offered past dark, the property owners must provide adequate lighting on walkways, driveways, parking areas, and driving areas. All lighting must be focused downward or oriented in a way that prevents light spillage off the property. Lighting is never to focus directly on public roads. Within a half hour of the close of business and/or ending of activity and/or event, lighting must be turned off. Lastly, security lighting is permitted to protect expensive livestock and crops, or to prevent against theft and vandalism.

B.F. Partners, LLC is prepared to conform to the lighting standards established in the OFDM-AMP. Lighting will never be focused directly onto Ironia Road and will not spill onto neighboring properties (the closest neighbor from the area of on-farm marketing activities and events is over 700' away). In addition, all lights will be turned off within one half hour of the close of all on-farm direct marketing facilities, activities, and events.

N.J.A.C 2:76-2A.13(e) – Sanitary Facilities

Because the proposed operation will use indoor seating, outdoor picnic tables, have food available and promote the stay on the farm to 90 minutes or more, B.F. Partners, LLC will be required to provide enough sanitary facilities to accommodate the expected volume without causing long queues. Handwashing and/or sanitizing stations must be provided, and all sanitary facilities must be routinely cleaned.

The Backer family shall upgrade the farm's septic system to accommodate the normal daily needs of the farm operation and the brewery guests. There will be a separate disposal holding tank for the washing of the brewing equipment. The intent is to utilize this wastewater to irrigate crops during appropriate weather months. During winter and inappropriate times, this wastewater may be trucked off site and kept out of the new septic system that will be constructed. Since this wastewater is nutrient rich it is best routed away from the septic system.

For the foreseeable future, B.F. Partners, LLC will provide temporary sanitary facilities ("port-a-potties") to accommodate the expected volume for each on-farm direct marketing activity and event. Once the dairy barn is converted to the production center and tasting room, guests may also use indoor, permanent sanitary facilities. If a larger than normal volume of guests is expected at any one particular activity or event, additional temporary sanitary facilities will be rented to ensure that the volume of guests can be accommodated. Handwashing and/or sanitizing facilities, additionally addressing COVID-19 requirements, will be located at various places on the property. Lastly, B.F. Partners, LLC will ensure timely cleaning of all sanitary facilities.

N.J.A.C 2:76-2A.13(f) – Safety

The OFDM-AMP requires that the property owners/operators provide all visitors with rules and safety procedures. Hazardous materials must be stored in a safe and secure location.

Onsite employees of B.F. Partners, LLC, in addition to the landowners/operators, will relay all rules and safety procedures verbally to patrons. Hazardous materials, if any, will be stored in a safe and secure location away from the on-farm direct marketing facilities, activities, and events.

N.J.A.C 2:76-2A.14(g) – Signs

The OFDM-AMP allows for the use of temporary and permanent signs to advertise on-farm direct marketing facilities, activities, and events. Signs may be installed on farm buildings, fencing and other farm structures. Advance and directional signs may be posted within one half mile of the farm's main entrance and at key intersections and have information on both sides.

The main entrance of the Backer Farm is located on Ironia Road and will be the site of all ingress and egress on the property. This entrance has an existing sign (which has been identified as the primary sign) that will continue to be used. B.F. Partners, LLC may wish to post advance and direction signs along Ironia Road and at the following key intersections:

- Ironia Road and Patriots Path
- Ironia Road and Mountainside Road
- Ironia Road and Roxiticus Road

B.F. Partners, LLC is will conform to the measurements for all signage as prescribed in the OFDM-AMP and reiterated below:

- The maximum size of any one sign will not exceed 16 square feet
- The total combined square footage of all signs onsite will not exceed 160 square feet

N.J.A.C 2:76-2A.14(h) – Parking

This section of the OFDM-AMP specifically states:

"In the absence of municipal standards for the construction of parking areas applicable to on-farm direct marketing facilities, the standards in this subsection shall apply". After review of the Mendham Township's Land Use Ordinance, there is no evidence of parking standards for such facilities, therefore the applicant wishes to use this subsection of the OFDM-AMP as it relates to parking. As such, safe, efficient parking will be provided for all activities and events and will be prohibited in the road right-of-way. Ingress and egress will utilize the existing driveway entrance off Ironia Road.

Sufficient parking, including handicapped parking, will be provided to accommodate the expected volume of patrons using the existing improved parking lot. The two existing paddocks will be designated temporary parking areas with the existing surface material. In accordance with the OFDM-AMP, which states that areas temporarily devoted to parking (i.e., overflow

parking) requires the minimum amount of improvements so that these areas can be easily converted back to agricultural use, and the preference of B.F. Partners, LLC, temporary parking areas will be kept in as natural a state as possible.

