

**TOWNSHIP OF HOPEWELL
ZONING BOARD OF ADJUSTMENT**

WEDNESDAY, February 3, 2016

The February meeting of the Hopewell Township Zoning Board of Adjustment (ZBOA) was held in the Municipal Building on the above date.

The Agenda Meeting of the ZBOA was held at 7:00 p.m.

REGULAR MEETING

The Regular Meeting of the ZBOA was called to order by Chairman Connolly at 7:33 p.m. in accordance with the Open Public Meetings Act, noting that proper notice of said meeting was forwarded to the Hopewell Valley News, The Times, The Trentonian, and the Hopewell Express and posted on the Municipal Bulletin Board. This meeting was audio recorded.

ROLL CALL

PRESENT: Cane, Ferrara, Klapinski, Lockwood, Moser, Schoelwer, van Raalte, Chairman Connolly

ABSENT: Purandare

ALSO PRESENT: Attorney Kevin Van Hise, Zoning Officer Miller, Planner Banisch

APPROVAL OF MINUTES

MOTION by van Raalte, was seconded by Klapinski to approve the Minutes of the Regular Meeting of January 6, 2016 - with Cane and Ferrara abstaining

MOTION CARRIED

Chairman Connolly announced that the following applications would be carried to the March 2, 2016 Regular Meeting, at the applicant's request.

CASE 2014-5 – SBA TOWERS V LLC – 263 Pennington-Rocky Hill Road, Pennington, New Jersey, Block 38, Lot 10 (on the Township Tax Map). Applicant is requesting Use Variance and Preliminary/Final Site Plan approval for a Telecommunications Facility; located in the VRC Zoning District.

CASE 2014-14 – HUTCHINSON, RICHARD J. – 1569 Reed Road, Pennington, New Jersey, Block 91, Lot 18 (on the Township Tax Map). Applicant is requesting a Use Variance and Preliminary and Final Site Plan approval to operate a wood mulch production operation; located in the SI Zoning District.

CASE 2016-3 CHAD GOERNER d/b/a MOUNT ROSE DISTILLERY - 3 Aunt Molly Road, Hopewell, New Jersey, Block 16, Lot 51 (on the Township Tax Map). Applicant requested a Use Variance and Site Plan Waiver to convert a portion of the existing barn into a craft distillery; located in the MRC Zoning District.

Attorney Van Hise stated that notice was in order and the Board could take jurisdiction of the application.

Mr. Tom Letizia of Pepper Hamilton, LLP, PC; attorney for the Applicant, explained that this was a Use Variance Application that would bring a piece of Hopewell history, Mount Rose Distillery, back into existence. The Applicant's property has a large existing barn in which the distillery will be operated. Distillery use is not an expressly permitted use within the MRC Zone. Also included, was another form of variance related to the requirement that prohibits two principal uses on a single lot. Plus, they were seeking a Waiver of Site Plan on the basis that there will be no new external improvements being proposed other than some minimal signage and lighting.

Messrs. Chad Goerner and Max Hayden were sworn in.

Mr. Goerner went on to present and discuss:

- Exhibit A-1 - Powerpoint Presentation of Use Variance Conceptual Presentation with slight updates from what was distributed to the Board
 - New Jersey Craft Distillery License
 - Property consists of 5 acres, 1 residence (constructed in approximately 1835), 1 restored barn (constructed in approximately 1875)
 - Property listed in 2004 Hopewell Township Historic Preservation Plan as a potential contributing property to the Mount Rose Historic District
 - Presently there are pear and apple trees on the lefthand side of the property. In the past 1-1/2 yrs they have planted over 20 different types of trees, with more to come this Spring. There will be additional plantings of herbs and berries.
 - They will utilize everything possible onsite for production, with additional sourcing from other local farmers
 - Goal to develop small batch spirits and liqueurs - Brandy, Eau-de-vie (from pears and apples), and Amaro (a "bitter" that is flavored with various different herbs, which is popular in Italy)
 - The distillery will not be open to the public, only by appointment. They do not want to have tastings and general public hours at this point in time. The goal is to sell through distributors, retail sales outlets and restauranters, at least initially.
 - Should they desire to open the site to the public and establish a tasting room, it would require another application before the Board
 - Example: Eau-de-vie - showing how fruit is grown inside the bottle, and Eau-de-vie of pears is distilled and added to the bottle, with a picture of the finished product
 - Mr. Goerner's background in distilling

