

7:07:56 PM - - AButtoDENNIS TOWNSHIP CONSOLIDATED LAND USE BOARD
Regular Meeting - July 23, 2020 (via Zoom)

Attendance: See Attached

Applications:

ZAPPY, ANTHONY - Block 241, Lot 6.02 & B & R LAND, LLC - Block 241, Lots 6.01 and 6.02: Located on Route 9 and East Rising Sun Drive in the Ocean View Center District. Applicant seeking amended site plan approval, as well as a use variance to establish and maintain a 2,500 square foot craft brewery in a previously approved office/garage building.

Correspondence:

Discussion:

Resolutions:

ESPOSITO, LISA - Block 71, Lots 18, 19 and 20

Minutes: June 25, 2020

Bills

Adjourn

- 7:07:56 PM - - Start Recording
- 7:08:13 PM - - Butto - call meeting to order
- 7:08:25 PM - - Roll Call
- 7:11:10 PM - - Batastini - swear in Carli Caprioni as new member (Alternate #3, Class IV)
- 7:12:26 PM - - Caprioni - take oath
- 7:13:01 PM - - Butto - first application Anthony Zappy.
- 7:13:57 PM - - Attorney for applicant, advised that applicant will be appearing by phone and also participating will be Joe Mafei. Seeking amended site plan approval as well as a use variance for a craft brewery. Will present testimony. Called first witness Joseph Maffei.
- 7:16:18 PM - - Batastini - administer oath to Zappy, Maffei and Fralinger.
- 7:17:23 PM - - Hope - recused himself from application.
- 7:17:56 PM - - Batastini - note Mr. Hope's recusal.
- 7:18:45 PM - - Attorney for applicant - questions to Maffei.
- 7:19:12 PM - - Maffei - prepared plan, is familiar with site and surrounding properties. Described property - located at Route 9 and corner of East Rising Sun Drive. Building is in progress and is about 90% complete. Property is 42,362 square feet. Described surrounding properties and their uses. Mostly commercial uses, with some residential. Filed plan as an amended plan, but site remains essentially the same as was previously approved. A use variance is needed because a craft brewery is not a permitted use. Described how the inner workings of the craft brewery would work. Is very similar to a restaurant or tavern, sort of a newer type of business that has only been around for about 10 years. Believes site is appropriate for this type of business given that permitted use restaurant/tavern.
- 7:24:32 PM - - Zappy - believes will a less intense use as to some of those that are permitted uses for this property.

7:25:08 PM - - Attorney - will have Mr. Zappy testify.

7:25:24 PM - - Maffei - everything is enclosed within building; application provides for adequate light, air and open space. Will be what seeing this evening and has more parking than what is required. Addressed positive and negative criteria. Use will be less intense than other permitted uses. No waivers are being requested. Has reviewed Fralinger's review letter and has no problem addressing his comments.

7:27:44 PM - - Attorney - nothing further for Maffei at this time.

7:28:08 PM - - Maffei - respond to question about parking. Have 25, where 23 are required. If overflow parking is needed, can park on B&R property adjoining this site.

7:29:57 PM - - Butto - ask about parking on street, being nuisance to neighbors and buffer

7:30:41 PM - - Maffei - respond

7:30:45 PM - - Penrose - question about parking

7:31:11 PM - - Maffei - 23 parking spaces are for this building

7:31:28 PM - - Walsh - what if this portion of the property is sold, what happens

7:31:46 PM - - Maffei - respond

7:32:07 PM - - Walsh - concern with people parking off-site

7:32:37 PM - - Maffei - respond

7:33:16 PM - - Attorney - actually have excess of parking and if use changed to say, a restaurant, parking spaces would not change

7:33:49 PM - - Watson - what are hours of operation

7:33:57 PM - - Attorney - will have Mr. Zappy testify

7:34:09 PM - - Watson - what about live music

7:34:17 PM - - Attorney - refer to Mr. Zappy

7:34:23 PM - - Zappy - as of this moment not considering live music; owns another craft brewery; want to focus on brewery and not entertainment

7:35:07 PM - - Watson - what about televisions

7:35:14 PM - - Zappy - absolutely not, individuals coming for craft beer, not entertainment.

