

**MERCER COUNTY AGRICULTURAL DEVELOPMENT BOARD
RESOLUTION RECOMMENDING A SITE SPECIFIC AGRICULTURAL
MANAGEMENT PRACTICE APPROVING
BENT IRON BREWERY**

**Peter Brittain
Coast Nursery/Bent Iron Brewery
Block 2739, Lot 14
Hamilton 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, Peter Brittain is the owner/operator of an approximately 55 acre farm (“Farm”) known as Coast Nursery, located at Block 2739, Lot 14 in Hamilton Township, Mercer County, New Jersey, which has been preserved through the granting of an agricultural preservation easement in favor of the County of Mercer; and

WHEREAS, Coast Nursery is currently engaged in the growing and sale of nursery stock (ornamental trees) and has recently commenced growing hops and barley on a portion of the Farm with the intent of engaging in the on-site processing, marketing and sale of beer in a craft brewery facility, to be known as Bent Iron Brewery, located at its preserved farm; and

WHEREAS, on May 25, 2023, Peter Brittain, as owner/operator and on behalf of Coast Nursery, made a request in writing to the Board that the Board certify its commercial farm status and recommend a Site-Specific Agricultural Management Practice to determine that its proposed facilities, activities and events for the Bent Iron Brewery 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, 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 preserved farm; and

WHEREAS, pursuant to a Limited Brewery License (“ABC License”) to be issued by the State of New Jersey Division of Alcohol Beverage Control (“ABC”), Bent Iron Brewery will brew the beer on-site; and

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

WHEREAS, the beer processing, marketing and sales activities will be located in an approximately 5,000 square foot barn being constructed on the property, which will also have an outdoor patio/deck area and gathering space for patrons. Combined, the total area that all of these facilities and amenity areas will utilize will be approximately four and one-half (4.5) acres, which will have a negligible impact on the use of the Farm for agricultural production purposes; and

WHEREAS, the Applicant has provided the Board with site development plans prepared by 3D Engineering and Construction, dated March 23, 2022, for the construction of the pole barn and related improvements, annexed hereto as Exhibit A, which plans were approved by Hamilton Township on March 24, 2022 within the scope of its obligation to consider “public health and safety” aspects of the proposed operation; 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 June 5, 2023, the Board considered the documentation provided by the Applicant and made a determination that Coast Nursery is a commercial farm; and

WHEREAS, on June 5, 2023, pursuant to *N.J.A.C. 2:76-2.3(c)*, the Board advised the State Agriculture Development Committee and the Township of Hamilton in writing of the SSAMP request; and

WHEREAS, on July 14, 2023, members of the Board along with representatives of NRCS, Rutgers Extension Service, and the State Department of Agriculture conducted a site inspection of the Farm; 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 construction of the pole barn and operation of the craft brewery and all of its related activities, were published in the Trenton Times and Asbury Park Press newspapers and were sent to the Hamilton Township and Upper Freehold Township municipal clerks, Hamilton Township and Upper Freehold Township land use board secretaries, all property owners (on certified lists) within 200 feet of the commercial farm property, all applicable utility companies (on certified lists), and the SADC; and

WHEREAS, on December 4, 2023, 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 December 4, 2023 hearing, the Applicant confirmed that the nature of the proposed on-farm facilities will be as follows:

- The Applicant testified that he presently intends to operate Thursdays through Sundays, and his proposed hours of conform with the current OFDM-AMP.
- Brewery processing, marketing and sales will be located in an approximately 5,000 square foot barn being constructed on the property and one outdoor patio/deck area and gathering space for patrons immediately adjacent to the 5,000 square foot barn. Combined, the total acreage that all of these facilities and amenity areas will utilize is approximately four and one half (4.50), which will have a negligible impact on the use of the Farm for agricultural production purposes.
- No new permanent structures are proposed aside from the new 5,000 square foot barn under construction. The Applicant may consider using a tent for brewery patrons during the winter months.
- Access to the Brewery will be through an existing driveway and will provide safety for the existing community per the approved site plan;

- A total of 38 parking spaces will be provided including 3 designated accessible parking areas as delineated on the approved site plan.
- The Applicant has received zoning approval from the Township of Hamilton.
- The individual subsurface sewage disposal system has been designed in accordance with the Treatment Works Approval issued by the Department of Environmental Protection on May 15, 2023 and annexed hereto as Exhibit B, and is scheduled to be installed within the next several months.
- The Brewery is serviced by one well previously used for irrigation purposes which has since been reclassified for use by the Brewery.
- The wastewater from the brewing operation (wash water) will be disposed of in accordance with the Nutrient Management Plan approved by the New Jersey Department of Agriculture and annexed hereto as Exhibit C.
- Spent grains will be removed off-site.
- Buffers consisting of berms and ornamental trees have been installed on various portions of the property, and deer fencing has been erected around the perimeter of the property.
- Impervious coverage concerns raised by the Board are being alleviated by the Applicant through conversion of disturbed and compacted areas to pervious.
- Erosion concerns raised by the Board are being alleviated by the Applicant through installation of a filter strip planted with perennial rye grass around the existing pond with fencing with wire mesh for safety measures.

