

The meeting was opened by Chairman Palmieri at 7:30 p.m.

Vice-Chairman Battista read a statement of compliance with the *New Jersey Open Public Meetings Law* as follows:

This is a regular meeting of the Zoning Board of Adjustment of the Borough of Tinton Falls and is being held in compliance with the New Jersey Open Public Meetings Law. Adequate notice of this meeting has been given by posting on the bulletin board of the Municipal Building and by publishing in the The Coaster and the Asbury Park Press.

Vice-Chairman Battista then led the meeting in a salute to the flag.

Ms. Connolly took roll call.

Present Chairman Palmieri, Mr. Lomangino, Mr. Porzio, Ms. Berk, Mr. Brawner,
Ms. Hatami, Mr. McKinley

Absent: Mr. Slazyk, Mr. Battista

Also present: Mr. Hirsch
Mr. Neff, Board Engineer
Ms. Helen Zincavage
Ms. Connolly, Board Secretary

Chairman Palmieri read a statement of procedural guidelines.

Minutes

Chairman Palmieri states that the minutes from August 16, 2018 have been previously distributed via email for the Board to review.

Motion is made by Mr. Lomangino and seconded by Ms. Berk. All in favor by those eligible to vote.

New Business

**BA 2018-02 7th Day, LLC., Wardell Road and Rte. 33 – Use Variance,
Amended Site Plan Block 146, Lots 6.01 & 7**

Mr. Palmieri states that Mr. Lomangino will be stepping down for this application.

Mr. Hirsch states that he has reviewed the Affidavit and Proofs of Service and find same to be in order as to form.

Motion is made by Mr. Porzio and seconded by Ms. Hatami to accept service. All in favor.

Peter Falvo, Esq., states that he is the attorney for the applicant and Jughandle Brewing.

The first witness is David Collins, architect. Mr. Collins, 213 Holly Avenue, Lincroft, NJ is sworn in by Mr. Hirsch. The Board accepts Mr. Collins' credentials.

Mr. Collins reviews the layout that has been previously approved by this Board and which will be occupied by Jughandle. This exhibit, depicting the ground floor plan, dated June 4, 2018, is marked A-1 with today's date. Mr. Collins detailins how the space/units will be utilized by Jughandle as well as Ice King. All equipment located in the space and the purpose of all of the flex space units is explained in detail. The mezzanine level is remaining the same as it was approved, which is storage space for Ice King. The only two tenants proposed for this building are Ice King and Jughandle.

Ms. Zincavage explains the differences between flex-space use and warehouse (storage space) use.

Mr. Hirsch reiterates that it is important to define the space exactly how the space is going to be used and what it is for.

The 10 inch metal exhaust pipe that vents the kettle located on the roof is explained in detail.

The extension of the garbage enclosure is discussed. It is brought up that a chiller needs to be added for the brewing process. This is proposed to be located between the garbage enclosure and the building and it is proposed that there be a fence to enclose that chiller. The chiller is 199 inches long and it is 78 inches wide. There is a 6' x 6' fence board-on-board and the plan shows the projection of the chiller above the height line by 2 feet. This will slightly increase the lot coverage from 69.93% to 70.15% , which is the pad that the chiller sits on. This is the best place to locate the chiller as it will be the most concealed.

Ms. Hatami asks if the tasting room is a requirement for the brewery. Mr. Falvo states that he believes that it is a requirement and will be testified to by the operator.

Mr. Neff asks if there are any additional signage proposed other than what has been approved. Mr. Falvo states that there are no new signs proposed.

Chairman Palmieri asks if the public in attendance have any questions of Mr. Collins. None heard.

Mr. Peter Artherholt, 25 Timothy Lane, Tinton Falls, is sworn in by Mr. Hirsch. Mr. Artherholt states that he is one of the owners and runs the brewing operations. He states that he has a degree in chemistry and has home-brewed for fifteen years. He has been running Jughandle Brewing for the entire time it has been in existence.

