

In compliance with the Open Public Meetings Act of the State of New Jersey adequate notice of this meeting has been given to The Daily Record and posted at the municipal building.

**ROLL CALL:**

**Members Present:** Joe Fleischner, Brian Schaechter, David Koptyra, Dan Nelsen, Nelson Russell, Frank Wilpert, Jr., Kim Mott

**Members Excused,** Henry Fastert, John Mania, Sandra Stotler, Howie Weiss,

**Members Absent:**

**Professionals Attending,** Tiena Cofoni, Esq, Chuck McGroarty, Planning Consultant, Eugene Buczynski, Township Engineer, Catherine Natafalusy, Planning Administrator/Secretary

**Professionals Excused:** Edward Buzak, Esq.

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**Roll Call:**

Joe Fleischner	- yes
Brian Schaechter	- yes
David Koptyra	- yes
Dan Nelsen	- yes
Nelson Russell	- yes
Frank Wilpert	- yes
Kim Mott	- yes

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MR. FLEISCHNER: Ok, what we're going to try to do tonight is we have there are two variances that have been carried to July 16<sup>th</sup>. We have two other items and we'll see how far we get. We will hold to our usual rule of 10:00 which Howie likes to hold to and go no further than that time. So, committee reports...

**COMMITTEE REPORTS**

MR. FLEISCHNER: The Mayor's representative is not here. Council, Nelson?

MR. RUSSELL: The Environmental Commission met on the 6<sup>th</sup>. The Board gave \$2,500 to the Land Conservancy Board. I'm sorry, \$250. The River Association suggested we hold well testing in the fall. We're not having a booth at the carnival but thought we could use someone else's booth to have a sign up for well testing. We discussed the craft brewery going in on Sand Shore Road there was concern about water and waste disposal.

MR. FLEISCHNER: Thank you. Ordinance is mine. Nothing to report. Street Naming? I believe is Howie. Open Space?

MR KOPTYRA: No.

MR. FLEISCHNER: Ok. Now we're going to go to the resolution. PB 15-12 IMC, LLC. Is there a resolution?

MS. NATAFALUSY: A motion?

MR. FLEISCHNER: A motion, I'm sorry.

MR. SCHAECHTER: I'll make the motion to pass Resolution PB 15-12, IMC, LLC.

MR. RUSSELL: Second.

MR. FLEISCHNER: Ok. Any discussion? Seeing none. Roll call.

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**Roll Call:**

Joe Fleischner - yes  
Brian Schaechter - yes  
David Koptyra - yes  
Dan Nelsen - yes  
Nelson Russell - yes  
Frank Wilpert - yes  
Kim Mott - yes

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MR. FLEISCHNER: Thank you. Ok. So let's get right in to Development Matters. PB 14-17 Genesis Amalgamations.

MS. NATAFALUSY: Mr. Chairman, did you make an announcement that the other two were carried?

MR. FLEISCHNER: Yes.

MS. COFONI: We just have to state the name of them now.

MR. FLEISCHNER: The ones that were carried?

MS. COFONI: Yes. If you want to state them in full so that we....

MR. FLEISCHNER: Sure, the two items being carried PB 15-15, Robert Katchen, Jr. and PB 15-16 Yau-Ting Lam variance as well. Both carried to July 16<sup>th</sup>.

MR. SELVAGGI: Good evening, Mr. Chairman. Michael Selvaggi from Lavery, Selvaggi, Abromitis & Cohen on behalf of the applicant, Genesis Amalgamations. This is an application for use variance and Preliminary Site Plan approval. There is however before we engage in that subsequent discussion there's a, as shown on the agenda, I believe, a waiver request for the Stormwater Management requirement under your ordinances. This property, many of you may be familiar with it, right along Route 46, near the Subaru dealer. Interestingly in the mid-80s it was actually approved for a 4 unit, 4 buildings on this particular piece of property and one was built and then the Highlands came in and pretty much took away a significant amount of development potential. However, there's an existing basin on the property that we're hopefully going to tie in to and upgrade if the project goes forward. The applicant's engineer, John Hansen, could probably talk to the issue more substantively. (Inaudible) Mr. Chairman, if you don't mind, I'd like to introduce John and explain the basis of what we're seeking here for purposes of completing.

MR. FLEISCHNER: Ok. Can we swear you in?

MS. COFONI: Yes.

(JOHN HANSEN IS SWORN IN FOR THE RECORD)

MR. HANSEN: John Hansen, with Ferriero Engineering, 180 Main Street in Chester. I'm a licensed Professional Engineer, a licensed Planner. I've been before this Board many times over the years, but everybody wants to hear additional qualifications (inaudible).

MR. FLEISCHNER: I don't think that's necessary. I recall when you appeared before this Board. Anybody have any concerns? Seeing none.

MR. HANSEN: Thank you. The one completeness waiver that we're asking for is just for completeness only. As a Stormwater Management waiver we haven't prepared a Stormwater Management report. There is an existing basin that was designed on the site back in the 80's for a much larger development. In fact, we probably just mark this a variance while we're here.

MR. FLEISCHNER: How do you want to mark that Tiena?

MS. COFONI: We'll mark that A-1. I'm sorry I didn't see what you were pointing to there.

MR. HANSEN: A-1 is an old plan sheet 2 of 9 of the original 1980's site plan application for this property.

MS. COFONI: What's the date on it?

MR. HANSEN: Its last revised September 7, 1990. And I'll, by Harper and Palmieri, Consulting Engineers and Surveyors.

MS. COFONI: Ok.

