

**MERCER COUNTY AGRICULTURAL DEVELOPMENT BOARD
RESOLUTION RECOMMENDING A SITE SPECIFIC AGRICULTURAL
MANAGEMENT PRACTICE APPROVING
NEEDLE CREEK BREWERY**

**John Hart
John Hart Farms/Needle Creek Brewery
Block 37, Lots 23/23Q
Hopewell Township, Mercer County**

WHEREAS, pursuant to the Right to Farm Act, *N.J.S.A. 4:1C-1 et seq.*, and the State of New Jersey Agriculture Development Committee (“SADC”) regulations, *N.J.A.C. 2:76-2.3*, a commercial farm owner or operator may make a request to the applicable County Agricultural Development Board (“Board”) to determine if his or her operation constitutes a generally accepted agricultural management practice; and

WHEREAS, John Hart (“Applicant”) is the owner/operator of an approximately 72 acre farm known as John Hart Farms, located at Block 37, Lots 23/23Q and 23.01 in Hopewell Township, Mercer County, New Jersey (“John Hart Farm”), which has been preserved since 1991 through the granting of an agricultural preservation easement in favor of the County of Mercer; and

WHEREAS the Applicant leases from Pennwell Holding LLC an approximately 29 acre parcel of land located at Block 37, Lot 17.011, Hopewell Township, New Jersey (“Pennwell Land” and together with the John Hart Farm, the “Property”); and

WHEREAS, John Hart Farms is currently engaged in, among other things, the growing and sale of beef cows, poultry, barley, corn and hay, and the operation of a rural microenterprise for a butcher shop on the aforesaid Property; and

WHEREAS, on February 21, 2024, John Hart, as owner/operator and on behalf of John Hart Farms, made a request in writing to the Board that the Board certify its commercial farm status and recommend a Site-Specific Agricultural Management Practice (“SSAMP”) to determine that its proposed facilities, activities and events for a proposed brewery on Lot 23/23Q of the John Hart Farm constitute a generally accepted agricultural management practice pursuant to the Agricultural Management Practice for On-Farm Direct Marketing Facilities, Activities and Events, *N.J.A.C. 2:76-2A-13* (“OFDM-AMP”) and the Right to Farm Act; and

WHEREAS, on March 4, 2024, pursuant to *N.J.A.C. 2:76-2.3(c)*, the Board advised the State Agriculture Development Committee (“SADC”) and the Township of Hopewell in writing of the SSAMP request; and

WHEREAS, pursuant to provisions of *N.J.A.C. 2:76-2.3(c)*, the Board is required to verify commercial farm eligibility of the Applicant prior to considering the SSAMP request; and

WHEREAS, in connection with its SSAMP application, pursuant to *N.J.A.C. 2:76-2.3(b)*, the Applicant provided proof that the agricultural operation is a commercial farm as defined at *N.J.S.A. 4:1C-3* and *N.J.A.C. 2:76-2.1*; and

WHEREAS, at its regular meeting on March 4, 2024, the Board considered the documentation provided by the Applicant and determined that, with all required criteria having

been satisfied, the Board found that the Applicant met the eligibility criteria under the Right to Farm Act and made a determination that the John Hart Farms Property is a commercial farm; and

WHEREAS, on March 25, 2024, County Planning Staff, members of the Board (non-quorum), and representatives of the Natural Resources Conservation Services, the Rutgers Extension Service Burlington County, and the United States Department of Agriculture conducted a site inspection of the Farm; and

WHEREAS, subsequent to its March 4, 2024 meeting, the Applicant presented County Planning staff with documentation concerning an additional parcel of land, known as Block 37, Lot 17.011, Hopewell Township, New Jersey ("Additional Farm", and together with the John Hart Farms Property, the "Farm"), leased by Applicant in connection with the operation of John Hart Farms; and

WHEREAS, at its regular meeting held on April 9, 2024, the Board, having considered the additional documentation provided by the Applicant, amended its prior determination of commercial farm eligibility to include the Additional Farm and by resolution adopted on April 9, 2024, determined that the Farm is a commercial farm; and

WHEREAS, the Applicant has indicated that at least 51% of the ingredients for the beer (barley and hops), exclusive of water and yeast, will be grown on the Farm; and

WHEREAS, Applicant has applied for a Craft Brewery License ("ABC License") with the State of New Jersey Division of Alcohol Beverage Control ("ABC"), to permit Needle Creek Brewery to brew and sell beer; and

WHEREAS, the Applicant has indicated an intent to engage in agriculture-related activities as defined in *N.J.A.C. 2:76-2A.13(b)*, which may include, but not be limited to, farm/brewery tours; and