Discussion with Board Members included:

- Distribution of product equals 3 inbound deliveries per week and 2 outbound deliveries, with a plan of having a small delivery vehicle parked onsite to be utilized for delivering locally
- Change to laws on distilleries
- Sales in accordance with their distillery license
- Under the license they are able to produce 20,000 gallon maximum production per year
- Possible public access in the future
- Condition: Hours of operation - 9:00 a.m.-5:00 p.m. Monday through Sunday
- Weekday deliveries only

- Odor, venting, and possibility of a malfunction
- Condition: Their 450 liter still will produce about 1,500 cases per year, at maximum capacity. That equals 13,500 liters or 3,566 gallons of product
- Water source for production will be from well water, at this point equaling 650 gallons per day (plus water for the house). But, under the license, production could be 6 times as much necessitating more water. The Board needs to take future possibilities into consideration.
- Differences between craft distillery license and a craft brewery license
- Well possibilities, onsite, and the possibility of hooking up to water service on Cherry Valley Road
- Condition: Production will be limited by the actual number of product cases per year
- 1 full time employee, onsite, in addition to Mr. Goerner
- Brick Farm Tavern at the other end of the road
- Truck deliveries
- Onsite waste
- Comments regarding conditions set forth by Fire, Environmental Commission, and the Board of Health
- Distribution of infused and distilled product are both governed by the maximum capacity of the distillery license
- Cooperation with and purchase from area farmers, in addition to what can be grown onsite
- Discussion regarding Mr. Pogorzelski and Mr. Banisch's memos
- Condition: Owner of Craft Distillery will live on the property
- There will be fencing around the operation

There were no questions from the public

Mr. Max Hayden, Architect for the applicant, gave historical information having to do with the Hamlet of Mount Rose and further discussed:

- Exhibit A-2 - Pictometry, Aerial Photo of Property
- Exhibit A-3 - CS-Proposed Adaptive Re-Use (Site Plan Highlighted), prepared by Max Hayden (Slightly Amended from the original application, showing a lamp post with incandescent bulb, evergreen trees to hide residential sized recycling and garbage bins, pavement for a handicapped parking space, entrance to a person-sized door at the front of the barn and pavers on-grade to an existing door on the barn)
- Exhibit A-4 - Photos of Barn "Collage" on White Board, prepared by Max Hayden - This is a wood sided barn with the only changes being surface-mounted lights with protective hoods and lights pointing down; and signage next to the entry of the person-sized door
- Exhibit A-5 - A1.1-Proposed Adaptive Re-Use (First Floor Plan), prepared by Max Hayden - (Including a minor change on the plan which highlights the recycling garbage area and the pavement for the accessible main entry door)
- Exhibit A-6 - A1.2-Proposed Adaptive Re-Use (2nd Floor Loft), prepared by Max Hayden
- Exhibit A-7 - A2.1-Proposed Adaptive Re-Use (Architectural of Barn - Elevations), prepared by Max Hayden
- Proposed sign to be installed 5' from the property line - sign size 24" x 18"
- They seek relief from doing any plantings in front of the automobile parking area and will use the existing driveway.
- Description of present buffering - in addition, they would like to maintain a 5' x 5' Potting Shed and Silver Maple Tree, which shields part of the parking area (they can be seen on the photo on the lower left of Exhibit A-4).

- Trucks will be loading/unloading and parking toward the northern side of the property
- Truck circulation pattern

Discussion with Board Members included:

- Use of Group B (Business) or H (High Hazard)
- Dangerous intersection on the corner of Cherry Valley Road and Aunt Molly Road. Applicant must coordinate with delivery vehicles to make them aware that they should enter the property from Cherry Valley Road only. Delivery vehicles should also be asked to make deliveries during the middle of the day to avoid rush hour traffic.
- Condition: Business will discontinue if and when Mr. Goerner moves from the site

There were no questions from the public

Concerns from the public were heard:

- Mark Solomon, 6 Bayberry Road, partner with Pepper Hamilton, voiced his support of this application, asking for proper conditioning of this application
- Vanessa Sandom, 9 Harbourton Ridge Drive, voiced her support of this application, asking that the Board condition this application to the extent possible to keep this site from negatively affecting the neighbors
- Carol Lipson, 152 Harbourton Woodsville Road, on The Board of Trustees of the Hopewell Valley Arts Council, voiced her support of this application
- Adam Maloof, 41 Aunt Molly Road, Professor of Geosciences at Princeton University, voiced his support of this application

A letter by neighbors, Richard and Diane Dwyer, 13 Aunt Molly Road, who were unable to attend, was not able to go into the record. Mr. Goerner informed the Board of his discussion with them and their support of this application.

