

**RESOLUTION OF MEMORIALIZATION OF THE LITTLE EGG HARBOR
TOWNSHIP BOARD OF ADJUSTMENT**

**RESOLUTION NO.: 2019-12
VARIANCE APPLICATION NO.: 2012-05A**

RE: PINELAND BREWING, LLC
Block 250, Lot 1, UNIT 15
Application for a Use Variance

WHEREAS, PINELAND BREWING, LLC, whose mailing address is 140 Seventh Avenue, Unit 15, Little Egg Harbor, New Jersey 08087, has applied for relief pursuant to N.J.S.A. 40:55D-70(d) affecting premises located at Block 250, Lot 1, as shown on the Tax Map of the Township of Little Egg Harbor and otherwise known as 140 Seventh Avenue; and

WHEREAS, a public hearing was held on said application on January 9, 2019 and March 13, 2019, in the Municipal Building of the Township of Little Egg Harbor and testimony was presented on behalf of the applicant and all interested parties having been heard; and

WHEREAS, said Board having considered said application and testimony of the applicant, makes the following findings:

1. The application is deemed complete pursuant to the applicable provisions of the Little Egg Harbor Township Zoning Ordinance.
2. The property in question is located in the central section of the Township, on the north side of Seventh Avenue, west of North Green Street (County Route 539). The Property presently contains a twenty (20) unit "contractor storage and office" facility. The Applicant currently occupies Unit 15 as a micro-brewery. Commercial uses are located to the north, south and east of this site, with a large wooded area to the west. On December 12, 2012, the

Applicant received a use variance approval by the memorialization of Resolution 2012-17 to operate a micro-brewery facility with brewing three days a weeks and public tastings and tours one day per week. The approved hours of operation were Monday through Friday 10 am to 4 pm and Saturday from noon to 4 pm. The Applicant is proposing to expand the micro-brewery operations from 1 unit (Unit 15) to 3 Units (Units 15, 16 & 17). The Applicant indicates Unit 15 to be primarily brewing and fermenting, Unit 16 primarily the Tap Room and Unit 17 primarily for storage and office. There are no site improvements proposed as part of this application.

3. The Applicant is requesting a use variance for the expansion of and/or deviation from the use variance granted in 2012 for the “micro-brewery” use. The expansion would include the increase in the number of public tours and tastings from one day (Saturday) to seven days a week; increase brewing operations/manufacturing from 3 days per week to 7 days per week; the use of units 16 and 17 and the future use of any of the other seventeen remaining units located on the property designated as Block 250, Lot 1; to rotate or rearrange the various activities from unit to unit in the future, if deemed beneficial to the business; allow food truck, vendors and peddlers in the parking lot area compliant with the Fire Marshal; and the sale of pre-packaged and third party food in compliance with the NJ Alcoholic Beverage Control guidelines. The proposed uses in addition to the micro-brewery use are not permitted uses in the General Business Zone and therefore, the Applicant requires a use variance to expand the existing use and incorporate the use of vendors and the sale of pre-packaged and third party food which are not permitted in the zone. The Applicant is requesting a waiver of site plan.

4. The Applicant was represented by Francis R. Galdo, Esquire.

5. The Applicant testified that there would be no detriment to the surrounding

community by the granting of this use variance relief which would, in applicant's opinion, constitute a benefit to the neighborhood without being inconsistent with the zone plan and zoning ordinances.

6. No person appeared in opposition to the subject application.

7. Based upon the foregoing evidence, the Board makes the following findings:

A. The Board finds that the applicant's proposed operation and use of the subject property will not be a detriment to the surrounding community and the subject site is particularly suited to the use proposed by the applicant.

NOW, THEREFORE, BE IT RESOLVED, by the said Board that on this 10th day of April, 2019, based upon the findings herein above stated, the application is hereby granted subject to the following conditions, together with all stipulations of the applicant:

1. The applicant shall strictly adhere to the representations, plans and exhibits submitted with regard to the proposed development of the subject property and should further comply in all respects with the technical review letter as prepared by the Little Egg Harbor Township Zoning Board of Adjustment Engineer dated November 28, 2018, a copy of which is annexed hereto and made a part hereof.