MR. HANSEN: Anyway, what you can see here on this A-1 is just that four large sections of office buildings that was designed here at the time the zoning was much more intense and allowed for much more intense development. The basin was designed to accommodate the entire development. What we're showing is a much less-intense development. The basin can accommodate it. I know Mr. Buczynski has some comments with respect to water quality and we will address that during my testimony. Ultimately, we're going to agree to do his suggestion.

MS. COFONI: So you say for completeness only, so are you planning are submitting it at some point during the application?

MR. HANSEN: Well, no, we don't want to submit a report. Basically, the discussion on Stormwater Management we'd ask for completeness only. I'd be happy to talk more about it at the meeting but I think from Mr. Buczynski's comments there won't be too much to talk about.

MR. BUCZYNSKI: Yeah, we can put this to bed real quick, I think. The basin's design, as John said, is for full development. I have no problems with it. I was around when they actually designed it back in the 80's or 90's. The only thing I asked, which was actually in my report to the Board, on page 2 and I basically said I would just like them to address water quality since it was not addressed in the original design and as Mr. Hansen just said he'll discuss that during the hearing. So I have no problems deeming it complete.

MR. FLEISCHNER: Any member of the Board see any problems with that? You're ok then Gene?

MR. BUCZYNSKI: Yeah, I'm fine.

MR. FLEISCHNER: Ok. Alright, thank you.

MR. SELVAGGI: Will there be a formal vote on completeness given then on the waiver or we just....

MR. BUCZYNSKI: It was just...it was just a ....what do you think vote on a waiver?

MS. COFONI: I don't think we've typically done that in the past.

MR. SELVAGGI: We haven't so I just wanted to make sure.

MS. COFONI: No.

MR. SELVAGGI: Alright, so I appreciate that. What I'd like to first do is, Genesis Amalgamations is a New Jersey corporation. Seated to my right is a representative of the company. What I'd like to do is have the applicant sworn and then we'll start with his questions.

MS. COFONI: Ok.

(REGINALD CORFIELD IS SWORN IN FOR THE RECORD)

MR. SELVAGGI: Mr. Corfield, what's your position with Genesis Amalgamations?

MR. CORFIELD: I'm the president.

MR. SELVAGGI: Ok. And what is Genesis, what was it formed to do?

MR. CORFIELD: It was formed to develop this particular property.

MR. SELVAGGI: When did Genesis Amalgamations acquire the property?

MR. CORFIELD: In the year 2000.

MR. SELVAGGI: And at that time what did you think you could develop this property for?

MR. CORFIELD: I was, my wife and myself, we were talking about planning for our retirement and we wanted to make an investment and so we had a realtor look at different properties and he identified this one and he, along with myself, met with Mr. Chuck McGroarty and talked about this property and the potential to build three, one building was already built, of the four and we wanted to know if we could build the other three and he did tell us that this zone had changed and it was in an office zone and it was changed to a commercial zone and he didn't see any problems so long as we submitted another plan, another application but he said it should not be a problem at all. And so I had intended to pay our mortgage off first and then when the time was right, to build the other buildings and with the International Trade Center and all this stuff going on at that time, it looked very, very promising until the Highlands came in 2004 and took away everything. And from that point on, it hasn't been a good story for me or my wife.

MR. SELVAGGI: Now, there is one building on there, correct?

MR. CORFIELD: That is correct.

MR. SELVAGGI: And, the building includes, well let me ask you this, the buildings, how is the ownership of the building itself; not the property, the building?

MR. CORFIELD: It's condos, office condos.

MR. SELVAGGI: Ok. How many unit owners are there in that building?

MR. CORFIELD: Five.

MR. SELVAGGI: There's five. Are you one of the owners of one of the units?

MR. CORFIELD: Yes.

MR. SELVAGGI: Ok. And Genesis Amalgamations, I guess, is kind of a property manager for the building?

MR. CORFIELD: Yes, that is correct.

MR. SELVAGGI: Ok. So, and you'll note, just for the record, the notice actually included the (inaudible). So, if somebody had thought, as I did originally, when this application first came, those were tenants....those are actually unit owners. Now, you've got, you've applied for preliminary approval for a second building. What's your intention to do with that second building?

MR. CORFIELD: My intention is to sell this place for office use and I was concerned when, in 2004, when the Highlands came and took away the potential to develop the property. Something might happen again, so right now I want to (inaudible) with Ms. Catherine too several times about the potential, the ability to develop and she told me that you add another 25% to what you already have there and that was something that I needed to look at and she told me that a couple different times. So with that only option that we have right now, I want to explore that option and do a preliminary for now and it looks like things are picking up and maybe in 3 or 4, 5 years or whenever, if things get good I will then do a final and build out the office and sell it.

MR. SELVAGGI: So right now you have, there's no unit owners or prospective tenants interested in acquiring any space over there?

MR. CORFIELD: Not anybody right now. No.

MR. SELVAGGI: In fact, you have a unit of, Genesis Amalgamations still has a unit it owns in the existing building, correct?

MR. CORFIELD: That is correct.

MR. SELVAGGI: You would market that and sell that if you could find somebody?

MR. CORFIELD: That is correct. Yes.

MR. SELVAGGI: Now, one of the unit owners in there is The Islamic Workshop Center. You're aware of that?

MR. CORFIELD: Yes, I am.

MR. SELVAGGI: Ok. And what do they use the space for?

MR. CORFIELD: I believe it's for a worship center.

MR. SELVAGGI: And you sold, when did they acquire the space?

MR. CORFIELD: I would think around 2004. I'm not very sure on that. 2004, 2005 somewhere.

MR. SELVAGGI: And did Genesis Amalgamations sell them this space?

MR. CORFIELD: Yes, sir.