Mr. Artherholt explains the steps in the brewing process. At the end of the brewing process, the finished product is either put in kegs or cans/growlers. Mr. Falvo asks if Jughandle is required to have a tasting room and is told yes, it is a State Law that tours are given in conjunction with the tasting room.

Mr. Brawner clarifies that Jughandle could conduct their brewing operation on it's own without tours and a tasting room. Once a tour is added, a tasting room must be added. This is the preference of Jughandle.

Mr. Artherholt states that their license allows them to sell both retail and wholesale. Merchandise, generally just shirts and glasses are also sold.

Mr. McKinley asks if there are any time limitations as to when Jughandle can provide tours and tastings and what are the proposed hours of operation.

Mr. Artherholt states that right now, the Asbury Avenue location is open Tuesday, Wednesday, Thursday from 4:00 p.m. until 9:00 p.m.; Friday from 4:00 p.m. until 10:00 p.m.; Saturday noon – 10:00 p.m. and Sunday noon – 6:00 p.m. The intention is to have the same hours at the Wardell Ave. location.

Mr. Falvo states that there is an objector, Mr. Lombardo who is represented by John Giunco, Esq. There have been certain stipulations agreed to and which have been put in writing. Mr. Falvo indicates that this agreement will be forwarded to Mr. Hirsch for consideration in writing a possible Resolution. The main points are that any deliveries will be limited to take place between the hours of 9:00 a.m. – 5:00 p.m. and that all spent grain will be stored inside the premises and disposed of off-site by the applicant and none will be placed in the dumpsters or outdoor disposal.

Mr. Neff asks for confirmation that a stack-condenser would be installed as Mr. Falvo had stated. Mr. Artherholt confirmed that fact and states that the stack-condenser would eliminate the pipe on the roof. Mr. Neff states that it is big expense for the applicant. The stack-condenser cuts down on any and all odors and it recycles the exhaust from the brewing process and recycles it back through the building so that you do not get odor escaping directly into the air.

Mr. Artherholt further explains the purpose of the chiller.

Mr. McKinley states that, during the initial application, great pains were taken to make sure anything and everything that could be done to minimize the noise to the nearest residences be done. It looks like the chiller is located on the residential side. Mr. McKinley states that the vacuums for the car wash are enclosed and the chiller is not.

Mr. Porzio asks if there is anything at all that could be construed as hazardous materials or hazardous processes associated with the brewery by combining with the car wash business. Mr. Artherholt states that he cannot think of any possible hazardous condition that could arise.

Ms. Hatami asks about the canning and bottling portion of the business. Mr. Artherholt explains the canning process. The machines are fairly small and reasonably quiet in the way they run. At the present time, there is one truck that leaves in the morning and distributes the product and does not return until the end of the day. Mr. Artherholt states that the Wardell Avenue property is roughly double the size of the Asbury Ave property.

Mr. Neff asks the size of the trucks. Mr. Artherholt states they have a minivan -like vehicle and hope to acquire a sprinter-sized van sometime in the future. The van(s) would be parked at the site overnight. Mr. Neff states that technically these vehicles are considered fleet vehicles and would require designated spaces.

Chairman Palmieri asks, with regard to the chiller, would it make sense to put a concrete block wall around the proposed chiller. Mr. Neff states that it might block the sound a little better than a fence. Evergreens do help with sound buffering. The chiller runs year-round. Mr. Hirsch asks if there is any sound information that can be disseminated to the Board and is told not at this time.

Mr. Falvo states that the decorative stone on the building extends to 7'4" in height. The applicant could extend that, in lieu of the fence, to enclose the chiller. This would require a height variance and, if needed, the masonry extension can go to 8 feet in height. Mr. Neff recommends that the 8 ft. rock wall to match the building would be a good idea to house the chiller. Mr. Collins is recalled and states that the top of the decorative block is 7' 4" in height which is lower than the height of the chiller. Mr. Collins aesthetically prefers the line be continued at 7' 4" and not have the wall step up the extra 8 inches.