It was noted that the Board had received a letter that was not in support of this application, which was also not able to go into the record.

MOTION by Klapinski, seconded by Cane, to close the public hearing.

MOTION UNANIMOUSLY CARRIED

There was further discussion with Board Members to clarify:

- Mr. Goerner gave a description of how distillation water works and why he felt there would not be as much aquifer usage as the Board felt there would be
- Concerns in the Environmental Commission memo regarding how over pumping of water may affect the neighbors
- Septic system, aquifer, and tie in to the existing water line on Cherry Valley Road
- Condition: The site must be serviced with public water
- Mr. Goerner will add his house number to the mailbox

MOTION by Ferrara, seconded by Klapinski, to approve the application, if all positive and negative criteria are met. It was also pointed out that this could be considered an agricultural use. A Wedding Hall will not be considered an agricultural use.

ROLL CALL VOTE:

AYES: Cane, Ferrara, Klapinski, Moser, Schoelwer, van Raalte, Chairman Connolly

NOES: None

ABSENT: Purandare

ABSTENTIONS: Lockwood

CASE 2016-4 - MUSIC ON THE HILL, LLC - 235 Pennington-Hopewell Road, Hopewell Township, New Jersey, Block 21, Lot 4 (on the Township Tax Map). Applicant requested Use and Bulk Variances, as well as Preliminary and Final Site Plan Approval for a change of building use from a spa to office and to change accessory building use to education use; located in the C-1 Zoning District.

Attorney Van Hise stated that notice was in order and the Board could take jurisdiction of the application.

Mr. Robert Ridolfi, attorney for the Applicant, explained that this was an application for a Use Variance. There are 3 existing bulk variances and also Preliminary and Final Site Plan Approval that will enable this client to use a renovated barn, for educational purposes, for a classroom facility. Educational use is not permitted in the C-1 Zoning District. The large building, currently existing on the property, was previously known as Valerie Spa. The Applicant bought the property and is in the process of converting the house to administrative offices for their music business. The application for a Use Variance is to convert the existing barn, which would be razed and reconstructed, into a music classroom. The bulk variances are pre-existing and not occasioned by this application. There are 2 side yard variances and 1 front yard setback variance. The property in question, consists of just under 5 acres. This lot abuts the adjoining lot; Lot 21, which is owned by an affiliate of this applicant. They were before the Planning Board a few months ago on a Site Plan Application for that building and the overall plan is to combine these adjoining properties into a musical business campus. They are linked with a nice walkway.

The following professional memos were reviewed:

- Township Administrator, memo dated January 25, 2016
- Township Planner, memo dated January 27, 2016
- Board of Fire Commissioners, memo dated January 26, 2016
- Health Department, memo dated January 14, 2016
- Environmental Commission, memo dated mid-January 2016

Mr. Andy Tomlinson, CFO of Music on the Hill (as well as CFO of Music Together, LLC, and Music and Movement Centers, LLC - which owns the adjoining site); Kyle Van Dyke, Architect; and James Chmielak of Kensho Resources LLC, Site Engineer, were sworn in my Attorney Van Hise.

Mr. Tomlinson, CFO of Music on the Hill, gave his qualifications and background as well as information on the nature of the business. Descriptions were also given of past approvals on the sites, as well as the current structures on the site.

The main structure is a 2-1/2 story house, which they would like to convert into office space. There is also a small barn structure which they will replace with a larger barn structure, for classrooms. Their plan is to move many of the classrooms from the neighboring building into that barn structure. They feel that it will be a symbolic/iconic structure as they promote their brand around the country. Anticipated number of employees will be 15-25 employees over time, with 15 initially. Hours of operation will be 8:00 a.m.-5:00 p.m. The existing barn is intended to be razed, with a larger barn to be constructed in the same location. The intent for the barn is to be used for a classroom for music instruction. Two to three,

45 minutes classes per day are anticipated for the barn. This classroom would be expected to be used 6 days per week, Monday through Saturday.