MR. SELVAGGI: Now, you're aware that there's an issue on occasion with the Islamic Workshop Center and parking, correct?

MR. CORFIELD: Yes, sir.

MR. SELVAGGI: Ok. What's the frequency of that problem?

MR. CORFIELD: That's on Friday evenings. I think they gather to worship and at that time, none of the rest of us are in the building at all; it's just them.

MR. SELVAGGI: Ok. And is this a problem that, when was it first brought because you're in South Carolina. Individual resident when it first came to your attention.

MR. CORFIELD: About a year ago. A year and a half ago.

MR. SELVAGGI: Now the approval, the zoning permit that was obtained. That wasn't something you obtained for them, correct?

MR. CORFIELD: No, they own it so they applied. It was restricted to, I think 25 people and I think if I remember, 6 parking spaces.

MR. SELVAGGI: And what have you tried to do, if anything to accommodate the parking there?

MR. CORFIELD: We tried to ask them to carpool and I'm told they have been doing that and they're using the shopping complex on top of the hill. They park there and people are shuttled to the building. They have parking attendants and stuff like that....that's what I'm told.

MR. SELVAGGI: Ok. Now, the rest of the tenants, I shouldn't say tenants, (inaudible) parking except for that period of time when they're in service, there's no issues with parking on the property?

MR. CORFIELD: No, it's pretty much empty, the lot, most of the time.

MR. SELVAGGI: Alright. That's all I have.

MR. FLEISCHNER: I have a question. Have the owners of the Islamic Workshop Center had at any time approached you on possibly taking over the entire building if they, the tenants are currently in that building were to be moved to the other building?

MR. CORFIELD: No, I have never been approached by them at all. In fact, I have not talked to them for maybe 8 or 9 years personally because they keep changing their office bearers and the committees or the president .....

MR. FLEISCHNER: Just a concern for parking because if that were to occur then we'd need more parking spaces.

MR. CORFIELD: No, I'm also, I also hear and I don't know how true this is that they're looking to move and I don't know how true that is because when they started they had a few people. They have a lot more now. So and a lot of them aren't even from this area or this town so they probably want to move somewhere else....that's what I was told.

MR. SELVAGGI: An understanding too that it's....you don't have, the other 6 users of the building....you don't have any control over....cause they own that space, correct?

MR. CORFIELD: That is correct, yeah.

MR. SELVAGGI: So they'd actually have to approach.....

MR. FLEISCHNER: Right. No, I understand that but my concern is since we do have a parking issue now, I don't want to create one down the road that makes it even worse. Chuck, Gene, do you want to?

MR. MCGROARTY: Mr. Corfield, I don't want to make too big a thing out of this, I just wanted to know, and perhaps you can't because you're not there and the Islamic Center is the owner of the unit but is there any way we can confirm that they are still just in those two units and are they abiding by the limit of the zoning permit that was issued?

MR. CORFIELD: Are they abiding by it? I think they are except for Fridays in the evenings....in terms of you know, the parking. I think they are using a lot more than 6 spaces and I don't have (inaudible) exactly how many they are using but....

MR. MCGROARTY: It's likely that, given the volume of cars, that's been indicated, they're likely to be above 25 worshipers....that was the limit.

MR. CORFIELD: It's seems to me, yes. Yes, sir.

MR. SELVAGGI: Just a follow up to Mr. McGroarty, they still occupy though, only the space that they had purchased from you.

MR. CORFIELD: Only that space and in fact, they have no intention for more space. In fact, my unit, I have a unit and they have never pushed me to take that over or buy it or anything like that. In fact, two in the building is available if they wanted it but they have no interest in buying it or because I believe they may be moving somewhere else.

MS. MOTT: If they took the next unit, how much more parking would that give them?

MR. CORFIELD: Say that again?

MS. MOTT: With each unit, how much parking give them.....because if they took another unit, what does that increase their worshipers to?

MR. CORFIELD: They are not taking any other unit.

MS. MOTT: No, I'm just saying if they did....

MR. SELVAGGI: The vacant unit, how many parking spaces are associated with that unit?

MR. CORFIELD: With that unit, 8 or 9.

MS. MOTT: Cause it might not be a bad push to get that because I've driven by...I mean I've looked at that in town for ten years until recently. It's bad on Fridays. It's to the point where you're driving and you look because they're up on your lawn, they're up on that big rock, they're up there. They're all over.

MR. WILPERT: What is the occupancy limit for that building?

MS. NATAFALUSY: That's something we'd have to check out.

MR. WILPERT: Yeah, if we're exceeding, you know, if the occupant limit is 50 people and they're packing in 200 people, I mean, we have a major problem here.

MR. MCGROARTY: And when you say the building, you mean the two units that they're authorized to be in, right?

MR. WILPERT: That and the whole unit as a whole.

MS. MOTT: I only see them on Friday nights. During the week, because I know the dentist up there, it's not....it's just Friday nights.

MR. WILPERT: That's when something happens....you know, on Friday night.

MS. NATAFALUSY: It starts Friday afternoon....about 1:00.

MS. MOTT: Yeah, it's like sundown or something....

MS. NATAFALUSY: It starts Friday afternoon about 1:00. I've driven by....I've got photographs and they're parking down the driveway, all over the place.

MR. SCHAECHTER: So it's more than 25 cars.

MS. MOTT: Yeah. Absolutely.

MR. MCGROARTY: And I don't know if the zoning permit, when it was issued, and that, the zoning officer is long since gone, the person who did that but and that was in 2006. I don't know what basis was given for 25 worshipers but it would seem they're beyond that.

MR. FLEISCHNER: My question would be though, how does that affect this application?

