

MINUTES
MORRIS COUNTY AGRICULTURE DEVELOPMENT BOARD
30 Schuyler Place, 4th Floor, Morristown, New Jersey
October 11, 2018

The meeting was called to order by Chairman Davis at 7:34 p.m. Members present:

Aimee Ashley Myers
Rick Desiderio
Gregory Keller
Harvey Ort
Thomas Galfo
Jay Thomson

Also in Attendance:

Jayne Enterprises, LLC
Robert Marcus, Esq.
Frank Pinto

Staff in attendance:

Christine Marion
Staci Santucci, Esq.
Katherine Coyle

The meeting began with the Pledge of Allegiance.

COMPLIANCE WITH THE OPEN PUBLIC MEETINGS LAW

Chairman Davis announced that in compliance with the Open Public Meetings Act, adequate notice of the meeting had been provided and filed with the Town of Morristown, the Morris County Clerk, the Daily Record and the Star Ledger.

APPROVAL OF MINUTES

On motion of member Ashley Myers, seconded by member Keller, the Board members approved the August 9, 2018 meeting minutes. A roll call vote was taken.

Aye: Ashley Myers, Galfo, Keller, Ort, Thomson and Davis

Nay: None Abstain: Desiderio

On motion of member Ashley Myers, seconded by member Keller, the Board members approved the September 13, 2018 meeting minutes. A roll call vote was taken.

Aye: Ashley Myers, Desiderio, Galfo, Ort, Thomson and Davis

Nay: None Abstain: Keller

OPEN TO THE PUBLIC

There were no comments from the public.

NEW BUSINESS

At this point, member Thomson left the meeting room.

Jayne Farm, Washington Township – proposed new use.

Mr. Pinto introduced the members of Jayne Enterprises, LLC (the “Applicant”) and their attorney, Robert Marcus, Esq. Mr. Pinto and Mr. Marcus explained the applicants’ plans for the farm with respect to the establishment of a farm-based brewery.

The Applicant wishes to establish a farm-based brewery that will produce beer using grains produced on-site. The Applicant will obtain and utilize a Limited Brewery License from the State of New Jersey. The license permits brewing up to 300,000 barrels annually, with retail and wholesale sales. The Applicant anticipates utilizing a limited license that will permit production of up to 50,000 barrels per year, however, the production will be lower than permitted. The Applicant will utilize an existing building on the farm and the anticipated capacity will likely be close to 50,000 gallons annually (1 barrel equals 31 gallons). No new structures for the brewery operation are planned.

The Applicant intends to grow the barley needed for the brewery operation on the farm. A minimum of 51% of products used in beer making will be produced on the farm. Ingredients and production records for each batch of beer will be maintained electronically. This will enable for annual reporting of the ingredients and their weight. The brewery’s primary income will be derived from the sale of beer produced on the farm made from a majority of ingredients grown on the farm.

Jayne Enterprises, LLC and Greener by Design have consulted with Rutgers Snyder Research and Extension Farm where a variety of barley for beer brewing is being grown. The Applicant will plant the Scala winter barley variety, which is suitable for brewing. Jayne Enterprises, LLC has entered into an agreement with Shane Doyle Farms to grow barley in the easternmost section of the farm. The barley will be harvested from the farm and transported to a malthouse for processing. Excess grain will be sold to other local breweries and/or home brewers. The Applicant intends to extend the growing the crops for beer making to other fields on the farm as the equine operation may cease or reduce in size in the future. This will include growing wheat and rye.

During the early phases of the brewery, the public will be permitted to visit the brewery on a limited basis to minimize any impact on the equestrian operation. An existing driveway and parking areas will be utilized. The Limited Brewery License allows for retail and wholesale of beer. It only allows tastings adjunct to brewery tours and the sale of food is prohibited (only small value snacks, such as pretzels, can be provided for free at the tasting bar). Any special events where food might be present would be provided by others, such as food truck vendors. In

those situations, the Applicant will apply for an event permit from Washington Township. No events will occur when the equestrian operation is holding a horse show on the farm. The Applicant will conform to N.J.A.C. 2:76-2A.13, SADC's AMP regulations for On-Farm Director Marketing Facilities, Activities and Events and any requirements of Washington Township under their "Application for an Event License".

Ms. Coyle distributed copies of a Staff Report, which had been provided to the Board members and the applicant prior to the meeting. She then proceeded to present the report and provided staff comments and recommendations.

