

**TOWNSHIP COMMITTEE
TOWNSHIP OF MENDHAM
REGULAR MEETING**

DATE: June 27, 2022
TIME: 7:30 PM
LOCATION: Municipal Building and Remote Via Zoom

ROLL CALL

| | |
|----------------|---------|
| Mr. Baio | Present |
| Ms. Duarte | Present |
| Ms. Neibart | Present |
| Mr. Orlins | Present |
| Mayor Monaghan | Present |

Also, present:

Mr. John M. Mills, Esq.
Mr. Jason Gabloff, Township Administrator
Ms. Maria Coppinger, Township Clerk

SALUTE TO THE FLAG

STATEMENT OF ADEQUATE NOTICE - Read by Mayor Monaghan

Adequate Notice of this meeting of the Township Committee of the Township of Mendham was given as required by the Open Public Meetings Act as follows: Notice was given to the Observer Tribune and Daily Record on January 10, 2022. Notice was posted on the bulletin board in the township offices and notice was filed with the Township Clerk.

PROCLAMATIONS

- Recognizing June as Pride Month – Read by Mayor Monaghan
- Gun Violence Awareness Month – Ready by Mayor Monaghan

ANNOUNCEMENTS

Mayor Monaghan announced the mental health initiative, Hunterdon Area Energy Cooperative, energy tax receipts legislation, and the upcoming 4th of July celebration. Mr. Baio provided a monthly report on building department revenue. He also reminded the public about the special meeting on Wednesday to review the Master Plan. Ms. Neibart added to the 4th of July celebration announcements. Ms. Duarte congratulated the Environmental Commission on the Wysong Park Native Plant Garden. She also announced several upcoming events and thanked Mayor Monaghan for reading the proclamations.

Recreation Director David Guida provided an update on the Patriot’s Race and Brookside Beach revenue. Mr. Guida also provided details on the 4th of July Celebration, Pride Event, National Night Out and a Movie Night.

OPEN TO THE PUBLIC

Steve Dreskin, 3 Roxiticus Road – Mr. Dreskin commented on the Backer Brewery application, noting that he doesn’t think a brewery is necessarily a terrible idea. Still, it seems from the proposal that what it amounts to is an event venue and a big bar on little Ironia Road. Mr. Dreskin expressed that the township’s letter to the Agricultural Board left many health and safety issues unaddressed. He asked several questions about the township’s recommendation and asked the committee for clarification. Mayor Monaghan addressed some of his questions.

Peter Banos, 47 Ironia Road, Mendham Borough – Mr. Banos commented on the Backer Brewery application, specifically on stormwater and whether the project is a major development or not.

Mary Michailidis, 10 Thackery Lane – Ms. Michailidis asked if the contractors had completed the Corey Lane / Tempe Wick project. She recommended the other side of the road be painted with the word “STOP” when approaching the dangerous intersection.

Lauren Spirig, 15 Devonshire Lane – Ms. Spirig spoke about Pride Month and thanked the committee for continuing Mendham Township’s multi-year tradition of reading a Pride Month Proclamation at the Township Committee Meeting.

Robert Fox, 34 Oak Knoll Road – Comments attached. In addition to Mr. Fox’s remarks, he noted that he is disappointed in the township’s response to the Agricultural Board and thinks it was a very narrow response without addressing the things the township committee is responsible for handling.

Tracey Moreen, 52 Hardscrabble Road – Thanked the Township Committee for scheduling the Master Plan Workshop on Wednesday at 7:00PM. She asked the Township Committee to address the format of the workshop.

George Koenig, 13 North Gate Road – Statement attached

Diana Orban Brown, Ironia Road – Ms. Brown commented on the consent agenda process. She asked the committee to provide details on 2022-111 and asked that 2022-112 be pulled from the consent agenda because a committee member would need to recuse themselves.

Ms. Duarte made a motion to close the open to the public session; Seconded by Mr. Baio. Voice Vote: All members present voted in favor.

Mr. Orlins addressed several questions on the Backer Brewery application, specifically addressing the number of vehicles on Ironia Road due to the brewery and the taxing of the police and first responders.

APPROVAL OF MEETING MINUTES

- Executive Session Minutes of December 6, 2021
- Executive Session Minutes of December 27, 2021
- Regular Meeting of June 13, 2022

Motion made by Mr. Baio; Seconded by Mr. Orlins. Voice Vote: All members voted in favor.

CONSENT AGENDA – RESOLUTIONS

2022-111 Resolution of the Township Committee of the Township of Mendham Authorizing a Grant Application to the New Jersey Department of Transportation for the East & West Main Street Project

The committee engaged in a discussion on the criteria for selecting streets under a DOT grant.

