

**TOWNSHIP OF MENDHAM  
TOWNSHIP COMMITTEE  
SPECIAL MEETING**

**DATE:** Wednesday, November 1, 2023  
**TIME:** 6:00 PM  
**LOCATION:** **MENDHAM TOWNSHIP MIDDLE SCHOOL**  
All Purpose Room  
16 Washington Valley Road, Brookside; and  
And via the Zoom communications platform (referenced herein as “Zoom”)

**ROLL CALL**

Ms. Duarte	Present
Ms. Moreen	Present- arrived after roll call
Ms. Neibart	Present
Ms. Spirig	Present
Mayor Monaghan	Present

Also, present:  
Mr. Jason Gabloff, Township Administrator  
Mr. Alexander Avellan, Esq.  
Karen Orgera, Acting Township Clerk

**SALUTE TO THE FLAG-LED BY MAYOR MONAGHAN**

**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 Star Ledger and Daily Record on October 26, 2023, and. Notice was posted on the bulletin board in the Township offices and notice was filed with the Township Clerk.

**PUBLIC SESSION-BACKER BREWERY APPLICATION**

Mayor Monaghan opened the meeting for public comments.

**Alcoholic Beverage Serving Hours**

The Township Committee discussed the health, safety and welfare issues presented in this application; the hours of operation are most consequential. The Township Committee proposes the following hours of operation:

25 Hours a week

Wednesday 5pm-8pm

Thursday 5pm-8pm

Friday 5pm-9pm

Saturday 12pm-9pm

Sunday 12pm-6pm

78 people max on the licensed premises, no simultaneous events between farm events and the brewery being open and ABC (alcoholic beverage control) events during established hours only.

Barrett Kolton, 3 North Gate Road, Mendham, NJ commented that the Township has an obligation to protect the health and safety of the residents. Limiting the hours after dark can affect drivers. Fewer operating hours would mean fewer drivers. Mr. Kolton suggested that the Brewery only be open 3 days a week. Friday, Saturday, and Sunday only 5 hours a day.

Judy Dreskin, 3 Roxiticus Road, Mendham, NJ commented that her daughter and husband witnessed a fatal car accident at the intersection of Route 24 and Roxiticus Road on December 13 ,2017. Ms. Dreskin further commented that the intersection is dangerous, and the operating hours be limited to 5pm-8pm on Wednesday through Friday. Commercial deliveries should be limited to Monday through Sunday 10am-5pm.

Steve Dreskin, 3 Roxiticus Road, Mendham, NJ commented on why the Township committee is rushing to submit responses to the Morris County Agricultural Board. Mr. Dreskin is concerned about the health and safety of the residents. Mr. Dreskin suggested 15 hours per week and the tasting room should have 15 seats.

Bernadette Koenig, 13 North Gate Road, Mendham, NJ commented that not opening the Brewery before 5pm on a school day is good. If the Brewery is open after 8pm and suggests limiting the noise to no amplified music or outdoor announcements after 8pm. Ms. Koenig further commented that the Township has an obligation to protect the health and safety of the residents.

Kim Hart, 17 North Gate Road, Mendham, NJ suggests operating hours be 20 hours or less per week. Wednesday through Friday 5pm-8pm, Saturday 2pm-6pm and Sunday and Holidays 12pm-5pm. Ms. Hart is concerned about noise.

Terrill Doyle, 5 Cross Way, Mendham, NJ commented on the amount of people is not clear on the application. The application does not say that farm events will not be held at the same time the Brewery is open. Ms. Doyle's commented that there is nothing noted in the application on not holding simultaneous events.

Eric Hart, 17 North Gate Road, Mendham, NJ commented on another farm-based Brewery, Screaming Hill. That brewery is not open past 8pm during the week and closes at 6:30pm on Saturdays and closing at 5pm on Sundays. Mr. Hart commented on keeping noise inside and limiting the number of people at the proposed Backer Brewery.

George Koenig, 13 North Gate Road, Mendham, NJ commented that operating hours are a driving factor on traffic and noise. Mr. Koenig provided numbers of car trips to the brewery at 36 hours a week of operating hours. Mr. Koenig asked the Township Committee what they are comfortable with in the number of cars on the road and is concerned about the health and safety of the residents. Mr. Koenig suggested operating hours of Friday night 5pm-8pm, Saturday 2pm-7pm and Sunday 12pm-5pm. Mr. Koenig further suggested 56 seats inside and 22 seats outside on the patio.

Andrew Christmann, 35 Roxiticus Road, Mendham, NJ supports the operating hours as proposed and published by the applicant. Mr. Christmann requested that the Township Committee stay focused and be mindful of what's being requested. Mr. Christmann further commented that if the hours are appropriate, the Township needs to make sure the roads and intersections are safe to support the residents.

Glenn Pantel, 3 Crossway, Mendham, NJ commented on the hours of selling and consuming on the licensed premises and there is no clear-cut proposal for each variable. Mr. Pantel further commented on the dangerous intersection of Route 24 and Roxiticus Road.

Vicky Wayne, 71 Ironia Road, Mendham, NJ is concerned about noise and the level of decibels that may come from the proposed Brewery and how the capacity will affect the neighborhood. Ms. Wayne is seeking clarification on various parts of the process. Ms. Wayne further commented on the Township's noise ordinance and is it truly enforceable.

**Parking Areas, Access Drives, Driveway Width, Parking Space Depth**

The Township Committee discussed that the applicant has shown adequate parking for the 78-person capacity. Parking must remain on site and no on-street parking will be allowed. The Township Committee does not object to the applicant requesting to expand the driveway width from 22 feet to 24 feet. It was further discussed that the parking spaces need to accommodate larger vehicles, and to comply with the ordinance and should be 20 feet deep.