Chairman Palmieri asks about the number of employees. Mr. Artherholt explains that four people will actually work the brewery and there are two drivers that are off-location during the day. Typically in the tasting room, there would be three people. There are 24 seats in the tasting room.

Chairman Palmieri asks how many people have been at the Asbury Avenue location on your best night ever. Mr. Artherholt states approximately fifty and that the Asbury Avenue location is larger than the Wardell Ave location.

Mr. Neff states that with regard to parking, the ordinance does not have a brewing use, we looked at the tasting area as a tavern, 10 spaces required for the tasting area. Flex space for the Ice King use (Units A, J, second floor) – 20 spaces required. The middle section where the brewing is occurring/ manufacturing use – five spaces. Storage space for Jughandle, looking at it as warehouse space – 1 space. Two fleet vehicles. Total

requirement is 38 parking spaces plus 14 spaces required for the car wash. 52 spaces being required 43 are proposed. With the previous approval 77 spaces were required and 43 were approved.

Mr. Neff states that, from a circulation standpoint, having three uses on this property with two tenants instead of potentially 8-10 contractors coming in and out with no hours of operation limitations, should be better for the space.

Ms. Hatami states that there is a bar, flex space, brewery, office, warehouse, car wash. It's more than 2 or 3 uses. Yes, it's less tenants, but it is still a lot of people in and out.

Further discussion continues about parking, customer and employee circulation issues with multiple Board members. Also, discussion included that Ice King employees will not be utilizing parking spaces after 5:00 p.m thus leaving most of the parking places available for the tasting room patrons. Typically, the busiest times for the tasting room are after 5:00 p.m.

Ms. Berk asks about the Ice King truck entrance. The parking spaces are dedicated to the Ice King Trucks. The parking spaces are 30 ft. long designated for the trucks.

Ms. Hatami asks what the permitted uses for the site are and these uses are discussed. A brewery is not a permitted use. Warehouse is not a permitted use. Retail sales, retail services, delis and specialty food or drink facilities, shopping center, pharmacy, banks, professional, medical, veterinary, offices, research facilities, are some of the uses permitted in the HCC zone.

Ms. Zincavage points out that the negative criteria has been focused upon but there is also the positive criteria that needs to be satisfied. Ms. Zincavage asks why the site is particularly suited, from a land-use perspective, for possibly three more uses.

Mr. Artherholt discusses the raw materials such as grains, yeast and hops that are used and these materials are delivered no more than twice per week. The hops come via UPS and the grains are delivered via tractor trailer on pallets. We have a forklift to offload the pallets and the process takes no more than 15 minutes. The after-product is called spent green and that after-product goes into garbage tins, is stored inside and there will be a farmer that picks it up and it is fed to livestock. It is never garbage. The bags are thrown away. Deliveries are to be scheduled off-hours.

Chairman Palmieri asks if anyone in the public has any questions of this witness. None heard. Chairman Palmieri asks if any Board members have any further questions for this witness, none heard.

Mr. Falvo asks for a short recess. The record is stopped from 9:02 p.m. until 9:13 p.m.

David Boesch, 1750 Bloomsbury Avenue, Ocean Twp., NJ is sworn in by Mr. Hirsch and his credentials as a landscape architect and project supervisor are accepted by the

Board. The construction plan was originally dated February 7, 2017 revised through February 13, 2018 is marked A-2 into evidence by Mr. Hirsch. Mr. Boesch states that the site is exactly the same as when it received resolution compliance approval with the exception of the proposed chiller located at the north end of the structure and the height of the building. Mr. Boesch states that there is adequate space for landscaping around the enclosure for the chiller and the dumpster to provide a row of upright evergreens to screen both the chiller and the dumpster areas.