N.J.A.C 2:76-2A.14(i) – Buffers

Commercial farms hosting activities and events, or using existing and new facilities, should employ buffers from neighboring properties. According to the OFDM-AMP, these buffers “need not involve greater than the minimal setbacks and/or screening necessary to protect public health and safety and to mitigate unreasonably adverse impacts on adjacent properties.” The closest neighboring property is over 700’ away from the areas where facilities, activities and events will be used and held. Wooded areas already exist along most of the property line, which provide sufficient buffering. As mentioned above, parking exists onsite and meets the buffering requirements of this subsection.

The OFDM-AMP provides the following standards for buffering for new and/or expanded facilities, activities, and events:

- 50’ setback of facilities from the paved portion of the roadway
- 25’ setback of activities and events from the paved portion of the roadway
- 50’ setback from rear and side yard property lines (facilities, activities and events)
- 100’ setback from existing, occupied residence not located on the farm (activities and events only)
- 25’ setback of parking from paved portion of the roadway
- 50’ setback of parking from rear and side yard property lines

N.J.A.C 2:76-2A.14(l) – Continued agricultural use

The OFDM-AMP requires that activities and events have a negligible impact on the farm’s continued agricultural use. The Backer Farm is happy to conform to this requirement, as the family farm has been, and continues to be, dependent on the sustainable, future agricultural use. The new venture through B.F. Partners, LLC will enhance the production through planting, harvesting and production of new crops, while maintaining the current soil health and agricultural opportunities.

N.J.A.C 2:76-2A.14(p) – Approval of Site Plan Elements

The OFDM-AMP states that a commercial farm seeking to use or build facilities for on-farm direct marketing, and/or host on-farm direct marketing activities and events, may request relief or reduction from certain aspects of site plan approval using the OFDM-AMP for guidance. Municipal review could potentially be limited to the minimal amount of improvements/approvals necessary to protect public health and safety based on the proposed operation, the farm’s surroundings, expected volumes of patrons and guests, and intensity of use.

B.F. Partners, LLC requests that the Mendham Township’s Planning Board allow for potential relief and/or reduction of municipal site plan requirements based on guidance provided through the OFDM-AMP, and based on the operation’s existing and proposed use, intensity of activities and events, use of existing access from Ironia Road, and documented procedures to protect public health and safety. Following municipal review and site plan approval, B.F. Partners, LLC may seek the remaining relief needed from the Morris County Agriculture Development Board.

NEXT STEPS

The property owners wish to proceed to an application and presentation before the Mendham Township Planning Board prior to the close of 2020. To meet this goal, Kenyon Planning, LLC offers the following recommendations:

- Conformance with Highlands Planning Area rules and exemptions should be examined to determine what documents (if any) need to be included with the Planning Board application.
- There is a significant portion of Federally Listed, Rank 5 threatened and endangered species onsite. Special Concern Areas, buffers related to the presence of threatened and endangered species, and potential land development obstacles should be investigated as soon as possible.
- If the landowners do not already have one, commission a Letter of Interpretation and/or Engineering study related to presence and type of wetlands, wetlands transition areas and riparian areas onsite.
- Review the allowances under the On-Farm Direct Marketing Agriculture Management Practice (OFDM-AMP) to ensure inclusion of accurate verbiage in the application before the Mendham Township Planning Board.

- A thorough review of the finalized engineering plans should be reviewed in connection with this report, the vision for the operation, and the requirements established in the Planning Board application.
- Request a pre-meeting with Planning Board Staff and the Project Team to establish a working relationship, and to address any potential obstacles that may arise through the application process.
- Request a meeting with the Township Health Officials (shared service with Morris County) to discuss requirements and issues related to septic capacity and conformance with regulations.

Please contact me with any questions and/or feedback upon review of this Project Report. I will keep you informed about information from the upcoming site inspection, as well as any correspondence I have with above-referenced agencies.