MR. MCGROARTY: It's all onsite. It's all one site. It may not be a big deal at all, it's just a question of can the site, does the site provide adequate parking? That apparently only happens once a week so it's not a.....

MR. SCHAECHTER: But it's a regular event.

MR. FLEISCHNER: It's a regular event, yeah.

MR. SELVAGGI: And this proposal won't exacerbate it right now because we'd have to come back down on final, if we come back at all. So, and the other thing, the reason why we went through that kind of tortured history is, we believe the zoning permit was issued to the Islamic Center and not that we're trying to get them in trouble but it seems that if there was any enforcement it should probably be directed to them.

MR. FLEISCHNER: Right...and not to the applicant. And I have to agree with you there. But it's a concern that I think the Board has to keep in mind because the potential is there for a real issue.

MR. BUCZYNSKI: Maybe the zoning officer should investigate it and if there's a violation, do what needs to be done.

MR. MCGROARTY: Yeah by that time, as Mr. Selvaggi said if they're here only for preliminary, they're not going to be building on preliminary.

MR. WILPERT: Right.

MR. MCGROARTY: But it seemed like a good opportunity to draw attention to the problem.

MR. SCHAECHTER: But I'm not following this. Amalgamated is the site manager...so they're responsible....hopefully responsible for the maintenance of the property which the parking lot is a part of....and if one of your tenants or owners, that's part of the Association, is breaking the rules by going over, it becomes their issue. They have their bylaws.

MR. SELVAGGI: And I don't dispute that, as it relates to this application, that's a police matter. That's more of an enforcement issue that customarily you guys don't have any control over. We're not, but you can't tell him to go out and, you know, we're going to issue a zoning violation. You can't do that.

MR. SCHAECHTER: I'm not saying to do that. What I'm saying is, they're the manager of the building and as the manager of the building they do have some....

MR. SELVAGGI: But the permit, the zoning permit actually goes to the Center. I mean I think, you know, if you wanted to cite both of them, you could but I think the holder of the permit is probably the one that is...

MR. SCHAECHTER: Who's responsible for the other spaces including the ones that Amalgamated owns....that they're parking in?

MR. SELVAGGI: Every unit owner has spaces aside....

MR. SCHAECHTER: Right. He owns spaces that someone else, that he's allowing someone else to park in.

MR. SELVAGGI: No, you get the spaces.

MR. SCHAECHTER: He's got his own spaces from the unit that he owns still.

MR. SELVAGGI: Well, yeah, he's got his (inaudible)

MR. SCHAECHTER: So people are parking in it. Ok. We're agreeing to that....so if he's allowing people to park in his spaces then the zoning can come down to that or whatever. Listen....I'm not the Board to decide on zoning....as far as parking and enforcement and things like that but there's a problem at the site. They're parking everywhere.

MS. MOTT: I think there's two things. I think as the owner of the property there's an obligation for you to address it with one of the Condo Association owners, under whatever your condo association documents state and I think there is an obligation for you to address that somehow. But I think, I think, ultimately, the enforcing entity would be the zoning officer that should on a Friday evening go and take a look and see what's going and issue violations.

MS. NATAFALUSY: Friday afternoon, yeah.

MS. MOTT: Yeah.

MS. COFONI: Now it also does raise issues with regard to parking and the proposal that you're coming up with because we're now adding additional tenants and of course now that's going to be, or condo owners, and now that's going to be in the Board's mind that as to...ok do you have enough parking? So you said, for each of your, and as a side note, it's interesting that a zoning permit was issued for 25 worshipers and 6 parking spots.

MS. NATAFALUSY: I don't see anything that says 6 parking spots. I see 25 worshipers...that's all I see.

MS. COFONI: Twenty five worshipers.

MS. NATAFALUSY: Any further expansion will require reevaluation of current parking requirements.

MS. COFONI: How many parking spaces are on the site right now?

MR. SELVAGGI: Jim, you would know.

MR. HANSEN: Fifty seven.

MR. SELVAGGI: So if you divided it by, it's basically about 8 spaces per unit.

MS. COFONI: And there are 6 units, right?

MR. SELVAGGI: Seven.

MS. COFONI: Oh, there are 7?

MR. MCGROARTY: Yeah, and you don't need any variances or waivers for the number of spaces with this application.

MS. COFONI: Right.

MR. MCGROARTY: Not because it's preliminary, it's just they meet the ordinance (inaudible) based on the office use.

MR. FLEISCHNER: Oh, ok.

MS. COFONI: Yeah.

MR. SELVAGGI: And even the proposal for the addition is conforming with respect to parking so it's not, it's really not a site design problem, it's a use problem in terms of....

MS. COFONI: Which will be handled through enforcement from the zoning officer. I think that's probably the best method.

MR. FLEISCHNER: It's really two separate issues that we're dealing with here in reality.

MR. SELVAGGI: Yeah. And Mr. Corfield recognizes, we weren't going to hide it. It's raised in the reports and we talked about it before. And it's something that has, because I go that way frequently, I tell you, it does seem to be more pronounced within the last 12 months.

MR. FLEISCHNER: Are there any questions from the Board?

MR. RUSSELL: A question about the parking spaces...you're looking for 9' wide as opposed to 10' wide.

MR. BUCZYNSKI: (inaudible) hearing to get to that point, no?

MR. SELVAGGI: Yeah, we're going to talk about that.

MR. FLEISCHNER: We're going to get to that, Nelson. Thank you. Anyone else from the Board? Seeing none, I'm going to open it to the public for any questions for Mr. Corfield. Seeing no one from the public. Your next witness.