WHEREAS, the beer processing, marketing and sales activities will be located in an approximately 2,592 square foot dairy barn located on Lot 23 of the John Hart Property; and

WHEREAS, pursuant to *N.J.A.C. 2:76-2.8*, the Applicant has provided documentation that the appropriate notices concerning the request for the SSAMP for the operation of the craft brewery and all of its related activities, were published in the Trentonian newspaper and were sent to the Hopewell Township municipal clerk, Hopewell Township land use board secretary, all property owners (on certified lists) within 200 feet of the commercial farm property, and the SADC; and

WHEREAS, on May 6, 2024, at its regular meeting, the Board was presented with the findings of the site inspection; and

WHEREAS, by way of narrative, exhibits and testimony at the May 6, 2024 hearing, the Applicant confirmed that the nature of the proposed on-farm facilities will be as follows:

- The Applicant testified that he understands that his hours of operation must conform to the current OFDM-AMP.
- Brewery processing, marketing and sales will be located in an approximately 2,592 square foot former dairy barn located on Lot 23 of the John Hart Property, approximately 50% of which will be used for processing and 50% of which will be used for marketing, sales and

consumption, and the total area of this facility will have a negligible impact on the use of the Farm for agricultural production purposes.

- No new permanent structures are proposed. Renovation of the existing dairy barn for operation of the Brewery shall be in accordance with permits and approvals issued by the Township of Hopewell.
- Access to the Brewery will be through an existing driveway and will provide safety for the existing community.
- Parking will be located on site and will conform to municipal standards and in compliance with the OFDM-AMP and all applicable requirements.
- A subsurface sewage disposal system will be installed on the John Hart Farm Property and will be designed in accordance with plans that must be approved by the Township of Hopewell.
- The Brewery is to be serviced by one new on-site well which will be installed on the John Hart Farm Property in accordance with plans and approvals to be issued by the Township of Hopewell.
- The Applicant has an existing Nutrient Management Plan which is being amended to include the Brewery.
- Spent grains will be fed to the livestock on the John Hart Farm.
- Brewery wastewater will be used for irrigation purposes on the John Hart Farm.

WHEREAS, by way of narrative and testimony at the May 6, 2024 hearing, the Applicant has proposed the following on-farm direct marketing activities on the Property:

- Visitors to the Farm will be offered a tour of the Farm to promote agriculture and garner interest in the agricultural output of the Farm; and
- Additional on-farm direct marketing activities may be provided in the future and the Applicant understands that these activities must be in conformance with the OFDM-AMP.

WHEREAS, the Applicant has acknowledged that the primary purpose of the Brewery is the consumption or sale of the agricultural output of the Farm itself and any activity related thereto, including the aforesaid hops field/brewery tours, and other future activities, must be ancillary and accessory to, and serve to increase, the direct-market sales of the brewed product, by enhancing the experience of purchasing the craft beer produced from the crops grown on the Farm, and for the purpose of attracting customers to the Farm, but these related activities cannot be the primary activities on or purpose of the Farm; and

WHEREAS, on May 6, 2024, the Board unanimously agreed to develop a Site-Specific Agricultural Management Practice for Needle Creek Brewery after making the following findings of fact, based on information and documentation provided to the Board by the Applicant and information gathered during the site inspection:

1. The 101 acre farm management unit is located in Hopewell Township, at Block 37, Lots 23, 23Q and 17.011, commonly known as [redacted], Hopewell Township, New Jersey; and
2. John Hart Farms is a commercial farm which currently produces field crops worth \$2,500.00 or more annually and satisfies the eligibility criteria for differential property tax assessment pursuant to the Farmland Assessment Act of 1964; and

3. John Hart Farms is located in an area in which, as of December 31, 1997, agriculture has been a permitted use under the municipal zoning ordinance and is consistent with the municipal master plan; and

NOW THEREFORE, BE IT FURTHER RESOLVED that the Mercer County Agricultural Development Board, at its May 6, 2024 meeting, hereby determines that the operation of a craft brewery known as Needle Creek Brewery on the John Hart Farms Property and its related activities as discussed in this Resolution are farm practices and agricultural activities which constitute a generally accepted agriculture management practice and are contemplated, encouraged and protected by the Right to Farm Act, and thus eligible for Right to Farm protection subject to satisfaction of the following conditions:

- i. The Applicant shall comply with all requirements of Hopewell Township as pertains to the renovation of the dairy barn. The Applicant shall provide the Board with its certificate of occupancy when issued by Hopewell Township.
- ii. The Applicant shall provide for primary and overflow parking in accordance with municipal standards and the requirements of the OFDM-AMP and all applicable laws and regulations. On-street parking is prohibited.
- iii. The Applicant shall develop and use the Property in conformity with the OFDM-AMP including compliance with the standard hours of operation, lighting standards, sanitary facility standards, parking and signage standard and other applicable standards as established in the OFDM-AMP.
- iv. The Applicant shall at all times comply with the Nutrient Management Plan for the Farm. Any updated Nutrient Management Plans shall be provided to the Board.
- v. The Applicant shall, at all times, comply with all approvals issued for the new septic system and well to be installed at the Property to service the Brewery. Within thirty (30) days of issuance, the Applicant shall provide the Board with a copy of the certificates of completion and all approvals for the septic system and well once installed and approved.
- vi. The Applicant shall at all times comply with all aspects of the ABC License and all regulations applicable thereto. A copy of the ABC License will be supplied to the Board within ten (10) days of receipt from the ABC.
- vii. The Applicant shall comply with the requirement that at least 51% of the ingredients for the beer (barley and hops), exclusive of water and yeast, must be grown on the preserved farm. In the event that the United States Department of Agriculture - Farm Service Agency issues a disaster declaration, the 51% requirement can be temporarily alleviated until the disaster declaration is revoked or terminated.
- viii. All events and activities on site shall be subject to the conditions set forth for such permitted events and activities in the OFDM-AMP. Attendance at such events and activities are to be limited so as to control crowds and parking issues.
- ix. The Applicant must abide by the requirement that the primary purpose of the activities on the Farm and held at the Brewery shall be the production and sale of products used to produce the beer. Activities and events may be held only to attract customers to the Farm and enhance the experience of producing the craft beer produced from crops grown on the Farm, but must at all times be ancillary to and accessory to the direct-market sales of the brewed product. Any fees from these events shall be *de minimis* compare to the income generated from the sale of the Brewery's craft beer at these events.
- x. Functions such as parties, weddings, life celebrations, catered events, corporate events and the like, are not permitted as part of this SSAMP. If the Applicant wishes

to hold these types of functions, the Applicant must apply for a Special Occasion Event approval.

- xi. The Applicant agrees to comply with the New Jersey Noise Standard found at *N.J.S.A. 13:1G-1 et seq.*
- xii. The Applicant may not allow or permit mercantile businesses, such as bazaars, craft shows and pop up shops to occur on the Farm. The Applicant may sell its own branded merchandise and novelty items as an accommodation to patrons but same must remain ancillary to the sale of the farm product.
- xiii. For the first five (5) years, Applicant shall provide the following documents:
 - a. Production records, including all documents submitted to the State under the ABC License
 - b. FA-1 forms
 - c. Certification of annual grain/crop yields
- xiv. The Applicant shall, at all times, comply with any other applicable federal, state and local laws, rules and regulations.
- xv. The Applicant shall consider obtaining an updated soil conservation plan from NRCS for the Farm in light of the new activities intended to be conducted, and, if so commissioned, upon receipt shall provide a copy of the soil conservation plan to the Board.

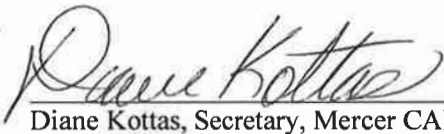
Failure of the Applicant to comply with any of the aforesaid conditions shall constitute a revocation of this Approval; and

BE IT FURTHER RESOLVED that this recommendation of a site specific AMP is not an approval of any Special Occasion Event as defined in *N.J.S.A. 4:1C-32.15 et seq.* Applicant must make separate application for any Special Occasion Events proposed to be held at the Brewery or Farm.

BE IT FURTHER RESOLVED that the Applicant shall, at all times, adequately address and provide measure to ensure that public health and safety issues and concerns remain adequately addressed in connection with its operation of the Brewery. The Board encourages the representatives of John Hart Farms and the Township of Hopewell to work cooperatively to address any public health and safety issues associated with the Property or Brewery that may arise in the future.

BE IT FURTHER RESOLVED, that the Board shall forward a copy of this written recommendation of the Site-Specific Agriculture Management Practice to John Hart, owner of John Hart Farms, the SADC, Township of Hopewell, and any other individuals or organizations deemed appropriate by the Board with thirty (30) days of the recommendation.

I, Diane Kottas, Secretary of the Mercer County Agricultural Development Board, hereby certify that the foregoing is a true copy of a resolution adopted by the Board on June 3, 2024 through an electronic voting process unanimously consented to by the Board.


Diane Kottas, Secretary, Mercer CADB


Date