3

Pinto Consulting LLC

February 26, 2020

Ms. Nicole Voigt, Esq.
Shanahan & Voigt, LLC
200 NJ-31, Ste. 207
Flemington NJ 08822

RE: **Proposed New Uses on Preserved Farm** - Farm-based Brewery and Distillery
Farm Owner: BF Partners, LLC
Deed of Easement: Book 6180, Page 138

Dear Ms. Voigt:

I offer the following analysis of the Backer Family's application for permission to establish an on-farm beer brewing operation as well as a distilled spirits operation on their Mendham Township property. Their farm has been preserved by the State of New Jersey and the County of Morris as agricultural land under the farmland preservation program. Accordingly, the creation of a brewery operation and/or distillery operation on the farm is a new use recommended to be reviewed by the Morris County Agriculture Development Board (CADB) to ascertain if this use is consistent with the use restrictions that have been placed on the property as part of the preservation transaction.

Backer Farm History

The Backer Family has owned and operated their Ironia Road farm since 1927. The farm was originally a dairy farm. The existing dairy barn was built in 1954. In 1971, the farm transitioned from a dairy business into a horse boarding and training facility. The dairy barn was converted into horse stalls. The Backers pastured horses and raised hay for many years. Today, the Backers have a few horses remaining but continue to grow and harvest hay. Derick and Heather Backer run the farm today which features a CSA program, naturally grown produce, pork, eggs and conducts farm-to-table events with their resident chef. The farm market sells these products as well as many value-added offerings produced from the farm's output. There are a variety of agri-tourism related activities as well. These existing farm offerings will all continue following the new brewery and distillery operations being established. This evolution of the farm is very much in keeping with the changes in New Jersey agriculture over the last century. The land that had been purposed for the equine operation is where grain and pumpkin production will be established. Appendix B illustrates the planting plans for the next three growing seasons.

Proposed New Use

The farm is identified by Morris County as the "Backer Farm" and consists of property known as Block 109, Lot 23 in Mendham Township. The farm, which consists of approximately 37.4 acres, was preserved in 2004. The preservation of the farm was accomplished through the imposition of deed restrictions on the property filed in the Deed of Easement recorded in the Morris County Clerk's Office in Deed Book 6180, Page 138.

The Backer Family is proposing a farm-based brewery and distillery operation on the premises. These new enterprises will be jointly owned by the Backer Family, Mr. Aaron Buch and Mr. Bob Dillon. The plan is for the Backer Farm operation to continue to produce a variety of fruits and vegetables, meat and eggs. The Backers will continue to operate their CSA and provide a farm market for the sales of their products. The new uses are planned to utilize the existing dairy barn on the property. The dairy barn is currently used for general storage, but is under-utilized. The footprint of the building will not change. The interior will be renovated to establish separate production areas and two separate tasting rooms. According to Mr. Paul Urbish, Deputy Attorney General assigned to the NJ ABC, the law does not contemplate the sharing of a tasting room for two licensed operations. As such, he cannot state that a shared tasting room is permitted under the law. Each licensed operation must stand alone in its production areas and tasting room areas. The brewery will operate under the Limited Brewery License. The distillery will operate under the Craft Distillery License.

The planned production for each operation is included in Appendix E & F. A summary of the needed production acreage for each operation is provided below:

Operation	Acres Needed	Crops to be Grown
Backer Farm CSA	2 acres	Tomatoes, Eggs, Berry bushes, strawberries, zucchini, cucumbers, carrots and other root vegetables
Authenticity Brewing	6 to 12 acres	Barley, wheat, rye, pumpkins
Dismal Harmony Distilling	4 to 8 acres	Barley, wheat, rye, sweet potatoes, potatoes, blue corn
TOTAL:	12 to 22 acres	

A range of acreage is provided as crop yields cannot be predicted with any level of precision. Each operation will individually meet the minimum requirement of 51% of the products used being produced on the farm. Appendix E and Appendix F provide the estimated production figures for the brewery and distillery operation. Representative recipes are provided that illustrate the percentage of the various ingredients going into each batch of beer or spirits. The tables provide the anticipated products to be grown on the farm to illustrate conformance with the 51% minimum requirement. These charts can also be utilized for actual annual reporting compliance for the 51% minimum requirement.

Farm Management Unit

Given the acreage available on the Backer Farm (home farm), the intention is to have grain and other production on the home farm as well as the farms under the Backer's control, their "farm management unit (FMU)." The details of the FMU are included in Appendix G. The Backer's are entering into a written year to year lease for the former Tomkins farm (now owned by James Petrucci). Other farms in their FMU are verbal agreements. Signed leases can be developed if necessary, to assure that adequate production area is available and secured to support the operations well into the future.

