

TOWN OF HACKETTSTOWN
MINUTES of the
PLANNING BOARD REGULARLY SCHEDULED MEETING
March 27, 2018

CALL TO ORDER

The March 27, 2018 regularly Scheduled Meeting of the Hackettstown Planning Board was called to order by Chairman Camporini at 7:00 p.m.

ANNOUNCEMENT OF PROPER NOTICE was read by the secretary.

FLAG SALUTE

ATTENDANCE

Board Members Present

Bristow; Lambo; Burke; Stead; Moore (7:39); Tierney; Camporini

Board Members Absent

Swaszek

MINUTES - February 27, 2018 Meeting

The motion to approve the February 27, 2018 Planning Board Meeting Minutes was made by Bristow, seconded by Stead.

In favor

Camporini; Lambo; Stead; Tierney; Bristow

Opposed

None

Abstain

Burke

Also Present: Sterbenz, Mennen, Bloch

HEARINGS

Czigler t/a Czig Meister Brewing LLC. Application #17-06 - Block 73, Lot 3

Final Hearing

Michael Lavery, Attorney, Lavery, Selvaggi, Abromitis & Cohen, present for application.

Mr. Lavery stated the application has been pending for a while and gave a brief description of the reasons for the application. Mr. Lavery stated a neighbor made a noise complaint through the court regarding the outdoor seating. Mr. Lavery added when speaking to the Zoning Official, it was learned the outdoor seating area was not included with the original permit for the brewery.

Mr. Lavery added the delay in the appearance before the Board for this application was due to a traffic study being prepared, per the Board Engineer's request, for the truck deliveries.

Mr. Lavery introduced John Hansen, Engineer and Professional Planner; Jerry DeGroat, Surveyor, and Matt Czigler, owner/operator Czigmeister Brewing, LLC.

Mr. Hansen was sworn in by Mr. Mennen. Mr. Hansen was deemed an expert by the Board in the fields of professional engineering and professional planning.

Mr. Hansen introduced Exhibit A-1, Sheet 2 of 2 – Minor Site Plan prepared by Jerry DeGroat, Surveyor, which included the following:

- Brewery consisting of approximately 9000 square feet;

- Brewery tasting area consisting of 905 square feet;
- Existing parking area
- Outdoor seating area framed by wood planters;
- Loading area;
- Current dumpster on the northern side with a chain link fence;
- Existing chiller unit on the north side with a chain link fence with privacy slats;

Mr. Hansen stated the Applicant is seeking approval for the following:

- Outdoor seating area, as well as additional outdoor seating areas
- Dumpster on the western side of site
- Steel storage container (10' x 40') along the northern property line;
- Concrete bumper blocks for safety
- ADA stalls;
- Curb and sidewalk modifications.

Mr. Lambo asked if the steel storage container was eliminating four parking spots. Mr. Hansen answered yes, however it does not take away from the seventeen spaces, and there are 20 additional spaces leased near the Dollar General, and available parking on Valentine Street. Mr. Burke asked if there was an agreement with the Dollar Store owners for parking. Mr. Hansen answered yes.

Mr. Burke asked if the container was a shipping container. Mr. Hansen replied yes. Mr. Lavery stated the property is leased, and therefore permanent structures cannot be built there. The storage container is a temporary structure, which will be painted with the Czigmeister logo on it.

Mr. Camporini asked if there was a need to place landscaping around the container. Mr. Bloch stated accessory structures must be a certain distance from the property line, therefore a variance is required. Mr. Sterbenz added he found this structure to be an accessory structure, and given the fact the site is 100% impervious coverage, and there is a wall around it, he did feel it would be fruitful to install landscaping around there. Mr. Sterbenz added there are proposed pedestrian paths on both sides of the temporary structure as well to get to the lower parking area.

Mr. Burke asked if it is a used refrigerated container they are proposing to bring onto the site. Mr. Czigler answered it is an overseas container with refrigerant. Mr. Burke stated they do not last well as an active refrigeration unit, and the Applicant should look into a separate refrigeration unit for the container. Mr. Czigler stated it would not be opened everyday.

