



**TOWNSHIP of HOPEWELL
MERCER COUNTY**

**201 WASHINGTON CROSSING – PENNINGTON ROAD
TITUSVILLE, NEW JERSEY 08560-1410**

PROJECT / APPLICATION

BLOCK:

LOT:

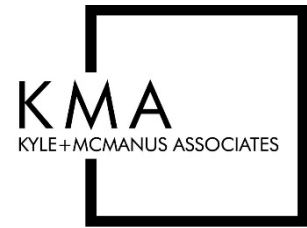
ADDRESS:

PROJECT NAME:

**REPORTS AND SUPPORTING
DOCUMENTS**

May 31, 2023

Dr. Michael Ehrenreich, MD
354 Charlton Avenue
South Orange, NJ 07079



POLICY
PLANNING
DESIGN

**Re: Planning Analysis- Interpretation Request
Bellemont Farm
Block 56, Lot 4 – Valley Road and Goat Hill Road
Hopewell Township, Mercer County NJ**

Dear Dr. Ehrenreich:

Pursuant to your request, below you will find planning analysis related to your application before the Hopewell Township Zoning Board of Adjustment requesting an interpretation as to whether the farm brewery use contemplated for the above referenced property is permitted as an agricultural use in the Township's Mountain Resource Conservation District. As we understand it, the current proposal is to grow hops, barley and other produce on the farm, which will represent at least 51% of the ingredients utilized in the brewing of beer, which would be sold as a value-added product produced from the output of a commercial farm. To facilitate the sale of the value-added product, the farm will include a farm market where customers can sample and purchase beer for consumption either on or off the premises.

The property that is the subject of this request is an approximately 33 acre parcel located at the corner of Goat Hill Road (to the east) and Valley Road (to the south) and designated as Block 56, Lot 4 on the Township tax map. Located in the Township's Mountain Resource Conservation District, which permits a variety of principal uses, §17-147 of the Hopewell Township Land Use and Development Ordinance states "Farms and other agricultural uses are permitted as principal uses in all districts. Barns, silos, tool sheds, fences, walls and other facilities which are customary for agricultural pursuits are permitted as accessory uses." It is therefore clear that agricultural use is permitted on the property.

The New Jersey State Agriculture Development Committee (SADC) defines a number of terms in N.J.A.C. 2:76-2A.13(b) that help provide context to your request and are important for the Zoning Board of Adjustment to consider. These are noted below.

"Agricultural output of a commercial farm" means the items specified in N.J.S.A. 4:1C- 9.a that a commercial farm produces and the value-added or processed products produced from those items, provided that the primary and predominant ingredients used to produce such products are grown or raised by the commercial farm. Examples of unprocessed agricultural output include, but are not limited to: fruits, vegetables, nursery stock, bedding plants, cut flowers, Christmas trees, and forest and livestock products. Examples of value-added or processed agricultural output include, but are not limited to: meat products, dairy products, cider, canned goods, baked goods, prepared foods, cut firewood, and wreaths.

"Commercial farm" means: 1. A farm management unit of no less than five acres producing agricultural or horticultural products worth \$2,500 or more annually, and satisfying the eligibility criteria for differential property taxation pursuant to the Farmland Assessment Act of 1964, P.L. 1964, c. 48 (N.J.S.A. 54:4-23.1 et seq.); or 2. A farm management unit less than five acres, producing agricultural or horticultural products worth \$50,000 or more annually and otherwise satisfying the eligibility criteria for differential property taxation pursuant to the Farmland Assessment Act of 1964, P.L. 1964, c. 48 (N.J.S.A. 54:4-23.1 et seq.).

“Farm market” means a facility used for the wholesale or retail marketing of the agricultural output of a commercial farm and products that contribute to farm income, except that if a farm market is used for retail marketing at least 51 percent of the annual gross sales of the retail farm market shall be generated from sales of agricultural output of the commercial farm, or at least 51 percent of the sales area shall be devoted to the sale of agricultural output of the commercial farm, and except that if a retail farm market is located on land less than five acres in area, the land on which the farm market is located shall produce annually agricultural or horticultural products worth at least \$2,500.