Ms. Coyle stated that pursuant to Paragraph 2 of the Deed of Easement: "The Premises shall be retained for agricultural use and production in compliance with N.J.S.A. 4:1C-11 et seq., P.L. 1983, c.32, and all other rules promulgated by the State Agriculture Development Committee, (hereinafter Committee). Agricultural use shall mean the use of the Premises for common farmsite activities including, but not limited to: production, harvesting, storage, grading, packaging, processing and the wholesale and retail marketing of crops, plants, animals and other related commodities and the use and application of techniques and methods of soil preparation and management, fertilization, weed, disease and pest control, disposal of farm waste, irrigation, drainage and water management and grazing."

The SADC has interpreted the Deed of Easement to mean the following with respect to operations such as wineries, breweries and distilleries:

- Processing, packaging, storage and sales are permitted on the preserved farm if the majority of the ingredients are produced on the farm. The SADC interprets that to mean that at least 51% of the products are grown on the farm management unit. The SADC would permit imported ingredients in case of crop failure.
- At least 51% of the annual gross sales of the retail farm market shall be generated from the sales of agricultural output of the farm management unit. The remaining annual gross sales of the retail farm market may be achieved through the sale of related commodities.
- The primary purpose of any function held on a preserved farm shall be related to the sale of the agricultural output. Events where the primary intent is to market and sell the farm's output are permitted on preserved farmland, but other social gatherings (parties, weddings, life celebrations, catered events, corporate events, etc.) are not permitted.

Ms. Coyle stated that staff was recommending the following approval conditions:

- At least 51% of ingredients (exclusive of water) used by the brewery shall be grown on-site.
- The primary purpose of any function held at the brewery or surrounding premises shall be related to the sale of the agricultural product. Functions such as parties, weddings, life celebrations, catered events, corporate events, etc. are not permitted.

- For the first five (5) years, the Applicant shall provide (1) production records, including a complete copy of documents submitted to the state under the Limited Brewery License, (2) FA-1 forms, and (3) annual grain yields.
- The operation must comply with the Limited Brewery License laws and any other applicable federal, state and local laws and regulations.

On motion of member Keller, seconded by member Ashley Myers, the Board approved the application and directed staff to draft a resolution for the November 15, 2018 meeting. A roll call vote was taken.

Aye: Ashley Myers, Desiderio, Galfo, Keller, Ort and Davis

Nay: None Abstain: None

Absent: Member Thomson recused himself and did not participate in the vote.

At this point, the members of Jayne Enterprises, LLC, Mr. Marcus and Mr. Pinto departed.

At this point, member Thomson returned to the meeting room.

CLOSED SESSION

Pursuant to P.L. 1975 Ch. 231, the Open Public Meetings Act, Chairman Davis announced that in compliance with the Open Public Meetings Act, the Morris CADB considered closing the open portion of the meeting in order to discuss matters related to the purchase, lease or acquisition of real property, and litigation in Closed Session. On motion of member Ashley Myers, seconded by member Ort, the Board voted to conduct a Closed Session. A roll call vote was taken.

Aye: Ashley Myers, Desiderio, Galfo, Keller, Ort, Thomson and Davis

Nay: None Abstain: None

RETURN TO MEETING

The meeting reopened to the public at 8:25 p.m.

ACTIONS RESULTING FROM CLOSED SESSION

No actions were taken as a result of Closed Session.

REPORT OF DIRECTOR & ATTORNEY

Legislative Updates. Legislative updates were shared with the Board via email prior to the meeting.

Rural Enterprise Special Permit Rules. Ms. Coyle informed the Board about the SADC's Rural Enterprise Special Permit Rules and explained that the Rural Enterprise Special Permit program replaces the Commercial Nonagricultural Use Permit program. Ms. Coyle stated that she would email the SADC's PowerPoint presentation to the members following the meeting so that they could review it at the leisure.

RIGHT TO FARM

Alstede Farms, Chester Township – Request for SSAMP.

Ms. Santucci and Ms. Coyle informed the Board that the matter has been adjourned at the request of the farmer.

Alstede Farms, Chester Township – Complaint.

Ms. Santucci and Ms. Coyle informed the Board that the matter has been adjourned at the request of the farmer and the complainant.

CORRESPONDENCE

There was no correspondence to review.

OLD BUSINESS

There was no old business to review.

OPEN TO THE PUBLIC

There were no comments from the public.

ADJOURNMENT

There being no further business, on motion of member Ashley Myers, seconded by member Desiderio, the meeting was adjourned at 8:34 p.m.

Respectfully submitted,



Katherine Coyle
Director