Mr. Mennen swore in Matthew Czigler, Operator, Czigmeister Brewing Company, LLC.

Mr. Stead asked if the pad area would need to be prepped, and Mr. Czigler answered the area is level.

Mr. Camporini asked what the fuel would be for the cooling unit, Mr. Czigler answered electric.

Mr. Burke asked if power would need to be run to the container, Mr. Czigler answered yes.

Mr. Lambo asked where the power would be coming from, Mr. Czigler answered overhead, approximately ten to twelve feet high, running from the existing chiller unit.

Mr. Bristow asked if this structure is proposed or existing. Mr. Czigler answered proposed.

Mr. Lavery asked Mr. Czigler to give a background of the operations. Mr. Czigler stated the following:

- Office hours 8:00 a.m. to 6:00 p.m. Monday through Friday.
- Production 2 days per week, starting at 6:00 a.m.

- Tasting Room is open Wednesday through Sunday until 10:00 p.m.
- There will be no increase in the number of tables;
- Outdoor seating is for when the weather gets nicer;
- There are picnic tables outside;
- There will be no increase in the hours of operation;
- The outdoor seating has been on the site since the business opened;
- Storage container would hold kegged beer;
- Food is ordered from outside restaurants and delivered to customers;
- Refuse cans provided for the customers, and trash put in the dumpster by the employees each night;
- Garbage picked up between 8:00 and 9:00 a.m.;
- Deliveries generally occur between 12:00 p.m. through 3:00 p.m.;
- Truck deliveries by tractor trailers and smaller trucks, which deliver in the parking lot;
- Special Events held on site which were sponsored by the BID and Czigmeister participates;
- All special events are subject to a Town of Hackettstown Special Event Permit

Mr. Bristow asked what the seating capacity is, excluding special events. Mr. Czigler answered 95 patrons in the brewery interior plus 20 employees. Mr. Czigler added during special events the occupancy stays within the same.

Mr. Lambo asked if drinking was allowed in the parking lot. Mr. Czigler answered it is allowed up to the planter area. Mr. Lambo asked if drinking was not allowed in the parking lot even during special events, Mr. Czigler answered yes.

Mr. Mennen asked for clarification regarding the variance and whether seats are being added to the outdoor seating area. Mr. Lavery answered yes. Mr. Mennen asked whether the Board was agreeing to continue the same occupancy as the prior resolution of approval. Mr. Lavery answered yes there will be no change in the occupancy, however, there was no prior resolution because it was a use permitted in the zone, and the Czigler's applied for permits through the Zoning and Construction Departments. Mr. Lavery further stated the number of seats listed is what the building can hold. Mr. Mennen stated that another stipulation would be that the number of parking spots proposed would handle the parking requirements of the business.

Mr. Hansen referred to Exhibit A-2 titled Truck Turning, prepared by Land Engineering and Planning Services. Mr. Hansen stated the Exhibit is specifically to show how delivery trucks turn into the site with two ends of the spectrum. The Exhibit shows a WB-40 (wheel base 40), which is a smaller tractor trailer, and the WB-62 which occasionally delivers to the site. The Exhibit is to show if it is safe, and to make deliveries to the site. Mr. Hansen said the short answer is yes, however, the depressed curbs are needed at the site. Mr. Hansen stated there is a utility pole right next to the curb cuts, and the trucks actually use that as a landmark when parking. Mr. Hansen stated his testimony is that for safety reasons, the depressed curbs should remain at the site.

Mr. Bristow asked how many days per week deliveries are made. Mr. Czigler answered Mondays, Tuesdays and Wednesdays between 12:00 p.m. and 3:00 p.m., and they try to keep the deliveries during that time due to traffic at other times during the day.

Mr. Lavery stated Mr. Sterbenz came up with the suggestion to put raised curbs on the site. That is the reason for the exhibit to show this is the only way for the trucks to get into the site. Mr. Lavery further stated curb stops are proposed, as well as additional planters, which make for nice barriers around the outdoor seating area.

Mr. Camporini asked how cars pulling right up on the trucks are handled. Mr. Hansen answered they have not seen that as of yet. Mr. Sterbenz added there is room for a vehicle to get around the right side of the truck.