Peter Banos, 47 Ironia Road, Mendham, NJ commented that the amount of parking spaces in the original application went from 94 to 47 parking spaces in the revised application. Mr. Banos further noted that overflow parking is not included in the application. Mr. Banos is concerned that this project is a major development and should be treated as such.

Bernadette Koenig, 13 North Gate, Mendham, NJ requested that the Morris County Agricultural Board should consider limiting the number of vehicles parking on the preserved farm and not ignore storm water regulations.

George Koenig, 13 North Gate Road, Mendham, NJ commented that the driveway width was ok, but parking spaces need to be 20 feet to fit larger vehicles and create a safer parking situation. Parking needs to be in designated areas. Mr. Koenig suggested 32 total parking spaces and further suggested permeable type pavers. The water would go through the pavers and not run off into the stream.

Frank Strafaci, 4 Cedar Lane, Mendham, NJ commented that temporary parking if used more than once is no longer temporary. Mr. Strafaci further commented that the Township Committee consider all options and take the most conservative approach.

Steve Dreskin, 3 Roxiticus Road, Mendham, NJ commented on parking and how to keep it safe and not have a tragic accident like at Alstead's Farm in Chester, NJ and further commented that temporary parking quickly becomes permanent.

Kim Hart, 17 North Gate Road, Mendham, NJ commented that she reviewed the report from June 2021 from H2M from the Planning Board, stated that the applicant has a burden of proof to be justified to protect the public health and safety. Ms. Hart further commented on reducing the number of parking spaces to 35 and limiting the hours of operation to 20 hours.

Eric Hart, 17 North Gate Road, Mendham, NJ commented that the larger vehicles will not fit into an 18-foot parking space and suggested recommending a 20-foot parking spot.

Glenn Pantel, 3 Crossway, Mendham, NJ commented that the variances not be granted to the applicant and the Morris County Agricultural Board should have the applicant comply with the Township Ordinances.

**Screening**

Terrill Doyle, 5 Cross Way, Mendham, NJ commented that the ordinance should be complied with in regard to screening.

George Koenig, 13 North Gate Road, Mendham, NJ commented that screening or shrubbery should be utilized and would help with filtering light.

**Lighting**

The Township Committee commented that the applicant’s lighting plan is acceptable, provided that the lights be turned off within 30 minutes after the establishment closes. The maximum height should be 20 feet and the final lighting plan be approved by the Township Engineer and be Dark Skye compliant.

George Koenig, 13 North Gate Road, Mendham, NJ commented that he 100% supports lighting that is Dark Skye compliant.

**Off-Street Loading Space, Front Yard Setback, Accessory Structure Height**

The Township Committee is comfortable with the de minimis increase in the height (one foot or less) of the Accessory structure to provide insulation on the roof to preserve the interior. The Township Committee discussed that off-street loading should have a designated area. The Township Committee further discussed the hours of off-street loading take place when the Brewery is not open and no deliveries on Sundays. Delivery time shall not be before 8am or after 5pm Monday through Saturday. The Township Committee does not object to the applicants request to construct a vestibule as proposed.

Bernadette Koenig, 13 North Gate, Mendham, NJ commented on the original response from May 2022 and each section has a Right to Farm regulations act and #6 needs to be addressed.

Steve Dreskin, 3 Roxiticus Road, Mendham, NJ commented that a regulation separate from other commercial businesses should be considered for the proposed Brewery for deliveries.

George Koenig, 13 North Gate Road, Mendham, NJ commented that a large truck navigating Ironia Road is different than on Route 24. Mr. Koenig suggested that a site-specific regulation for deliveries be considered. Mr. Koenig suggested delivery hours of 9:30am-3pm and no Sunday deliveries.

**Sign Size**

The Township Committee discussed that at this time it is hard to comment on this topic without a signage proposal before the Township. The applicant stated that it will comply with the Right to Farm Act regulations. If illuminated lighting is proposed the Township will request that any lighting shall be turned off within 30 minutes after the establishment closes.

**OPEN DISCUSSION ITEMS**

George Koenig, 13 North Gate Road, Mendham, NJ commented that this process is a give and take. Mr. Koenig commented on 78 total people on the site for all uses. No simultaneous events and operating hours at 16 hours a week. All music should be indoors, site specific 35 decibels at the property line. Mr. Koenig further suggested permeable pavers and a lined parking area. 6-foot Screening and lighting to be Dark Skye compliant.

Eric Hart, 17 North Gate Road, Mendham, NJ looking for balance and be clear on what’s be requested and sensible for the applicant.

Kim Hart, 17 North Gate Road, Mendham, NJ restated that the hours of operation be 20 hours per week and agrees on most of what is being requested.

Bernadette Koenig, 13 North Gate Road, Mendham, NJ commented that each section in the summary should have what was the agricultural use to honor granting the variance.

Terrill Doyle, 5 Cross Way, Mendham, NJ had questions about capacity, events, noise, traffic, deliveries, hours of operation and the health and safety of the residents.

Seeing and hearing no one else wishing to be heard, Mayor Monaghan asked for a motion to close public comments.

Ms. Duarte made a motion to close the public comment period seconded by Ms. Neibart. A voice vote was taken with all members present voting in favor, no one opposed.

**ADJOURN**

Having no further business to conduct, a motion to adjourn was made by Ms. Duarte and seconded by Ms. Neibart, with all members present voting in favor, no one opposed.

The regular meeting of the Mendham Township Committee was adjourned at 9:43 P.M.

Respectfully submitted,

Distributed: 11/09/2023  
Approved: 11/13/2023

Karen Orgera  
Acting Township Clerk  
TOWNSHIP OF MENDHAM