MR. SELVAGGI: Mr. Hansen who has already been sworn. Just for the record, Mr. Hansen will be testifying in his capacity as a civil engineer as well as a professional planner since there is some variance relief, use variance relief as well as a bulk variance with respect to height. I know there was an issue raised by Mr. McGroarty as to the height itself but Jim is, John has gone back, I do it all the time, give the analysis and ended up correcting it so we're only, we're below that 10% threshold. So...

MR. HANSEN: So, let me just give you a quick....I know everybody knows the property. This (inaudible) Block 8200, Lot 4, property fronts on Route 46, approximately 5.4 acres and, as you know, the property, as I explained earlier was developed back in the 80's as (inaudible) A-1. It was a four-phase development only section one was constructed and the rest of the site was not constructed. Stormwater improvements were installed and served by a well, a private well and a septic system. Property generally drains from the top of the sheet down to Route 46, the steeper area; the wooded area is in the rear of the property. So what we're proposing is a straight-forward application as was mentioned by counsel in the beginning (inaudible) the property has severely diminished as time has gone on and with the Highlands in place this is in the Highlands Preservation Area. In order to develop the property without a huge effort with money and time, we tried to take the property and fit into what they call one of the exemptions. And so, for non-residential development, Exemption #4 is really the only applicable one and what Exemption 4 says is that if you're developing the property and you're maintaining no more than 125% of the coverage that's on the property now and you're creating less than an acre of disturbance and you fall into that exemption. So we've designed the site specifically to just fit into that exemption and no further so that we wouldn't have to jump through a couple of years of Highlands's regulations and a couple hundred thousand dollars. So, anyway, that's what you see here is an additional office building with 6,000 square foot gross floor area building to be served by the same well and additional septic system. It's a two-story office building, very similar to what you have here as far as the grade goes. It'll be a walk-in on the second floor behind and it'll be open and it will look like a two-story building from Route 46. We are proposing additional pavement and curbing, Belgian block curbing. This is what you have out there right now. There will be concrete sidewalks to get in and out of the building, nicely landscaped similar to what's there now with 5 or 6 shade trees and got some foundation plantings as well. Kind of mirror what's out there now. Lighting, we're proposing just a few more light stations, shoe box type fixtures, 50 watt (inaudible) we set them at 20 feet and we (inaudible)

a design waiver for that because your ordinance requires a maximum 18 feet but we set them at 20 feet because that's consistent with what was there back in the 1980's and what's there now. So we think (inaudible) from the naked eye, you're not going to see a change in the two foot (inaudible). There are two other design waivers that I think are notable. We've got a 22-foot wide drive aisle on each side where 25 feet is required per your ordinance. I think it's important to note with our design that there are only single-stack parking. So, usually you need that extra aisle-width because you have cars behind you. You don't want to bang into cars behind you. Here, all we have is the curb...so you have extra room to overhang the tires on the curb and the 22 feet, in my opinion is adequate for the driveway over there. It's a very low frequency drive by anyway. And then lastly, it was brought up by one of the Board members, we're asking for relief from your parking stall size. Mount Olive Township requires either a 10x18 stall or a 9x20 stall. And what we're proposing is a 9x18, a hybrid of the two. We think that's really the most efficient stall and especially for this type of use where people come in and just spend a good amount of time, they don't have large packages with them, they don't have shopping carts in there, users don't need that extra room (inaudible) a 9x18 stall is usually plenty of room to adequately park and not bang on doors and that sort of thing.

MR. SELVAGGI: Chuck, what's the size of the spaces that are currently on the site?

MR. MCGROARTY: They're actually, they're 10x18 stalls there now. And you know, one of the things that we were kicking around, parking with the Islamic Society is that what we could do here is if the Board grants a design waiver, we could restripe these stalls that are existing on-site which are 10x18s to 9x18s. We'd actually be able to more efficiently park cars there and actually get about another 4 or 5 stalls in on the site....so it might be something to think about.

MR. BUCZYNSKI: Just the design (inaudible) at this point....one of the reasons for the reduce in size is also so you can meet the requirements for Highlands, isn't it...because you're right at the limit.

MR. HANSEN: Absolutely. There's no secrets there. We're basically trying to maximize the development for Mr. Corfield and keep the amount of coverage to a limit to a minimum and provide adequate parking. If we were at 8x16 stalls or 8x18 stalls I'd say maybe we're trying to get too close but 9x18 is a typical industry standard...most places that you go are 9x18s.

MR. SELVAGGI: And just for the record, even though the development itself wouldn't take place unless Mr. Corfield went for a Final. The restriping of the existing spaces to generate 4 or 5, he'd be willing to do that now. And that may be the proverbial you-know-what in the ocean but it might help a little bit to relieve some of the congestion.

MR. BUCZYNSKI: A 9x18 is, as John said, is pretty much a standard parking, parking space and you do have, it's all against the curb so you have that overhang too for the curb line. So I don't really see a problem with the 9x18s.

MR. SCHAECHTER: Except when it snows.

MR. BUCZYNSKI: Why?

MR. SCHAECHTER: The plows have to push the snow somewhere.

MR. BUCZYNSKI: Push it up over the curb.

MR. HANSEN: One good thing on this site that we do have adequate room for snow plowing. Some of the sites that we deal with every day that are really tight spots (inaudible) landscaping (inaudible). Here as it exists now, both of these ends will be able to push snow right into the end of it and get it off the parking lot. So it's something to consider. I think it's a little better.

MS. COFONI: Plus 9x18 is for the width of the parking spaces not the length so I don't know...

MR. BUCZYNSKI: No. The length. That's the length.

MR. FLEISCHNER: 9 foot width, 18 foot length.