Mr. Neff asks for the evergreen screening to be 8 – 10 ft. trees instead of the original 5-6 ft. trees. Mr. Boesch agrees. The decorative wall that is to be extended is agreed to be 7 ‘ 4 “ and not 8 ‘ in height.

Chairman Palmieri asks if there is anyone in the public that has any questions of Mr. Boesch. None heard.

Mr. Falvo recalls Mr. Collins. Mr. Falvo asks Mr. Collins about the flex space walls and points out that some are to be removed. Walls can be taken down as well as put up according the occupants of the flex space. Currently, the plans are showing two bathrooms and one office for Jughandle’s use and those are the exact same locations they were in for the flex space use. If Jughandle were to leave this building, the equipment could be removed and the flex-spaces could go back the original.

Mr. Falvo states that the property is allowed to maintain the prior approval . Mr. Hirsch disagrees. Discussion ensues.

Mr. Falvo states that he is not going to ask for a vote this evening. Mr. Falvo states he is going to ask their Planner to give testimony.

Mr. Falvo asks what availability is for the next couple of meetings. September 20, 2018, October 4 and October 18 are discussed. Mr. Falvo is advised that there are at least two members out for October 4 and possibly two members out for October 18 at this time. It is decided that this matter will be listed for a vote on October 4, 2018 realizing that there is another matter already listed for that night.

Barbara Ehlen, 315 Rte. 34 Ste. 129, Colts Neck, NJ is sworn in by Mr. Hirsch and is accepted by the Board as a professional planner.

Exhibit A-3 is an aerial photograph provided by Google 2018 of subject property and surrounding neighborhood. Exhibit A-4 is a photo board showing the property from rte. 33 and the second is showing the property from Wardell and the third is from rte. 33 comparing the adjoining motel to the subject property.

Ms. Ehlen describes the subject property as well as the surrounding properties. Ms. Ehlen describes the uses that have been approved for the subject property and the adjacent properties. She states that the height of the flex space building is in keeping

with what the town envisions in this area. The height is not detrimental to the neighborhood or to the zone or to the master plan.

The height variance is discussed. The applicant is looking for the Board to re-affirm the previously approved variance as there has been a subsequent objector. The applicant's planner reviews the benefits of the height of the flex space building. Ms. Ehlen reviews what other uses are permitted within the zone. She discusses how the currently proposed uses fit within the master plan. Ms. Ehlen discusses all aspects of the application from a planner's prospective. She discusses how this application is particularly suitable for this parcel.

Ms. Zincavage states that while there are permitted uses in this zone does not mean it is appropriate for the parcel.

Discussion relating to the current and proposed uses and how they relate to each other are discussed.

Ms. Zincavage asks what were the unique characteristics of this site that make it the appropriate place for this use instead of another permitted use. Discussion continues.

Mr. Hirsch asks if there is a comparison to the traffic generation by the prior use variance that was granted compared to what it would be if this use variance were to be granted. Ms. Ehlen states it would be a smaller parking demand and explains why she believes this is so.

Ms. Ehlen also states that there will be a tractor trailer delivery expected once or twice per week. A condition of the prior approval states there will be no tractor trailer deliveries made on site, therefore, the applicant would be seeking relief from that condition.

Mr. Porzio states that he believes there may be some degree of conflict with the car wash, as it is open 24 hrs.

Mr. Brawner asks Ms. Ehlen to discuss the three uses on a single lot. She discusses how she believes the three uses will co-exist.

Ms. Zincavage asks about the residential buffer and this is discussed. Mr. Falvo states that with regard to this application, the landscaping and fencing has already be agreed upon bordering the few residences. The remainder of the property line are the commercial establishments of the motel and the car wash. The distance between the uses and the residences are over 300 ft.

Ms. Ehlen discusses that the Asbury Avenue brewery abuts a residential zone and there have been no complaints. Ms. Ehlen states that the brewery use is compatible with the adjoining residential use.