2. The applicant's request for a use variance to expand the micro-brewery operations from 1 Unit (Unit 15) to 3 Units (Units 15, 16 and 17) at 140 7th Ave. , Little Egg Harbor, is hereby granted, in accordance with the Statement of Operations attached hereto.

A. Unit 15 shall be used primarily for brewing and fermenting, milling the grain, mashing and boiling the wort, store in fermenters and brite tanks until done, giving tours as per NJ ABC laws and allowing people to sit and look around when not in use.

B. Unit 16 shall be used as the primary tap room (i.e. bar), shall have access to beer and bartender, shall be the main seating area, have access to outside seating area, and shall have a walk in refrigerator for beer storage.

C. Unit 17 shall be primarily for storage and office. There shall be a small office in this unit with grain, hops, kegs (empty) and other supplies to be store and it shall be a cool room (air-conditioned) to store beer in.

3. As Pinelands Brewing expands, all or some of the remaining units in the same building (1 to 14 and 18 to 20) will be utilized as follows:

A. No more than two units will be open to the public as a taproom and seating area.

B. Customers may only be allowed in other units if necessary to fulfill applicable laws and licensing requirements.

C. Any and all units, currently occupied or to be occupied in the future, may be rearranged or rotated as to the various activities conducted therein from unit to unit provided that at no time more than any two units are open to the public as a Taproom and seating area.

4. Up to three food trucks may be present at one time. Said trucks shall have both state and local permits together with the necessary licensing requirements, if any are required.

5. Applicant was granted an extension for the outdoor seating area during the hours of 7 A.M. to 8 P.M. and conditioned upon all existing fencing remaining intact.

6. No food truck will be parked at Pinelands Brewing overnight.

7. Food trucks will not exceed the hours of operation of the taproom.

8. Occupancy limits based on the Fire Inspectors annual report, which currently states fewer than 50 per unit shall be posted.

9. Applicant testified that there is adequate parking in accordance with the letter from Adwin Realty Investors, LLC, dated January 10, 2019 and attached hereto.

10. Should the use change to a bar/restaurant, Applicant must report back to the Board.

11. The applicant shall further reimburse the Little Egg Harbor Township Zoning Board of Adjustment for all professional fees expended with regard to this application within thirty (30) days from the date of memorialization of this Resolution or any approvals granted herein shall automatically become null and void.

12. The applicant shall further secure any and all other necessary applications, permits or approvals and post any surety bonds that may be required by any other governmental agency.

13. The applicant shall resubmit this entire proposal should there be any substantial deviation from this Resolution or the submitted plans, documents, or oral representations made by this applicant his attorneys or other professionals.



EUGENE F. SULLIVAN, Chairman
Little Egg Harbor Zoning Board of Adjustment

CERTIFICATION

The foregoing is a true copy of a memorializing resolution by said Board at its meeting of March 13, 2019 as copied from the minutes of said meeting.



ROBIN SCHILLING, Board Secretary
Little Egg Harbor Zoning Board of Adjustment

STATEMENT OF OPERATIONS

RE: Variance Application No: 2012-05A
Pinelands Brewing, LLC
Block 250, Lot 1
140 Seventh Avenue
Little Egg Harbor, NJ