MS. COFONI: Right. That's what I mean.

MR. BUCZYNSKI: So he's concerned about if ....the length.

MR. SCHAECHTER: If you're shortening the right of way from 20....

MR. WILPERT: That's only on the new proposed. It's still going to stay on the existing? The cart path, the cart way is still going to stay the same at 25?

MR. BUCZYNSKI: Yes.

MR. WILPERT: It's only one side like you said....so....

MR. BUCZYNSKI: As far as 24 foot cart way instead of 25?

MS. COFONI: Yeah.

MR. BUCZYNSKI: Yeah. I think that's....the argument is that it's just single parking. It's not parking on both sides and it's going to be limited use through that area.

MR. HANSEN: Yeah. And you're not going to have a lot of traffic use in the area and I think there's more than adequate room for cars (inaudible).

MR. NELSEN: Excuse me. Did you say, wasn't it 22 foot wide, you said?

MR. BUCZYNSKI: Twenty-two foot. I said twenty-four. Twenty-two feet. And that gives you ample room to back your car out though.

MR. HANSEN: I think so.

MR. RUSSELL: I don't see a handicap slot in the new parking lot.

MR. HANSEN: We haven't put one there because actually we have enough. We have three that's required by code. This number of parking spots...up to 75 we need 3. We have 3.

MR. MCGROARTY: I commented on that, John. I don't know if you're going to get to that or....

MR. HANSEN: Well, you may as well hit it head-on now by adding another ADA stall you'll probably lose another stall and then you have to have that van accessible aisle next to it so....if we meet code now it would be my opinion that you got a parking issue we're trying to maximize parking, we need another stall (inaudible). It would be my suggestion not to do it.

MR. FLEISCHNER: Well, Chuck, you want to...?

MR. MCGROARTY: Well, as long as we're on that point, and again we're jumping around, I mentioned that, in fact it was my last comment. I just think, I appreciate that you're stuck but if you're restriping, I just think there ought to be at least one ADA space, either in front or behind the new building even though they never get filled because that's a bit of a travel for someone in a wheel chair or completely ambulatory to get all the way down there, that's all.

MR. HANSEN: Well, alright. I get your point. Maybe what we can do is take one of these three....

MR. BUCZYNSKI: Just shift it. Just shift it.

MR. HANSEN: ...and move it and if that's agreeable to you then we can do that.

MR. FLEISCHNER: Would that still comply with the way our code is? Just moving one, you're adding a whole building but you're not adding the space, you're just moving one from one place to the other.

MR. MCGROARTY: Well, it's a function of total square footage. Is that it?

MR. HANSEN: It's a function of the number of stalls on the site.

MR. MCGROARTY: But there ought to be, I mean if I recall correctly it also talks about getting spaces as close as possible to building entrances so, yeah, I think it's a compromise. I don't think, you actually had additional spaces but if you put one down by the new building I think that's an improvement.

MS. COFONI: So there would be two by the existing building and one by the new, right?

MR. BUCZYNSKI: Yes. But there's only one in each parking lot.

MR. MCGROARTY: Right now he proposed the second one. He proposes a second one in front of the new building. Right, John?

MR. HANSEN: I guess that's a good point. We were proposing to add one already as part of this application. So what we can do is just take that and we'll put it down here.

MR. BUCZYNSKI: Here

MR. MCGROARTY: That would make more sense.

MR. BUCZYNSKI: OK.

MR. MCGROARTY: When you have, when you have the room, I mean, first of all, they don't have to be striped out for vans, do they? They have to be striped out the adjacent, but not.....

MR. HANSEN: I believe code requires one (inaudible).

MR. MCGROARTY: Right. You have one.

MR. HANSEN: We have more. We actually have two (inaudible).

MR. MCGROARTY: Right, so

MR. HANSEN: So, you're right. We might be able to crunch them a little bit and not lose a space, if possible. I haven't done the analysis on it but....

MR. BUCZYNSKI: Are you putting the parking space one the bottom end I guess or the top parking lot?

MR. HANSEN: We could do either one. Do you mean for the ADA (inaudible)?

MR. BUCZYNSKI: Yeah.

MR. HANSEN: Yeah. We can either bring it over to the front of this building or to the back.

MR. SCHAECHTER: There's no elevator in the building. I don't see one on the plans. So...

MR. HANSEN: (Inaudible)

MR. SCHAECHTER: You can get in to it. If you need second floor access to that building...

MR. HANSEN: Well no, we have access and yet the ADA still (inaudible).

MR. FLEISCHNER: So if someone were to come and they're going to the new building and they want to go to the second floor....

MR. SCHAECHTER: They have to go across the whole other building and across the parking lot in order to...

MR. FLEISCHNER: But they don't know that until they get there and then they find out, well I can't get to the second floor so now I got to get, if they're in a wheelchair, I have to get wheeled out.... Do I have to get back in my car and then drive around to the back and then get out of my car with my wheelchair and go in the back of the building?

MR. HANSEN: Well, the way this is set up is you have 3 units on top and 3 units on the bottom. They're not connected vertically, necessarily. So you know you're going to Dr. A and you find out Dr. A is on the first floor so you're going to come down to the lower floor and you're going to go in. You have to do like anybody else, your homework before you get in the building.

MR. MCGROARTY: I think we can work through this issue. I don't think that (inaudible) is going to be a problem.

MR. HANSEN: The other thing I can do is even move this closer so it's between...

MR. BUCZYNSKI: That's what I thought you were going to do.

MR. FLEISCHNER: I would say you have to move it closer. That would make a little more sense.

MR. HANSEN: Maybe.