WHEREAS, by way of narrative and testimony at the December 3, 2023 hearing, the Applicant has proposed the following on-farm direct marketing activities on the premises:

- The provision of light background music (recorded or live) to enhance the experience of purchasing the primary agricultural output (beer). The Applicant testified that it is not the intention to have loud music or nightclub scenarios.
- Beer tasting events in the 5,000 square foot barn and the picnic tables and outdoor seating areas and fireplace/firepits, to allow consumers to sample a variety of beer produced on site prior to purchase.
- Occasional beer festivals (such as Oktoberfest and St. Patrick's Day celebrations) where the varieties of beer can be sampled and celebrated on site.
- Family-friendly activities will be offered including Frisbee and children's soccer areas, cornhole leagues and tournaments and the like.
- Visitors to the Farm will be offered a tour of the hops fields and the brewery to learn more about the process of growing hops and beer making, garnering interest in the primary agricultural output of the property, with appropriate informational signage and photos to educate the public about the hops growing process, and may participate in activities such as hop picking parties; and

WHEREAS, the Applicant has acknowledged that the primary purpose is the consumption or sale of the agricultural output of the Farm itself and any activity related thereto, including the aforesaid beer tastings, hops field/brewery tours, activities and background music, 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, the Applicant testified that community out-reach programs have been conducted with the adjacent neighbors to explain the intended operation of the Brewery and activities at the Farm and to alleviate any concerns the neighbors may have with respect to the Brewery's proposed operations; and

WHEREAS, on December 4, 2023, the Board unanimously agreed to develop a Site-Specific Agricultural Management Practice for Coast Nursery 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 55 acre farm management unit/craft brewery is located in Hamilton Township, at Block 2739, Lot 14, commonly known as [redacted], Hamilton Township, New Jersey; and
2. Coast Nursery is a commercial farm which was established on May 25, 1997, 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. Coast Nursery has been in operation since 1997 and 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 December 4, 2023 meeting, hereby determines that the operation of a craft brewery known as Bent Iron Brewery on the Coast Nursery 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 the Site Plan prepared by 3D Engineering and Construction. The Applicant shall provide the Board with its certificate of occupancy when issued by Hamilton Township.
- ii. The Applicant shall provide for primary and overflow parking as depicted on the Site Plan. On-street parking is prohibited.
- iii. The Applicant shall develop and use the premises 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 brewery wash water approved by the New Jersey Department of Agriculture. Any updated Nutrient Management Plans shall be provided to the Board.
- v. The Applicant shall at all times comply with the Treatment Works Approval issued by the New Jersey Department of Environmental Protection. The Applicant shall provide the Board with a copy of its certificate of completion of the septic system required by the Treatment Works Approval.
- vi. The Applicant shall at all times comply with American Disability Act requirements for parking and building access.

- vii. 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 upon receipt from the ABC.
- viii. 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.
- ix. All events on site shall be subject to the conditions set forth for such permitted events in the OFDM-AMP. Attendance at such events are to be limited so as to control crowds and parking issues.
- x. 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. The stated activities proposed on the Farm (background music, tours and tasting 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.
- xi. 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.
- xii. As the provision of background music enhances the experience of purchasing the primary agricultural output of craft beer and is a common ancillary, entertainment based activity on farms hosting on-farm direct marketing activities and events across the State, the Applicant agrees to comply with the New Jersey Noise Standard found at *N.J.S.A. 13:1G-1 et seq.*
- xiii. 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 branded merchandise and novelty items as an accommodation to patrons but same must remain ancillary to the sale of the farm product.
- xiv. 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
- xv. 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, and shall work cooperatively with the Township of Hamilton to address any public health and safety or other issues that may arise in the future.
- xvi. The Applicant shall, at all times, comply with any other applicable federal, state and local laws, rules and regulations.
- xvii. 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 upon receipt shall provide a copy of the soil conservation plan to the Board.

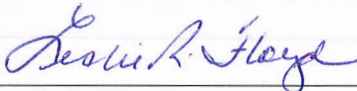
Failure of the Applicant to comply with any of the aforesaid conditions shall constitute a revocation of this Approval; and

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.

BE IT FURTHER RESOLVED that the Applicant shall be obligated, at all times, to adequately address and provide measures to ensure that public health and safety issues and concerns remain adequately addressed in connection with its development and use of the Premises. The Board encourages the representatives of Coast Nursery and the Township of Hamilton to work cooperatively to address any public health and safety issues associated with the Premises.

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

I, Leslie R. Floyd, Acting Secretary of the Mercer County Agricultural Development Board, hereby certify that the foregoing is a true copy of a resolution adopted by the Board at its regularly scheduled meeting of December 4, 2023.



Leslie R. Floyd, Acting Secretary, Mercer CADB

12/12/23.

Date