Mr. Van Dyke, the Architect, gave his qualifications and background, which were accepted. He spoke about the campus on the two existing properties with discussion on the following topics:

- Exhibit A-1 - Slideshow Presentation
- House itself - 2,400 s.f. on the 1st floor and 1,800 on the 2nd floor = Total @ 4,600 s.f. The entire building is being renovated to become office and business use. The 3rd Floor/Attic will not be used.
- 1st Floor - Floor Plan: 170 s.f. addition (shown in red), conference room, entry hall, 2 parking lots with 2 accessible entries and bathrooms, break room, office space, storage area, and bathroom.
- 2nd Floor - Floor Plan: office space, Editor's office, 2nd floor conference room, 3 offices, and 1 bathroom
- Exterior of the building
- Gathering Place area to the left of the barn
- 1 story barn which will be extended from 800 s.f. to 1,600+ s.f., with same proportions, which includes large classroom, office, storage area, stroller storage area, entry area, loft area and 2 bathrooms
- Exterior of the barn
- Connection path between barn and house with green screen to soften view of the solar panels

Discussion with Board Members included:

- There will be no elevators in either building
- Parking

Mr. Chmielak, the Professional Engineer and Planner, gave his qualifications and background, which were accepted. He was also the Site Planner for the Music and Movement Center, located on the adjacent lot. He discussed the following:

- Exhibit A-2 - Exhibit Site/Grading & Utility Plan, dated January 5, 2016
- Exhibit A-3 - Site: Exhibit A, latest date November 19, 2015, previously submitted to the Planning Board
- Description of the existing site - On Lot 21: existing main building (former restaurant), solar field, connecting pedestrian walkway, green screen, supplemental landscaping and trees, pedestrian and ADA accessibility with ramped walkway, stair, and parking space. On Lot 4: existing house structure, existing barn structure, front and side yard setbacks, pedestrian walkway, gravel parking lot, access driveway from Van Dyke Road, ADA parking stall, recycling/trash area, existing entry driveway off Pennington-Hopewell Road which leads to paved/gravel driveway on south side of the barn building, recessed proposed fire gate, landscape enhancements, lighting for parking lot areas, cross access and parking easement between the two properties.
- Traffic projections
- Positive and negative criteria
- The Applicant will comply with all comments made in the Professional Memos
- Possible ADA access to the Gathering Area may be a future element to the site, they will comply with any requirements at that time

Discussion with Board Members included:

- Parking requirements, paving, and wheel stops
- Signage for the educational facility
- Condition: The Applicant will secure the existing cistern on the northern portion of the property
- Condition: Well testing results will be provided to the Health Department
- Lot coverage computations
- Factor used when deciding parking spaces needed for classroom facility

- Parking - 15 minute window of time between end of one class and the beginning of another
- Fire gate signage - Emergency Access Only
- Condition: The Applicant will comply with required lighting fixtures
- Historic age, significance of the barn, and its razing

There were no questions from the public

MOTION by Cane, seconded by Ferrara, to close the public hearing.

MOTION UNANIMOUSLY CARRIED

MOTION by Klapsinki, seconded by Schoelwer, to approve this application subject to the agreement that all of the conditions of the professionals will be met.

ROLL CALL VOTE:

AYES: Cane, Ferrara, Klapinski, Moser, Schoelwer, van Raalte, Chairman Connolly

NOES: None

ABSENT: Purandare

ABSTENTIONS: Lockwood

RESOLUTIONS/MEMORIALIZATION

CASE 2016-1 - GURUKIRPA ENTERPRISES, INC.D d/b/a CITGO PENNINGTON

MOTION BY van Raalte, seconded by Ferrara to approve the resolution as granted

MOTION UNANIMOUSLY CARRIED

ADJOURNMENT

At 10:47 p.m. **MOTION** by Klapinski, seconded by Cane, to adjourn the meeting.

MOTION UNANIMOUSLY CARRIED

Respectfully submitted,



Susan Potocki

Zoning Board Recording Secretary