Mr. Hansen stated for safety, the motorcycle and bicycle area is being protected using the same type of planters configuring a row of planters along the sidewalks, which allows motorcycles and bicycles to get through the ADA area.

Mr. Stead stated the illustration shows proposed concrete wheel stops for the majority of the parking area; however there are four parking spots by the dumpster that do not have the wheel stops. Mr. Lavery stated wheel stops can be added there as well.

Mr. Hansen identified the variances being requested, referring to Paul Sterbenz's report dated September 20, 2017, which included:

- Insufficient parking setback, Lot paved area, Motorcycle/bicycle parking area – 10 feet required. C-2 Variance being requested due to insufficient setback distance;
- Insufficient dumpster setback – 10 feet required, 0 proposed. Due to the area that slopes down, the proposed dumpster is being moved to the west side of the site. A C-2 Variance is being requested due to the more appropriate location;
- Insufficient storage container setback – 15 feet required, 5 feet proposed. A C-2 Variance is being requested due to setback distance;
- Insufficient distance between storage container and chiller. 20 feet required, 13' proposed. C-1 or C-2 due to insufficient distance.
- Insufficient parking stalls – 74 required, 17 proposed. C-2 Variance being requested.

Mr. Lambo asked how many bicycles and motorcycle can fit in the designated area. Mr. Hansen answered 4 motorcycles.

Mr. Hansen addressed the positive criteria:

- The proposed dumpster enclosure is better situated for safety reasons, and a properly functioning storage container is part of the operations, and allows the business to run more effectively;
- Parking at the site is a premium as fifty percent of the site is the structure. Stalls will be striped. There are 20 leased stalls; parking is allowed on Valentine Street, and at the train station, and less people drive to the site, therefore there is no need for 74 parking stalls;

Mr. Hansen addressed the negative criteria:

- There is no substantial detriment to the Zoning Ordinances.

Mr. Lambo asked if the proposed storage container was five feet from the wall. Mr. Hansen answered yes. Mr. Lambo asked if something could be added to keep people from going between the storage container and the wall. Mr. Hansen answered if the Board was concerned with the safety, something can be added to block this area.

Mr. Stead asked if the proposed motorcycle/bicycle parking area had wheel stops between the planters. Mr. Hansen answered there may be a sound issue for the customers sitting in those seats. Mr. Burke added the planters are better than the curb stops. Mr. Camporini asked if the planters were two and a half feet in height. Mr. Hansen answered yes. Mr. Sterbenz added the planters cannot be moved, and that he liked the proposal of lining the sidewalk with them. Mr. Camporini asked if there would be bushes planted in the planters to provide additional barriers.

Mr. Bristow stated he liked the overflow parking accommodations, and stated this business is very successful, but the reality is parking is a premium. Mr. Lavery stated this is a problem throughout Hackettstown, and yes it is an issue with the site, but the site is what it is.

Mr. Sterbenz referred to item 10 of his review letter regarding the sign advertising the leased spaces, and requested the applicant provide a larger sign saying where the additional parking is located. Mr. Lavery answered if the Board requires this, the applicant agrees. Mr. Camporini

added the idea of letting the public know about the additional parking through advertising, such as on their website, instead of a larger sign was preferable.

Mr. Mennen asked for clarification on the lease, specifically relating to the parking, as a copy was not submitted. Frank Czigler stated they have a 10 year lease, however, if the owner requires the property they must give us six months notice. Mr. Mennen stated he was asking because the applicant was asking the Board to grant the relief of 72 required parking spaces to 17 proposed parking spaces.

The Meeting was opened to the Public.

Wassim Nader, 111 Mill Street, Hackettstown, on behalf of the neighbor at 107 Valentine Street, Hackettstown. Mr. Nader stated there is a concern about the noise from the outdoor seating area. Mr. Lavery stated Hackettstown has a noise Ordinance for the Business Zone, which is the dominant use in the zone, and the Applicant will abide by that Ordinance.