1. Days of Operation: Seven days per week for both Taproom and Production Operations.
2. Hours of Operation:
 - (a) Taproom - hours of operation shall be limited only by local ordinance as now enacted or as amended in the future and shall be in accordance with State Division of Alcoholic Beverage Control guidelines. Section 130-5 of the Little Egg Harbor Township Ordinance currently provides that retail sale of alcohol beverages for consumption either on or off the premises is permitted as follows:
 - (1) Monday through and including Saturday at all times except between the hours of 2:00 a.m. and 7:00 a.m.;
 - (2) On Sundays, at all times except between the hours of 3:00 a.m. and 7:00 a.m.;
and
 - (3) On the first day of January, sales may be extended throughout the day.
 - (b) Production Operations:
 - i. Generally, between the hours of 7:00 a.m. and 10:00 p.m.
 - i.i. Some maintenance, cleaning and safety measures may fall outside this time when necessary.
3. Units Occupied: Currently Units 15, 16 and 17 located at 140 Seventh Avenue, Little Egg Harbor, NJ are to be occupied as follows:
 - Unit 15 - Primarily brewing and fermenting.
 - * mill the grain in this room;
 - * mash and boil the wort;
 - * store in fermenters and brite tanks until done;
 - * give tours as per NJ ABC laws;
 - * allow people to sit and look around when not in use
 - Unit 16 - Primary Tap Room (i.e. bar)
 - * access to beer and bartender;
 - * main seating area;
 - * access to outside seating area;
 - * walk in refrigerator for beer storage

Unit 17 - Primarily storage and office

- * small office in this unit;
- * grain, hops, kegs (empty) and other supplies to be stored;
- * cool room (air-conditioned) to store beer in

As Pinelands Brewing expands, all or some of the remaining units in the same building (1 to 14 and 18 to 20) will be utilized as follows:

- a. No more than two units will be open to the public as a taproom and seating area.
- b. Customers may only be allowed in other units if necessary to fulfill applicable laws and licensing requirements.
- c. Any and all units, currently occupied or to be occupied in the future, may be rearranged or rotated as to the various activities conducted therein from unit to unit provided that at no time more than any two units are open to the public as a Taproom and seating area.

4. Food Truck:

- a. Up to three food trucks will be present at any one time.
- b. No food truck will be parked at Pinelands Brewing overnight.
- c. Food trucks will not exceed the hours of operation of the taproom.

5. Occupancy Limits: Occupancy limits based on the Fire Inspectors annual report which currently states fewer than 50 per unit.

ANDWIN REALTY INVESTORS, LLC

20 N. Main Street
Manahawkin, New Jersey 08050

(609) 597-0088
(609) 597-3142 Fax

January 10, 2019

Pinelands Brewing
140 7th Avenue, Suite 15
Little Egg Harbor, NJ 08087

Dear Gentleman,

As you know we are the Landlord and owners of the Great Bay Business Park which is located at Block 250, lot 1 in Little Egg Harbor.

At the Zoning Board of Adjustments meeting last night the Board expressed concern about your need for excess parking for your business and during events. Andwin Realty Investors also owns the property located across from the Great Bay Business Park opposite 7th Avenue, Block 251 Lot 201 also known as Sea Oaks Medical. We have ample parking in this complex to satisfy any excess parking needed and give Pinelands Brewing permission to use the lot anytime as needed.

Congratulations on your approval and should you need any additional confirmation please do not hesitate to call.

Very truly yours,


Leonard E. Anderson



**REMINGTON
& VERNICK
ENGINEERS**

9 Allen Street
Toms River, NJ 08753
O: (732) 286-9220
F: (732) 505-8416

November 28, 2018

Pineland Brewing, LLC
136 Seminole Court
Galloway, NJ 08205

**Re: Use Variance Application #2012-05A
Pineland Brewing, LLC
Block 250, Lot 1
Zone: GB General Business Zone
140 Seventh Avenue
Our File: 1517-Z-368**

Dear Applicant:

Our office has received and reviewed your application and offer the following comments:

A. Background

The property in question (PIQ) is located in the central section of the Township, on the north side of Seventh Avenue, west of North Green Street (County Route 539). The Property presently contains a twenty (20) unit "contractor storage and office" facility. The Applicant currently occupies Unit 15 as a micro-brewery. Commercial uses are located to the north, south, and east of this site, with a large wooded area to the west.

On October 22, 2003, Andwin Realty Investors received preliminary and final site plan approval by the memorialization of Resolution 2003-36 to construct 20 storage units and associated site improvements, vacate portions of Center Street and Seventh Avenue, and construction of a stormwater basin.