MR. WILPERT: If you're going to restripe it, you're getting 4 but then you go back to the existing requirement of what he has proposed and just add a fourth one.

MR. HANSEN: I can do that too. We still comply with parking so....

MR. WILPERT: You're never going to meet the parking with the...(inaudible)

MR. BUCZYNSKI: Probably makes more sense to try and go with 9 foot wide parking spaces and get another handicap ramp in. This way you only gain two spaces but so be it, right?

MR. MCGROARTY: So you're adding, you have two now and you'll add two.

MR. SELVAGGI: We have four spaces. Yeah. The new building will have one in the front and one in the back.

MR. HANSEN: That'll be four ADA stalls altogether.

MR. FLEISCHNER: And we'll restripe.

MR. SELVAGGI: We'll still restripe the existing lot.

MR. FLEISCHNER: Right but that's what gives you the extra space.

MR. SELVAGGI: Yeah.

MR. FLEISCHNER: Just wanted to make sure it's clear.

MR. NELSEN: Excuse me; you say there will be four all together?

MR. HANSEN: Four ADA stalls.

MR. NELSEN: All together?

MR. HANSEN: All together.

MR. NELSEN: How many are there now?

MR. HANSEN: Two.

MR. NELSEN: There's not four now?

MR. HANSEN: No.

MR. NELSEN: Ok.

MR. MCGROARTY: There's 3 shown on the plan but the one in the front is a new one. And it would look as if because of that cross hatch that there could be an ADA on either side of it but apparently that's not the way it's striped out there today....marked out there.

MR. FLEISCHNER: When they restripe everything that would give the extra spot so there will be one in the front and one in the back of the new building and you still have one in the back and one in the front in the existing building.

MR. NELSEN: Ok.

MR. HANSEN: If there are no more questions on the engineering I can revise (inaudible).

MR. BUCZYNSKI: Do you want to go over the Engineer's Report before (inaudible)

MR. SELVAGGI: (Inaudible) just for the record the architectural, you had mentioned that similar but just to kind of show this because....

MR. HANSEN: I'm going to mark this just because it's one dimension is different from what you have in your packet.

MR. SELVAGGI: And then you can talk about the height while you're doing it.

MR. HANSEN: Yeah. Mark this A-2. This was prepared by Charles Schaffer Associates, dated November 12, 2014 and this shows our proposed structure that we want to build here. The actual height (inaudible) is 37 feet 4 inches and when you do your building height calculation as required per your ordinance it gives you a height of 32.2 feet. Thirty feet is required in your zone so a variance of 2.2 feet would be required. I think it's worth noting that when this property was developed in the 80's and the building was built it was a much bigger zone (inaudible). Much more building intensity was allowed and actually the height of the building was 45 feet maximum. So, even though a variance is required for what we want to do, I think that is justified because it comes closer to matching the building next door and I think you get an overall better (inaudible).

MS. COFONI: What is the height of the building next door?

MR. SELVAGGI: The existing?

MR. HANSEN: I don't have that number.

MR. MCGROARTY: What is the, you said it but I missed it again. The amount of feet over 30 is how much?

MR. HANSEN: 2.2. (Inaudible) 32.2.

MR. MCGROARTY: Ok.

MR. HANSEN: The building is very similar in construction. You can see in the middle here how the two function side by side, what it will look like (inaudible).

MR. SELVAGGI: Yeah well, let's go through Gene's letter and (inaudible). We're going through Mr. Buczynski's April 23 letter specifically beginning on page 2 when he goes through the technical comments so, John, you've seen this letter?

MR. HANSEN: Yeah. We've seen the letter. We've reviewed it. Don't take issue with really any of the items here but just for the record I'm going to go through them. Item 1 is the Fire Marshall review of the plans. We certainly agree to that. We'll contact the Fire Marshall. Number 2 talks about the Health Department letter that we received. We did talk to Mr. Arif Akhtar over at the Health Department and we've got some solutions to 3 issues that he raises and (inaudible) the Health Department has (inaudible) approval.

MR. BUCZYNSKI: How are you going to address the 100 feet?

MR. HANSEN: Well the 100 feet with the water course he wants the water-tight pipe. And so going to line the inside of the storm water pipe (inaudible).

MR. BUCZYNSKI: It will be shown on revised plans I guess?

MR. HANSEN: Correct. Item 3 is the DEP approval and the Highlands Council approval, the exemption, talked about the (inaudible), we would go and do that as a condition of approval. Number 4 we have already touched on. It talks about Stormwater management. I talked to my client and he has agreed to comply with Gene's request and deal with the water quality and what we ask for Gene is to have some flexibility in the way we do it as long we meet the MP standards, either modify the bottom of the basin or manufacture treatment (inaudible).

MR. BUCZYNSKI: Yeah. Right. Ok.

MR. HANSEN: You know, something that would be reviewed and approved by you.

MR. BUCZYNSKI: Alright. Fine.

MR. HANSEN: That's Number 4. Number 5 is obviously...

MR. FLEISCHNER: Excuse me one second, Gene, could you just explain that to me for a second?

MR. BUCZYNSKI: Ok. (inaudible) trying to do something with the bottom of the basin where they can provide some storage to reduce the flow leaving the basin and provide some water quality within the basin or get a pre-manufactured unit which we have had used elsewhere in town to reduce to help increase water quality.

MS. COFONI: So for condition of approval it would be that.....why don't you just tell me because I don't have anything....

MR. HANSEN: We would meet the water quality standards of 80% TSS removal.

MS. COFONI: Hold on, hold on....applicant to revise plans....

MR. HANSEN: Actually, since it's a redevelopment project, Gene, if you agree, we could meet the 50% standard.

