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October 12, 2023

Mr. Jason Gabloff
Township Administrator
MENDHAM TOWNSHIP
PO Box 520
Brookside, NJ 07926

Re: **BACKER FARM BREWERY**
MORRIS COUNTY AG BOARD APPLICATION
Block 109, Lot 23
32 Ironia Road
Township of Mendham, Morris County
FPA No. 13311.084

Dear Mr. Gabloff:

As requested, our office has performed a review of the Backer Farm Brewery Application currently under consideration by the Morris County Agricultural Development Board. In particular the following documents were reviewed in the preparation of the letter:

- Preliminary and Final Major Site Plans for Proposed Farm Based Brewery at Backer Farm last revised dated June 8, 2023, and prepared by Roth Engineering – 8 Sheets.
- Stormwater Management Plan dated March 13, 2023, and prepared by Roth Engineering – 1 Sheet
- Traffic and Parking Assessment Report dated June 1, 2023, prepared by Stonefield.

General Application Summary

The subject application is seeking approval for the conversion of the existing barn to a farm-based brewery as a through a submission to the Morris County Agricultural Board. The applicant proposing the reconfiguration of the driveway, creation of a 40 space visitor parking lot, 5 spaces for employee parking and 2 parking space for dwelling, removal of a greenhouse, the installation of a septic field and installation of a cultec stormwater management system on Block 109, Lot 23.

The parcel consists of 37.49± acres in the R-10 Zone. The site is currently used for agricultural purposes, and consists of an existing farm store, single-family dwelling, an existing barn, animal housing, sheds, and two greenhouse.

Stormwater Management

We performed a review of the project as it relates to Stormwater Management, focusing on whether the application is considered a Major Development under the governing Stormwater Regulations. In order to make that determination, consideration is given to the definition of Major Development, Development, and Impervious Surfaces. Per Mendham Township Ordinance No 01-2021, we have walked through each of those individual definitions as follows. Each definition is listed in *Italics* followed by our comments in **Bold**:

Comment 1. "Development" definition per NJAC 7:8 states that "in the case of development on agricultural land, development means: any activity that requires a State permit; any activity reviewed by the County Agricultural Boards (CAB) and the State Agricultural Development Committee (SADC), and municipal review of any activity not exempted by the Right to Farm Act, N.J.S.A. 4:1C-1 et seq."

Based upon this definition, the proposed brewery is an activity that meets the definition of a development. However, other activities that have historically occurred on the farm would not be considered development, such as farming the land including and the erection of green houses.

"Regulated Impervious Surface" means any of the following, alone or in combination:

1. *A net increase of impervious surface;*

The engineer has indicated that the increase of impervious surface is 3,498 sf.

2. *The total area of impervious surface collected by a new stormwater conveyance system (for the purpose of this definition, a "new stormwater conveyance system" is a stormwater conveyance system that is constructed where one did not exist immediately prior to its construction or an existing system for which a new discharge location is created);*

The applicant is proposing a new stormwater collection facility for the roof runoff of the brewery building. Applicant should confirm the surface area being routed to the stormwater conveyance system. While the Brewery is not a new building, under this definition the roof runoff is technically considered a new regulated impervious surface.

3. *The total area of impervious surface proposed to be newly collected by an existing stormwater conveyance system; and/or*

Not Applicable.

4. *The total area of impervious surface collected by an existing stormwater conveyance system where the capacity of that conveyance system is increased.*

Not Applicable.

The Mendham Township Municipal Stormwater Regulations define a Major Development as:

"Major Development" means an individual "development," as well as multiple developments that individually or collectively result in:

1. *The disturbance of one or more acres of land since February 2, 2004;*

The applicant is proposing less than one acres of land disturbance. (0.92 Acres). While other disturbances have occurred on the property since 2004, those disturbances do not appear to meet the definition of "Development" as discussed above.

2. *The creation of one-quarter acre or more of "regulated impervious surface" since February 2, 2004;*

The applicant is proposing less than one-quarter acre of regulated impervious surface. (This office calculates a total regulated impervious surface as follows:

- **4,528 SF of Building (Because a drainage system is added to the barn, it is included in this calc)**
- **1,005 SF of newly created concrete surfaces (calculated by this office)**
- **650 SF driveway apron on Ironia Rd (calculated by this office)**
- **TOTAL ±6,183 SF (Applicant should confirm)**

Please note that the 650 SF of driveway apron is a correction made by our office when reviewing Roth Engineering's Stormwater Management Plan. Their plan does not appear to account for the driveway apron in Ironia Rd. Roth Engineering should clarify.

3. *The creation of one-quarter acre or more of "regulated motor vehicle surface" since March 2, 2021; or*
The applicant is proposing less than one-quarter acre of regulated motor vehicle surface
 - **4,291 SF as indicated on the stormwater management plan**
 - **650 SF regulated surface at driveway not shown on plan**
 - **TOTAL ±4,941 SF; 0.11 Acres**

4. *A combination of 2 and 3 above that totals an area of one-quarter acre or more. The same surface shall not be counted twice when determining if the combination area equals one-quarter acre or more.*
The applicant should confirm the proposed total. This office calculates the combination of 3 and 4 above as follows:
 - **4,528 SF of Building**
 - **1,005 SF of newly created concrete surface**
 - **650 SF of driveway apron on Ironia Rd**
 - **4,291 SF as indicated on the stormwater management plan**
 - **TOTAL ±10,474 SF (0.24 acres)****This total is less than the 0.25 acres required for the project to qualify as a Major Development.**

The applicant's engineer should review these numbers and confirm their accuracy. Based on the definitions, and the exemptions allowed per Right to Farm, it is our opinion that this project does not meet the definition of a Major Development as per the Township's Stormwater Management ordinance.