Ms. Hatami reviews the hours of operation regarding the brewing operation and tasting room hours. It is discussed that there are no limitations on flex space hours as sometimes tenants would be at their space either very early in the morning or later during night hours.

Chairman Palmieri states that there is a possibility of as many as ten tenants occupying the flex space should one or two large tenants not occupy the space.

Mr. Brawner asks how the tractor trailer deliveries are going to be managed. It is stated that no deliveries would take place when the brewery tasting room was open to the public. All deliveries would be during off-hours. (9:00 am. – 2:00 pm per Mr. Artherholt)

Mr. McKinley asks if the tractor trailer can navigate inside as the turning radius does not look adequate.

Mr. Boesch states that there was a condition placed on the original use variance approval for the flex space restricting tractor trailers from entering lot 7. The applicant had provided, at that time, a circulation diagram showing that single unit vehicles could access the site easily with no issues. With this application, we did evaluate that the tractor trailer entering the property is not an issue. When exiting, there is a need to widen the egress driveway on Wardell Road, where it is currently 16 ft. and it would need to be widened to 20 ft. which is the same width as the access aisle across the west side of the angled parking lane. That would allow the tractor trailer to navigate the site safely. Mr. Brawner states that the adjustment would increase the impervious coverage. Mr. Boesch states that it would increase the percentage by .3% - 193 sq. ft. in addition to the .22% from the chiller.

Mr. Neff states that the lot coverage number is now 70.45% . Mr. Neff asks for a copy of the updated plan. Mr. Hirsch asks Ms. Ehlen, in her opinion, are the potential detrimental impacts to the surrounding residential properties, would be less than the flex space than the combination of uses previously approved by the Board if this use variance were granted? Ms. Ehlen states “no more than.” She states that the applicant is still occupying the same amount of space. It is just a mixture of the uses that we are discussing now. The parking is the same and is located on the other side of the building away from residential. The building has been situated as far away from residential as it possibly can and landscaping and fencing will be installed to enhance the buffering.

Mr. Falvo reiterates that the addition of the stack condenser will eliminate any issues concerning odors. He states that if a unit is occupied by a plumber, there will be deliveries, unloading supplies.

Discussion continues about the manufacturing use and what constitutes same. The intensity of the site is further discussed.

Ms. Hatami further discusses the increase in lot coverage from the widening of the driveway and the chiller.

Mr. Hirsch reviews that initially the flex space could potentially have ten tenants or one tenant.

Ms. Zincavage asks about the parking spaces on the car wash side. Given that those spaces are nearest to the residential lots, is it appropriate to be having cars parking there given the later hours of the tasting room. Mr. Falvo states that those five parking places are for office use and if you put the chiller in and the wall across, no one can park there and cut through to the brewery. These people would have to walk out to Wardell and then come back in. Mr. Neff suggests assigning those five spaces as employee parking only. This is agreed to by the applicant.

Chairman Palmieri discusses that, with regard to a date for the conclusion of this matter, October 4, 2018 there is already one matter on the agenda continuing on this date by Mr. Falvo's associate. Mr. Porzio will not be in attendance, Mr. Lomangino will be stepping down for this matter because of a conflict. Mr. Falvo decides to take October 4, 2018, knowing that there may be an attendance issue. Chairman Palmieri confirms that the Board members that are not in attendance this evening will be able to ask questions on October 4. Mr. Hirsch states that as long as the public hearing portion of the hearing is kept open, there will be no issue. Mr. Brawner states that there are also issues in the professionals' reports that will need to be addressed. Mr. Falvo confirms that no additional notice need be given. October 4 is agreed upon.

Motion to Close

Motion to close the meeting at 10:30 p.m. by Mr. McKinley and seconded by Ms. Berk . All in favor.

Respectfully submitted,

Colleen Connolly
Zoning Board Secretary

Approved at Board of Adjustment
Meeting on October 4, 2018