2022-112 Resolution of the Township Committee of the Township of Mendham Approving Staff Appointments for the Recreation Department for Seasonal Help

2022-113 Resolution of the Township Committee of the Township of Mendham Authorizing the Payment of Bills

2022-114 Resolution of the Township Committee of the Township of Mendham Providing for a Meeting Not Open to the Public in Accordance with the Provisions of the New Jersey Open Public Meetings Act, N.J.S.A. 10:4-12

| TOWNSHIP COMMITTEE | MOTION | SECOND | ROLL CALL | | |
|--------------------|--------|--------|-----------|----|---------|
| | | | YES | NO | ABSTAIN |
| Mr. Baio | | X | X | | |
| Ms. Duarte | X | | X | | |
| Ms. Neibart | | | X | | |
| Mr. Orlins | | | | | X |
| Mayor Monaghan | | | X | | |

REGULAR AGENDA - RESOLUTIONS

None

OPEN TO THE PUBLIC

George Koenig, 13 Oak Knoll Road – Mr. Koenig addressed Mr. Orlins' statement about traffic, noting that the number of vehicles the brewery will generate on Ironia Road is incorrect.

Peter Banos, 47 Ironia Road, Mendham Borough – Mr. Banos commented on the number of parking spaces in the Backer Brewery application and how it would trigger a major development.

Patricia Zimmerman, 3 West Main Street – Ms. Zimmerman asked the committee to address the audio issue with the committee meeting recordings. She also asked the committee to address the appearance at the construction site of the new police headquarters, making it more presentable.

Ms. Neibart made a motion to close the open to the public session; Seconded by Mr. Orlins. Voice Vote: All members present voted in favor.

DISCUSSION

Township Logo Project - Ms. Duarte explained that the idea is to have a community logo contest. The committee has gone back and forth on the parameters around the contest; it's wide open for any creative ideas that might come in from the residents. She noted that a small group would narrow down the entries and present them to the Township Committee, and if we all disagree on the entries, then she would be happy to work with the existing logo and clean it up, as we discussed. There was a discussion about awarding a prize to the contest winner.

The Township Committee agreed to move forward with the logo contest.

EXECUTIVE SESSION

Ms. Neibart made a motion to enter into Executive Session at 8:58PM; Seconded by Mr. Baio. Voice Vote: All members present voted in favor.

ADJOURN

Ms. Duarte made a motion to adjourn at 10:10PM; Seconded by Mr. Baio. Voice Vote: All members present voted in favor.

Respectfully submitted,

Distributed: 07/05/2022

Approved: 07/11/2022

Maria F. Coppinger
Township Clerk

ATTACHMENTS:

George Koenig, 37 Oak Knoll Road
Robert Fox, 34 Oak Knoll Road

Robert Fox, 34 Oak Knoll Road
June 27, 2022

The response basically addressed only variations from the Township Code and Land Use Ordinance. Little or nothing addressed public safety as requested by the Agriculture Board. The impact of the large increase of traffic on Ironia Road and Roxiticus Road North and their hazardous intersections with Route 24 was not even addressed. The routine use of large tank trucks and/or trailers to transport wastewater from the brewery over these roads through dangerous intersections was also not mentioned. The width and geometry of Roxiticus Road North does not even meet the state standards the Township must apply to an application for approval of a large-lot subdivision. However, your attorney's response to the MCADB and the lack of any response to me imply that these health and safety issues are of no interest or concern to the Township Committee.

It appears that the Traffic and Parking Assessment for the Backer Farm Brewery totally ignored the above issues. Also, the peak hour traffic increase was projected to be 63 peak hour movements. While this may be a reasonable estimate for a bar, it appears to be much too low for a 78-seat brewery and beer tasting establishment. For the proposed special events the traffic increase may be much greater.

I note that the Township's memorandum to the County Agricultural Board recommends that all parking should be on site. How would this be enforced? Will the Township or the Backers install no parking signs on its side of the road and would the Borough do the same on its side? Would the police departments from each municipality be responsible for enforcement?

It is my understanding that the proposed farm brewery in a residential area on a municipal road with hazardous access to a highway would be the largest such brewery in the state with a 78-seat bar, parking for approximately 70 cars (plus more for non-Brewery events), 36 hours per week of operation, and with the right to have more than 100 special events per year. By contrast, the only other tasting room on a preserved farm in New Jersey, Screamin' Hill, has a capacity of 22 people, and operates 10.5 hours per week (plus 19 additional hours curbside pickup). Also, the cidery on State Highway Route 206 in Bedminster Township only operates 22 hours per week. Why should a proposed farm brewery larger than any other in the state, located on a very small farm in a residential area, on a municipal road with substandard and hazardous access to Route 24 be permitted? It is inconsistent with basic principles of municipal planning and public safety.

I suggest that the Township Committee promptly re-consider this application, particularly with respect to traffic safety and the fact that the increase in traffic shown in the application appears to be greatly underestimated with respect to a brewery and beer tasting facility.