7:35:40 PM - - Watson - trees have already been planted as requested in application 2 years ago

7:35:58 PM - - Maffei - yes, plantings are in

7:36:07 PM - - Watson - was supposed to be a split rail fence around drainage

7:36:22 PM - - Maffei - that isn't completed yet, that and certain other improvements still have to be made, but the building will be as seen today

7:36:57 PM - - Batastini - outdoor seating?

7:37:05 PM - - Attorney - believes will be some, will as Mr. Zappy to address. Questions to Zappy.

7:37:30 PM - - Zappy - has a passion for the craft brewing business; has a craft brewery in Medford with partners (will be sole owner of this business). Wants to provide nice, relaxed atmosphere; provide an experience and teach. Average person will spend about an hour. Hours of operation will be from 12:00 noon to 8:00 p.m. during the season, will be open no later than 9:00 p.m. Will be year round venture, will begin with opening 5 days and increase to 7 days when production gets to where they want it to be. Will be a much less intense business than a bar. Not a bar crowd. There will be a total of 5 individuals employed. Very little noise, doesn't generate any unpleasant odors. His other brewery was in a residential area of Medford on Main Street. Product is made at the facility; grain deliver is usually about once every 3 weeks, based on amount of brewing going on. His beer is "fantastic" and can't wait to be part of the community; everyone will be in for a treat. His vision for the inside of the facility will be a comfortable atmosphere, bar will be in shape of a Z (for Zappy).

7:45:00 PM - - Maffei - will stick to signage which was approved as part of the

original application.

7:45:28 PM - - Batastini -

7:45:33 PM - - Zappy - envisions row of rocking chairs outside along the wrap around porch.

7:46:38 PM - - Maffei - refer to plan and describe area being discussed.

7:46:59 PM - - Batastini - believes the plan needs to be updated to show outside seating.

7:47:20 PM - - Zappy - staff member will be outside to make sure no one wanders off from outdoor seating and a rail also has to be installed. Proposing 8 rocking chairs maximum and will be weather permitting.

7:49:04 PM - - Maffei - discuss how number of required parking spaces was arrived at.

7:50:15 PM - - Zappy - grain coming from brew house will be given to local farmers. Will be stored in a bin and has to be picked up by farmers immediately and if they don't, it will be picked up by a trash service. A lot of pig farmers use it. Move it out as quickly as possible, will be covered. Spent grain is free to the farmers.

7:53:10 PM - - Maffei - spent grain stays inside - describe.

7:53:27 PM - - Penrose -

7:53:32 PM - - Zappy - brew house roughly 500 square feet; tasting room about 1500 square feet and 200 square feet for the walk-in cooler. Beer is primarily water, will be fine with what they have on premises. Beer is water, grain and hops. Will not really be any waste water. If using 100 gallons, it moves from one process to the next.

7:56:15 PM - - Watson - bathrooms

7:56:22 PM - - Maffei - bathrooms are included in the fit-out of the building. The whole building is on one septic system. Other units are still vacant at this time, but all will be on the same system. Septic system runs parallel to Route 9 in front of building.

7:58:11 PM - - Attorney - if no other questions, that ends the applicants presentation.

7:58:58 PM - - Fralinger - engineer's report

8:02:05 PM - - Batastini - ask Board if any questions - none

8:02:27 PM - - Butto - open to public within 200 feet from the applicant

8:02:41 PM - - Turner - unmute member of public (was landowner of B & R)

8:03:09 PM - - Butto - ask if any other member of public want to speak, no response.

8:03:25 PM - - Batastini -

8:03:31 PM - - Facenda - closing remarks

8:03:46 PM - - Batastini - form of motion to permit D1 variance for a brewery, in addition to amended site plan. Advise voting members to state their reasonings to saying yes or no.

8:04:46 PM - - Cowan - motion to approve

8:05:05 PM - - Penrose - second

8:07:18 PM - - All members voting voted in the affirmative

8:07:51 PM - - Butto - Esposito Resolution

8:08:04 PM - - Batastini - overview of Resolution

8:08:19 PM - - Watson - motion to approve

8:08:33 PM - - Turner - second

8:09:36 PM - - All members voted in the affirmative

8:09:48 PM - - Minutes - Cowan made motion to approve, seconded by Walsh. All voted in affirmative.

8:10:51 PM - - Bills - motion to approve and seconded

8:11:45 PM - - Batastini - would like to congratulate Bob Penrose on his upcoming retirement from Ocean City.

8:12:17 PM - - Butto - meeting to adjourn.

8:13:05 PM - - Stop Recording