Crop Production and Planting Plan for First Three Years

Attached as Appendix B is an aerial photo showing the fields and what will be planted for the next three years. Following is a table indicating the intended crop rotation plan. Barley cannot be planted in the same field it was planted in the year prior. Importantly, corn cannot be in the crop rotation with barley for disease reasons. Soybeans, pumpkins and many other crops can serve as the “off year” crop for barley. As pumpkins will be used in one of the beer recipes, that is the likely crop that will be rotated on the barley fields, at least to begin. Pumpkins are also sold by the Backers, so they are a natural fit. In future years, the farm will work into the planting plan crops that include wheat and rye. Both of these grains can be utilized for spirits and beer making.

The goal is to have the Backers grow as high a percentage of the ingredients used in the beer making and distilling processes as possible. With the Backers reducing the number of horses at the farm, the need for hay growth has been diminished significantly. With their farm management unit, the Backers have access to over 80 tillable acres in the Mendham / Chester area. This will enable increased grain production that is necessary based on the demand from the brewery and distillery operations. Grain storage will be the short-term limiting factor on the variety and volume of crops to be grown. Research has shown that corn should not be planted anywhere near barley. For that reason, a separate farm within their farm management unit will be chosen to plant blue corn. The distilling operation can rely on blue corn for two of its recipes. The distilling operation can use a wide-variety of grains and will use the malt from the barley that is grown by the Backers.

Backer Farm

Field Rotation Plan

Field	Acres	2020	2021	2022
South West	3.5	Hay	Barley	Pumpkins
South East	1.6	Hay	Barley	Pumpkins
North East	3.1	Pumpkins	Barley	Pumpkins
North West	3.6	Barley	Pumpkins	Barley
Produce	2.0	Same	Same	Same

Petrucci Farm

Field Rotation Plan

Field	Acres	2020	2021	2022
Primary	11.0	Barley	Pumpkins	Barley

Total For Both Farms

Brewing/Distilling Crops Annual Acreage:

Total	2020	2021	2022
Barley	14.6	5.1	14.6
Pumpkins	3.1	14.6	8.2
Total:	17.7	19.7	22.8

Grain Storage

Derick Backer has a good working relationship with Scott Clucas. Clucas Farms has grain storage that the Backers can use for the first year's harvest if they are unable to complete a grain bin being constructed on site prior to harvest. Over the years, there will be two or more grain bins on site for the variety of grains that will be grown to support the operations. Each grain must be stored separately, dried and kept dry until such time as the malthouse can malt the product or be used in the distilling process. For the first few years, no more than one or two grain varieties are planned on being planted. As the project matures, there is likely to be more grain varieties grown each year.

Malting

The Backers plan is to grow and harvest the barley from the farm, store the grain on site to let it dry and prepare it for malting. The dry grain will then be transported to a malthouse for processing, return the malted barley back to the farm and then used in the brewing process. The likely malthouse is Double Eagle Malt in Huntingdon Valley, PA. Alan Gladish and Scott Broussard who operate the malthouse will do "contract malting". Double Eagle currently provides this service for local breweries and barley / wheat growers in the region. Screamin' Hill Brewery in Monmouth County that is the state's first on-farm (preserved farm) brewery utilizes Double Eagle Malt for this same "farm-to-glass" purpose. The Jayne's proposed brewery in Long Valley has utilized Double Eagle's services already. "Contract Malting" enables the farm to supply its grain to the malthouse, have it malted to its specifications, and have their own grain returned as malt for a true field-to-glass process.

It's important to note that other grains used in the distilling process do not require malting. This will enable more grains to be produced on a shorter turn around time and less risk for being acceptable for the distilling process.

Location of Operations on the Farm

As discussed earlier, no new structures are to be constructed for the brewery and distillery operations. The interior of the existing dairy barn will be renovated to house both operations. See Appendix B for a possible interior floor plan. This plan has not yet been reviewed or prepared by a licensed architect and is subject to change. The dairy barn will contain the distilling and brewing equipment and will have separate entrances and tasting rooms, per ABC directive.

Parking will be provided in the existing graveled areas of the farm. To maintain the farm aesthetic, no paved parking is contemplated. Parking stalls can be formalized in the gravel surface if necessary as is customary with other area farm markets.

Hours of Operation

The following are the intended hours of operation for all activities at the farm.