As outlined above, this project appears to avoid the designation of a major development by remaining below the new impervious threshold by 400 SF and below the disturbance threshold by 3,484 SF. In accordance with the current stormwater regulations and interpretation by the NJDEP, if in the future either of those thresholds are exceeded cumulatively from 2004, then the improvements of this application would need to be retroactively accounted for from a stormwater management standpoint. Therefore, any future development on this property could require the property owner to design stormwater management measures for these current improvements. For this reason, while it may not be required, it is advisable that the applicant consider incorporating major development stormwater management measures into this design.

Traffic

Comment 2. The Traffic & Parking Assessment Report prepared by Stonefield utilizes ITE Land Use Code 975 (Drinking Place) to estimate the anticipated peak hour trips for the Weekday and Saturday Peak Hours. For this Land Use Code, the variable to be used is the Gross Floor Area of the building. The engineering report used the floor area of the service areas only, not the gross floor area. ITE's definition of GFA does not permit the removal of areas such as the area with brewery tanks, bathrooms, etc. for this particular land use code. The calculations should be revised to include the actual GFA of the building. Adding the 1,884 SF of floor area labeled "brewery" on the architectural plans to the 3,093 SF listed as "serving area" on the site plans and running the calculations increases the PM peak hour trips from the maximum of 48 considered by Stonefield to approximately 78. The Saturday peak hour goes to approximately 45 trips vs. the 44 considered by Stonefield. Both of these are still below the 100 additional trip critical threshold where you would expect to see this development be a key contributor to off-site impacts. The engineer should review and provide updated calculations to confirm.

Comment 3. Another ITE LUC (971 – Brewery Tap Room) exists which does specifically allow for the removal of these other areas and limits the floor area to be that area used as a tasting room. If the 3,093 SF figure is used, this would be more appropriate. Our estimation is that this would result in 34 weekday PM peak hour trips and 72 weekend peak hour trips, both being below the 100 trip threshold. Data also exists for total weekday trips (191) and total weekend trips (378). Note that DOT uses a threshold of 500 daily trips to differentiate between major/minor applications. The engineer should review and provide updated calculations to confirm.

Comment 4. We have reviewed the parking calculations and take no exception to their totals.

Site Plan Comments

Comment 5. In accordance with Section 16-8.4I -Fire Protection Systems – The applicant shall provide the proposed location and detail of fire protection systems pursuant to Section 16-10.2w.

Section 16-10.2W.1 – Where an existing water supply is available and has been approved by the Mendham Township Fire Department for minimum fire fighting purposes, fire hydrants shall be installed at appropriate location as recommended by the Mendham Township Fire official and at distances between hydrants shall not exceed 1,000 feet.

We would defer to the Mendham Township Fire Official for location of a fire hydrant should they deem a hydrant as necessary.

Comment 6. Applicant should confirm that there will be no outdoor seating area beyond the brewery's patio and deck.

Comment 7. In accordance with *Section 16-10.3c.1.- Off-Street Parking areas and access drives shall be improved with either 4" of DGA , 3" of base course and 1-1/2" of surface course or 4"base course and 1-1/2" of surface course.*

The driveway is proposed as a gravel surface and is therefore not compliant with the municipal ordinance.

Comment 8. In accordance with *Section 16-10.3c.4, Entrance and exit driveways connecting the parking area and street shall not exceed twenty-two (22) feet in width.*

The applicant has proposed a driveway which is 24 feet in width, and therefore this does not comply with the ordinance.

Comment 9. In accordance with *Section 16-10.3c.7, Parking area shall be effectively screened on any side which abuts or faces any premises situated in any residential zone by a fence, wall or hedge up to six (6) feet in height.*

It does not appear that the parking area is screened, therefore the project does not comply with the Township Ordinance.

Comment 10. In accordance with *Section 16-10.3c.13, Each parking spot shall have a minimum of 9 feet in width and 20 feet in length. If approved by the planning board, two (2) of the twenty (20) feet in length may be satisfied by vehicular overhang over a landscaped area which is protected by curbing.*

The applicant is proposing 18 feet long parking stalls in all locations. Therefore the project does not comply with the ordinance.

Comment 11. In accordance with Section 16-10.3c.14, a loading area of 12'x40' should be provided. The applicant should address how loading will occur on the property, and if a compliant loading area is available.

Comment 12. The project proposed a gravel parking lot with parking designated with painted stripes. The applicant should indicate how parking will be defined on a gravel surface.

Comment 13. Permeability testing should be provided for the proposed drywell to confirm the soil can suitably infiltrate the stormwater in accordance with the BMP manual.

Comment 14. It is recommended that all lights, including parking lot and signage lights, should be extinguished at close of business.

Comment 15. Section 16-.3c3 of the municipal ordinance states that all lights should be reflected downward and dark sky compliant. The image of the proposed light on Sheet 8 shows a convex lens. A convex lens should not be used as it will promote horizontal distribution of light which will increase impacts to neighboring properties.

Comment 16. The applicant should identify how garbage pick up will occur considering the designed dumpster would be blocked if cars are parked in the lot.

If you have any questions, please do not hesitate to reach out.

Respectfully submitted,
FRENCH & PARRELLO ASSOCIATES



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