“On-farm direct marketing facility” or **“facility”** means a type of farm market including the permanent, temporary, and/or moveable structures, improvements, equipment, vehicles, and apparatuses necessary to facilitate and provide for direct, farmer-to-consumer sales of the agricultural output of the commercial farm and products that contribute to farm income. Such facilities include various types and sizes of direct marketing operations, including, but not limited to: farm stands; farm stores; CSA market and distribution areas; and pick-your-own (PYO) market areas. A facility may include one or more structures or a portion of a structure, and a facility may utilize new or existing structures. A facility’s structures may also be used for the commercial farm’s other farm purposes, for instance: equipment storage, equipment maintenance, and the production, processing, packaging, storage, or wholesale marketing of the agricultural output of the commercial farm.

Critical to analysis of whether the farm brewery use proposed can be considered a permitted agricultural use is the intended operation and how it relates to the SADC’s agricultural management practice for on-farm direct marketing activities set forth in N.J.A.C. 2:76-2A.13. Provided a commercial farm complies with these standards, it is entitled to protection under the Right to Farm Act, N.J.S.A. 4:1C-1 et. seq. Reviewing the definitions noted above, the brewing of beer to create a value-added or processed product qualifies as “agricultural output of a commercial farm”, as the primary and predominant ingredients used to produce the beer will be grown or raised on the commercial farm. This will include the growing and harvesting of hops, barley and perhaps wheat and produce such as pumpkins, berries and herbs, all ingredients typical to beer production. In order to facilitate the sale of the value-added or processed product, the farm will engage in on-farm direct marketing through a farm market that in this case will include a tasting room similar to one found in a winery. Customers will be able to sample beer and purchase directly from the farm brewery. Provided 51 percent of the annual gross sales or 51 percent of the sales area is devoted to the sale of agricultural output of the commercial farm, it qualifies as a farm market under the SADC’s rules. It should be noted that under the Township’s definition in §17-181 of the Land Use and Development ordinance, “the growing and harvesting of crops” qualifies as “agriculture”.

While there are not a significant number of farm breweries in New Jersey such as the one proposed, there is one example that is important to note. Screamin’ Hill Brewery, located in Cream Ridge, Monmouth County, was touted by New Jersey Secretary of Agriculture Douglas Fisher in 2015 as “.....the example of how our state’s agriculture and craft brewery industries can work together to create unique products consumers can enjoy.”¹ What is most important about Screamin’ Hill Brewery is the fact that it is located on a farm permanently preserved in 1989 through Monmouth County’s direct easement purchase program and is restricted for agricultural use under its deed of easement. The deed of easement was certified by the SADC, which contributed 64% of the fair market value of the easement to the County. What this clearly demonstrates is that the SADC considers the Screamin’ Hill Brewery to be an agricultural use, as it would otherwise be in violation of the deed of easement.

¹ <https://www.nj.gov/agriculture/news/press/2015/approved/press150825.html>, accessed on May 30, 2023.

Based on the analysis and evidence contained in this letter report, it is my professional opinion that the farm brewery use you propose at Bellemont Farm qualifies as a permitted agricultural use under §17-147 of the Hopewell Township Land Use and Development Ordinance. The production of beer qualifies as a value-added or processed product under the SADC's rules, as the primary and predominant ingredients will be grown and raised on the commercial farm. Under the SADC's agricultural management practices set forth in N.J.A.C. 2:76-2A.13, on farm direct marketing may be undertaken as proposed.

Sincerely,

A handwritten signature in black ink, appearing to read "J. Kyle", written over a light gray rectangular background.

James T. Kyle, PP/AICP
NJ Professional Planner #5667
Principal