6-27-22

George Koenig

Thank you for your service to the twp residents.

Thank you for considering a supplemental letter to the MCAB regarding the pending Brewery application: I will note many people have contacted me so my comments are not just mine but a grouping of input from others. Many residents would like a clarification on your correspondence to MCAB and its meaning and would like to request some supplemental submission items.

First- Is the twp response to MCAB mean:

CONFIRM That as proposed the Brewery is considered a Major Development by the twp?

CONFIRM Was the twp response meaning that the 78 person capacity is for the entire inside of brewery itself

5 suggest plus the deck/patio and entire lawn area? - BUT NO LIMITS ON NON LIC AREA CORRECT!

29 hours is way more than 100 acres screaming hill 10.5 hours - please consider 20 hours and 32 parking spaces.

NO SIDE PLAN EXISTS FOR ENTIRE PROPERTY - DUAL USE CORRECT USE OF BREWERY

Now, Since the ag board by design has a super majority of farmer votes on its decision board many residents feel our strongest avenue of input is the twp committee, our locally elected officials and this is especially so since the ag board asked the twp for input. It seems clear due to us given the der hollander court decision that the twp will have more weight in the process than residents. As such, we ask you broaden your input beyond the traditional hours, parking, lighting input to include:

sign of faith to residents
A request to the ag board to ask the applicant to pay for a traffic study on behalf of the ag board and or the twp. Otherwise it is incumbent on the twp to pay for such a report in order to be judicious regarding health and safety. We believe it is patently unfair to twp taxpayers or the twp to bear these costs. Such costs should be borne by the applicant and this is what we ask the twp to require in its supplemental request.

Also, While the twp does not want parking on twp roads - Ironia, Roxiticus and mountainside roads are shared roads which needs to be addressed. Please ask ag board to ask the boro for input or reach out to the boro as parking on those roads would negate all the twp parking inputs and particularly given the dual uses of a full scale brewery operation plus all the traditional farm activity and events.

Brewing capacity should be 7BBL x 52 weeks or 364 barrels of beer a year as with the Farm Mgt Unit concept no limit exists for production capability. Readington put a limit on beer barrel production and we ask you to do so as well. As fyi each barrel is 330 - 12 ounce beers so 364 Barrels is 96,096 beers annually.

No beer is served until at least 4pm on school days as buses with children will be on our roads.
note to ag BD in supplemental letter that fund expects
Any future infrastructure needs like road or intersection improvements due to the brewery operation must be paid for by the applicant as the twp does not have such commercial uses zoned nor planned for in our master plan. (reference Hillsdale vs. Demarest farm - where local municipality found itself in conflict with such an issue)

Additionally, given the twp holds a unique position in the process and since the applicant will not be going thru the planning board or BOA process it is requested the twp add the following to its input.

Adopt the screaming hills brewery common sense "on site rules" that are HEALTH AND SAFETY ORIENTED AND not overly burdensome and within reason for the twp to require:

The following rules must be followed at all times. Failure to do so will result in your party being asked to leave.

- Children **MUST** be supervised at all times, no exceptions. Children are not permitted beyond brewery boundaries.
- Tours must be taken before drinking on site. No outside beer, wine, or liquor is allowed on premises. No hooch, moonshine, or white lightning either. No exceptions!
- Beer is served until 30 minutes before closing. The last 30 minutes we are open is for growler fills only. (No pints or flights will be served after 7:30pm on Fridays and 6:00pm on Saturdays.)
- Growlers are not to be consumed on premises. They are TO-GO only. (State Law)
- Food is welcome, but please throw out your garbage. Grilling of any kind is not allowed.
- No Dogs: Due to recent events and after much consideration, We ask that you please leave your dogs at home. We have two farm dogs that roam the farm, feel free to pet them.
- NO SMOKING

We suggest adding:

We DO NOT allow any buses, tour buses, limousines, party groups, bachelor or bachelorette events

- NO patrons can bring and use their own music speakers, boom boxes etc.
- **3 MPH signs for drivers** (given you have not asked for paved parking and reduced parking spot sizes this is to err on the side of health and safety - do not want any fatal or tragic pedestrian accidents and this will help mitigate such occurring.
- Sign asking visitors to quietly lock their vehicles as we are in a residential area.

In conclusion, while your response has been focused on the key areas of hours, parking, lighting we ask you expand your input to include the above common sense requirements which we believe are not over burdensome and as our elected officials add to your supplemental letter to MCAB.

Commercial BIZ HAS NO REAL PLACE IN OUR TOWN

Pete Banos, George Koenig, Dave Ranis, Melissa Ranis, Dick Watson, Stephen Dreskin and others tbd

*AS IT IS
ZONED
RESIDENTIAL*