Mr. Luis Solano-Apizar , 107 Valentine Street, Hackettstown, stated his concern is not about the parking. Mr. Solano-Apizar stated he has no problem with the business being opened, however, the noise is affecting his daily living due to the outdoor seating area, and his only problem is the noise. Mr. Lavery stated Mr. Solano-Apizar bought his house when the building was shuttered. This business is closed by 10:00 p.m. each night it is opened.

The Meeting was closed to the Public.

Mr. Sterbenz referred to his comments in the September 20, 2017 report which included the following:

- Comment #4 – regarding the outdoor storage container, eating area, planters, dumpster, storage container, Mr. Sterbenz asked if anything else would be outside. Mr. Czigler answered no.
- Comment #5 regarding events being held periodically. The applicant would be seeking Town permits possibly one time per month, with typically bigger events. Other events would be working with the BID.
- Comment #6 & #7 regarding plan revisions to Mr. DeGroat's plan
- Comment #8 is withdrawn as it has been satisfied
- Comment #9 is withdrawn as it has been satisfied
- Comment #10 regarding the larger sign for additional parking is left up to the Board
- Comment #11 & #12 regarding the bumper blocks for stalls. Mr. Sterbenz stated the planters along the parking to prevent vehicles driving into the area is satisfactory and he is withdrawing his recommendation for bollards
- Comment #13 – the Applicant is not providing a more permanent structure. A condition of approval for painting, etc., can be placed in the resolution
- Comment 14F the Applicant has a CO for the facility already, so a time limit must be set for improvements and structures on the site if the application is approved. The parking and dumpster is all a package, with the exception of the planters. Mr. Sterbenz recommended thirty days from the resolution adoption for the planters to be placed, and six months for the dumpster enclosure, restriping and painting of the container.

Mr. Mennen asked for clarification on the proceedings commenced by the complaint in Municipal Court. Mr. Lavery answered the complaint is not pending in the court, it was sent to mediation and then withdrawn.

The Meeting was opened to the public. There being no questions or comments the meeting was closed to the public.

Mr. Mennen stated if the Board were to approve the Site Plan with Bulk Variances, there would be certain conditions. These conditions were listed as:

1. Applicant will install a fence to block off the area between the storage container and the wall;
2. Applicant agrees to advertise to the public of the additional off-site parking areas on the website and make the current sign more visible or relocate the existing sign to a more visible location;
3. Applicant agrees to comply with all noise regulations in the local ordinances, as well as county and state regulations;
4. Application will add additional planters along Valentine Street to the satisfaction of the Board Engineer;
5. Applicant agrees to the storage container being beautified, such as painting. The Board agrees to grant the Applicant variance relief for the additional signage on the storage container, up to sixty square feet;
6. Applicant agrees to the timeline as follows:
 - a. Planters to be installed within 30 days of the date of memorialization of the resolution;
 - b. All other site work to be completed within six months of the date of the memorialized resolution.

A motion was made by Mr. Lambo to approve the application with the listed conditions, seconded by Mr. Burke.

In Favor: Bristow, Tierney, Stead, Burke, Moore, Camporini, Lambo

Abstain: None

Opposed: None

NEW BUSINESS

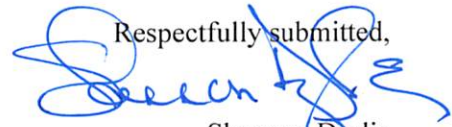
The next Master Plan Subcommittee Meeting will be held on Monday, April 23, 2018 at 6:30 p.m. at the Municipal Building.

STORMWATER MANAGEMENT TRAINING

The following members and staff were present for the mandated Storm Water Management Tier A Permit Training presented by Maser Consulting.

Camporini	Bristow
Lambo	Burke
Stead	Moore
Tierney	
Drylie	

A motion was made by Moore, seconded by Stead, to adjourn the meeting at 10:10 p.m. Meeting adjourned.

Respectfully submitted,

Shannon Drylie
Planning Board Clerk

Motion to approve: Bristow

Seconded: Lambo

In favor: Stead; Moore; Tierney; Lambo; Bristow; Camporini

Opposed: None

Abstained: None