On February 19, 2009, Andwin Realty Investors received amended site plan approval by the memorialization of Resolution 2009-05 to replace the existing sign with a 89 sf internally illuminated freestanding sign.

On December 12, 2012, the Applicant received a use variance approval by the memorization of Resolution 2012-17 to operate a micro-brewery facility with brewing three days a week and public tastings and tours one day per week. The approved hours of operation were Monday through Friday from 10 am to 4 pm and Saturday from noon to 4 pm.

The Applicant is proposing to expand the micro-brewery operations from 1 unit (Unit 15) to 3 units (Units 15, 16 & 17). The Applicant indicates Unit 15 to be primarily brewing and fermenting, Unit 16 primarily the Tap Room, and Unit 17 primarily for storage and office. There are no site improvements proposed as part of this application.

B. Relief Required

The Applicant is requesting a use variance for the expansion of and/or deviation from the use variance granted in 2012 for the "micro-brewery" use. The expansion would include the increase in the number of public tours and tastings from one day (Saturday) to seven days a week; increase brewing operations/manufacturing from 3 days per week to 7 days per week; the use of units 16 & 17 and the future use of any of the other seventeen remaining units located on the property designated as Block 250, Lot 1; to allow with permission to rotate or rearrange the various activities from unit to unit (Units 15, 16 & 17) in the future, if deemed beneficial to the business; allow food truck, vendors and peddlers in the parking lot area compliant with the Fire Marshal;

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and the sale of pre-packaged and third party food in compliance with the NJ Alcoholic Beverage Control guidelines.

The proposed uses in addition to the expansion of the micro-brewery use are not permitted uses in the General Business Zone, and therefore the Applicant requires a use variance to expand the existing use and incorporate the use of vendors and the sale of pre-packaged and third party food which are not permitted in the zone. The Applicant is requesting a waiver of site plan. We have not identified any other required variances, except for the possible need for a parking variance for uses not specifically mentioned in the Ordinance, which may be determined by the Board at the time of application.

C. Completeness

The following is a list of items required to be submitted by checklist which our office finds relevant for this application. The Board and our office reserves the right to request additional item(s) be submitted, should the testimony provided require such documentation.

1. Provide at least 4 photographs of site for an accurate description of the existing conditions on the property.

D. Zoning

Bulk Requirements: The (PIQ) is located within the GB General Business Zone, whereas all uses are required to meet the following minimum bulk standards. The chart below summarizes the area and bulk requirements for this zone in accordance with §15-4.19.E:

	Required	Proposed
Minimum Lot Area	22,500 SF	91,680.7 SF
Minimum Lot Width	150 FT	150 FT
Minimum Lot Depth	150 FT	536.20 FT
Minimum Front Yard Setback	70 FT	287 FT
Minimum Side Yard Setback	20 FT	40 FT
Minimum Combined Side Yard Setback	40 FT	110 FT
Minimum Rear Yard Setback	40 FT	110.20 FT
Min. Accessory Building Side & Rear Yard Setback	5 FT	N/A
Maximum Building Percent	50%	< 50%

E. Review Comments

1. The Applicant is proposing expand a use and additional uses not identified or described in the Ordinance. Therefore, the Applicant shall provide to the Board a detailed description of the expansion and the need for the expansion along with the additional uses requested by the Applicant. The Applicant is required to provide the appropriate professional testimony which would establish the “special reasons” in accordance with the MLUL which would justify the granting of a “d(1)” variance. This would include but not be limited to both the negative and positive criteria under the law. The Applicant must satisfy the Board that this use is “particularly well suited” to this site and this location, and/or that this use at this site advances the purposes under the act in accordance with 40:55D-2. The Applicant must also be prepared to prove to the Board that this use will not be a substantial detriment to the public good, or a substantial detriment to the Master Plan and Zoning Plan.
2. The following information should be provided to the Board in order for the Board to determine that the use is “appropriate” in the zone and at this site:

- a. The Applicant is proposing to expand the micro-brewery to occupy three (3) units for a total of 3,000 square feet (Units 15, 16 & 17). The Applicant should describe the use of this space and the floor plan provided.
 - b. Changes in the hours of operation.
 - c. Changes in the number of employees.
 - d. Will the expansion result in changes to fire protection, ventilation, storage and removal of waste products, or noise and smell emission?
 - e. Changes regarding deliveries and what size trucks will make these deliveries, and how often.
 - f. Changes regarding the distribution of the product.
 - g. How many people are expected to be accommodated when tastings and tours are scheduled.
 - h. When are vendors, food trucks and peddlers anticipated?
 - i. Where would the pre-packaged goods be sold? What types of pre-packaged foods?
 - j. What is the Applicant's future goals regarding the brewery?
3. The site presently contains 44 parking spaces. For a warehouse/high tech type use .66 spaces is required for each 1000 square feet which would mean that 13.2 spaces would be required for the entire structure for that type of use. However, the applicant has increased the number of brewing days, increased the number of public tours, and requested to allow a food truck or trucks, vendors and peddlers within the parking area. The Applicant shall provide testimony regarding the other uses in the building and where patrons would park along with potential food trucks and vendors, in order for the Board to determine if the parking at the site is adequate for the expansion and the additional uses proposed. Where the use is not specifically mentioned in the Ordinance, the Board may determine the required need §15-12.16.A(28).
 4. The Applicant should provide to the Board a list of vehicles which will be used in conjunction with this business, and how many will be parked at the site on a regular basis or overnight.
 5. There do not appear to be any facilities provided for solid waste storage or pickup at the site. The Applicant should provide to the Board a description of the expected solid waste generated from this process and where it will be stored and picked up.
 6. Any approvals that the Board may deem appropriate should be granted conditioned upon compliance with all applicable NJ State Licensing and Health and Fire safety laws, and applicable proofs of approvals should be provided before occupancy.

F. Fees Required

1. Pursuant to §15-16.1 the following non-refundable administrative fees are required for this application:

§15-16.1A(1)(n)[1][c] Use Variance	\$ 250.00
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2.	Pursuant to §15-16.2 of the Land Development Ordinance, the resolution fee is required:	\$ 150.00
3.	Pursuant to Section 15-16.3, the following escrow fees are required for this application:	
	§15-16.3M(1)(c) Use Variance	<u>\$ 2,000.00</u>
	Total Fees:	\$ 2,400.00

It is our understanding that the applicant has submitted the resolution fee, \$100 of the administrative fees, and \$500 of the escrow fees. An additional \$150 check is required for the administrative fee, and an additional \$1,500 check is required for the escrow fee.

G. Recommendation

Based upon our review of the information submitted, we recommend that this application be deemed **complete** upon receipt of the above-named required fees, and subject to the Applicant complying with all applicable notification requirements as set forth in the Municipal Land Use Law, and the Zoning Board's approval of the waiver of site plan. Should site plan approval be required the Applicant will be required to provide additional information and/or plans.

Our office recommends that the Board proceed with the variance request. The Zoning Board of Adjustment meets the second Wednesday of the month, therefore subject to the notice provided, by the Applicant, this application will be scheduled for a public hearing at the December 12, 2018, meeting of the Little Egg Harbor Zoning Board of Adjustment. By copy of this letter we are informing the Applicant of the items to be addressed.

Should you have any questions, please do not hesitate to contact me at (732) 286-9220.

God Bless America

REMINGTON & VERNICK ENGINEERS



Ernest J. Peters Jr., P.E., P.P., C.M.E.

MMG/EJP: ag

cc: Mr. Edward Gautier, Chairman
Mr. Matthew Spadaccini, Administrator
Ms. Robin Schilling, Director of Community Development
Ms. Diane McCracken, RMC
Mr. Mark Ellis, Zoning Officer
Mr. Brian Rumpf, Esq., Board Attorney
Mr. Francis R. Galdo, Esq. – Applicants Attorney (galdolawoffice@comcast.net)
Pinelands Brewing, LLC – Applicant
Andwin Realty Investors – Owner
Ms. Margaret Groves, CFM - RVE