	Farm Market		Brewery Tasting Room		Distillery Tasting Room	
	Open	Close	Open	Close	Open	Close
Monday	9 AM	8 PM				
Tuesday	9 AM	8 PM	12 PM	11 PM	12 PM	11 PM
Wednesday	9 AM	8 PM	12 PM	11 PM	12 PM	11 PM
Thursday	9 AM	8 PM	12 PM	11 PM	12 PM	11 PM
Friday	9 AM	8 PM	12 PM	11 PM	12 PM	11 PM
Saturday	9 AM	8 PM	12 PM	11 PM	12 PM	11 PM
Sunday	9 AM	8 PM	12 PM	11 PM	12 PM	11 PM

	Brewing Days	Distilling Days
Monday	Brewing	
Tuesday	Brewing	Clean/Organize
Wednesday	Clean/Organize	Distilling
Thursday	Brewing Next Steps	Distilling
Friday	Deep Clean	Deep Clean
Saturday		
Sunday		

Brewing & Distilling Equipment

The anticipated brewing equipment will be supplied by SS Brewtech located in California. The system will likely be a 7 bbl brewhouse. In total the production area needed is approximately 500 square feet. The equipment's maximum height is approximately 8.5 feet. If the grist case is added for gravity feed, the height exceeds 14 feet.

The distilling equipment has been purchased. The system (drawings in Appendix O) are manufactured by Corson Distilling Systems in Caldwell, Idaho. The system includes: a 300-gallon pot still; 4-Plate Whiskey Column; 10-Plate Vodka Column and a Spirits Safe. The equipment has a height of greater than 11 feet and a weight of close to two tons.

The equipment will require extensive changes to the interior floor plan of the dairy barn to accommodate the production equipment.

Licenses, Permits and Other Agency Reviews

The Backer Family is seeking a review to confirm that the proposed uses are in keeping with the Morris CADB's Deed of Easement. Precedent for approval of this proposal has occurred with the Jayne and Peach Farms in Washington Township, Morris County.

Other Permitting and Licensing

Upon approval by the Morris CADB, the Backer Family will engage an architect and/or a civil engineer and will seek the following approvals:

- Municipal Site Plan approval and / or building permits
- Wastewater permitting via Township Dept of Health / NJDEP / NJ Highlands Council
- Soil Conservation (if applicable)
- Federal (TTB) Liquor License
- NJ ABC – Limited Brewery License

Proposed Timeline

Appendix I details the intended timeline for this proposal. The primary dates of importance are as follows:

Two-Row Spring Barley Planted	April 2020
Township Planning Board Review	June – Oct 2020
Other Permitting and Licensing	June – Dec 2020
Construction/Renovation	Nov '20 – July 2021
Grand Opening	July – Sept 2021
Barley Harvest	October 2020
Grain Drying/Storage	Sept – Nov 2020
Malting Process	Nov 2020 – Feb 2021

The above schedule is achievable. If we are able to keep to this schedule, the brewery and distilleries would be ready to open following the first crop of barley being malted. The latest information available is that a Spring two-row variety called “Odyssey” has been successfully grown and malted in Pennsylvania and shows great promise for the Morris County climate. However, there is the potential that this crop is not successful and the operation is ready to open without an initial crop being available.

Request for Startup Prior to Barley Harvest

The Backer Family requests that the CADB permit the operation to open despite a crop not be successful in the first year. Given the uncertainties with barley growing, and the quality being acceptable for malting, this is a major risk with this proposed operation. While the Jayne Family were able to successfully plant a winter barley and harvest it and have it malted on their first attempt, it is not a guarantee this will occur in every circumstance.

For this reason, the Backer Family requests that the CADB’s approval permit the operation to open and use imported grains if the operation proves to be unsuccessful in its first year’s grain harvest. Testing from Hartwick College can be provided to prove the quality of the grains at harvest.

Respectfully Submitted,

Frank

Frank Pinto, Proprietor
Pinto Consulting, LLC

Pinto Consulting, LLC
908.303.2059

21 Cherry Tree Lane
Frank@FrankPinto.net

Chester, NJ 07930

**Pinto
Consulting LLC**

Appendices

	Item
A	Morris CADB Policy P-12
B	Aerials: Home Farm Field Rotation Plan 2020, 2021, 2022; Building Complex & Proposed Parking Areas
C	Barley Growing Research
D	Morris CADB Resolution Approving Jayne Farm Brewery
E	Brewery Production Estimates
F	Distillery Production Estimates
G	Backer Farm Management Unit
H	Timeline for Operation's Launch
I	Hours of Operation & Brewing/Distilling Schedules
J	Suggested Annual CADB 51% Compliance Form
K	Biographies – A. Buch & C. Bauer - Authenticity Brewing
L	Biography – Bob Dillon – Dismal Harmony Distilling
M	Equipment Specs for Distilling & Brewing Equipment