MR. BUCZYNSKI: Right.

MR. HANSEN: I think that's probably appropriate.

MR. FLEISCHNER: Which is it Gene....50% or 80?

MR. BUCZYNSKI: Fifty percent.

MS. COFONI: Ok. Applicant to provide plans to provide for water quality and Storm Water management to meet...

MR. HANSEN: 50% TSS (Total Suspended Solid) removal.

MS. COFONI: Ok. Great. Thank you.

MR. HANSEN: So that's Number 4. Number 5 the on-site well we would agree to approval from the Health Department with respect that (inaudible) capacity. Number 6, Morris County Soil Conservation District, certainly agree to that. Two light fixtures, I talked about already in the design waiver, we are asking for 20 feet which matches what's out there now. The ordinance requires 18 feet. So we think the 20 feet is justified and (inaudible) consistent development. It would really be undetectable to the naked eye as far as I can.....

MR. BUCZYNSKI: What are the other ones? Are the other ones 18?

MR. HANSEN: Twenty.

MR. BUCZYNSKI: They are 20? You got a variance before then, I guess.

MR. HANSEN: I think the standards might have been different....because the approved plans show 20.

MR. BUCZYNSKI: Ok.

MR. HANSEN: Eight is the aisle width of the drive aisle. We talked about that...25 feet is required. We're proposing 22 but we have just parking on one side. Testimony is (inaudible). Number 9 is the size of the parking stall. We talked at length about that. I don't think we need to talk anymore about that but (inaudible) 9x18 add the additional ADA stalls so the total is 4. Number 10 is what we also talked about with the Islamic Society so I think that concludes....

MR. BUCZYNSKI: Yes. Yes, it does.

MR. FLEISCHNER: Gene, with septic there isn't anything special just standard septic?

MR. BUCZYNSKI: Requirements...yeah, per the items that Arif mentioned in his letter and I just reiterated them in my report...and they can definitely satisfy the septic, revise his plans.

MR. FLEISCHNER: Make sure.

MR. BUCZYNSKI: Yep.

MR. SELVAGGI: Now, John, you're going to take off your engineering hat and put on your planner hat. We need a use variance relief from this...and what's usually what happens is it's because what the applicant is seeking to do, the actual use is not permitted in the zone. Here it's a little different because what Genesis Amalgamation wants to do is professional offices which are permitted in the zone. What's the use variance component?

MR. HANSEN: Right, it's a lot different because, actually the use is permitted in the zone and the actual zone allows other uses, other than office to have multiple buildings but for some reason it doesn't allow the office use to have multiple buildings so it's a small, little technical deviation there that throws us into the D-1. And so, the D-1, the D-variance criteria, (inaudible) is a two prong approach. (Inaudible) the first prong, I think that's clearly (inaudible) it's been an office site that's functioned as an office site for 25-30 years. It's done so successfully and it's on a State highway where you have good access in and out for traffic. The other prong of the positive criteria is to show that, purposes of the Municipal Land Use Law, also called the special reasons would be advanced by granting this application. There are several different purposes of the Land Use Law, Mr. McGroarty lays down very nicely here. I think there are several that would be advanced by granting this variance application to move on with the Purpose A which is to encourage municipal action to guide the appropriate use or development of all lands in the State in a manner which promote public health, safety, (inaudible) general welfare. I also believe that Purpose I, which is create (inaudible) could build this site, if one building conforms to the zone but you have a big wall of building. I think by breaking it up and having two structures with adequate light (inaudible) and open space between them (inaudible) more desirably, more appealing at least architecturally (inaudible). So I think that purpose, (inaudible). The negative, let me talk about the C-variance. The C-variance is the building height and the (inaudible) fall in to is what you call C-2 or a flexible C variance. It's not a hardship variance but it's one that basically, I believe, also promotes purposes in the Land Use Law. Like I said before, I think the additional height of the building matches what's closer to matching what's there and it gives you a better desirable visual environment. It looks better than if you had a very small building next to a very large building. But I think that certainly met, and that positive criteria of C-2 is met that way. The negative criteria has to be satisfied for the variances and that's really grouped into one thing. You heard many times before that negative criteria is a three-pronged test shows there's no substantial detriment to the zone plan or the zoning ordinance, no substantial detriment to the public good and really, these deviations in my mind don't rise to the level of substantial. They're really minor deviations and especially with respect to the zone plan and the zoning ordinance and the public good. I also just to wrap things up, I did take a look at the master plans and I think we are consistent with the master plan reexamination report which was amended back in 2010. We looked at page 13 of it and under the commercial and industrial and it basically says (inaudible) paraphrasing here "amended to the land use plan adopted in 2004 the C-2 Commercial District intact so as to allow the development to the extent possible under the new restrictive controls imposed by the Highlands Act. So that's exactly what we're trying to do. We're trying to recoup some of the development potential on this property. I think positive and negative criteria are clearly established (inaudible).

MR. SELVAGGI: Now you had an opportunity to review Mr. McGroarty's April 28<sup>th</sup> report, correct?

MR. HANSEN: I have.

MR. SELVAGGI: And what I'd like to do is go through that with you now John. The first two pages, Mr. McGroarty kind of gives a description. Points out to the Board the Principal Zoning and Municipal Land Use Law importantly on the bottom of page 3 his review comments and beginning at 5.1 where he addresses well the parking issue which I think we've spoken to before.

MR. HANSEN: Yeah. That's the parking issue in the yard to the religious facility.

MR. SELVAGGI: Alright and to the extent possible the applicant from before is willing to either restripe the existing facility now in order to generate

MR. HANSEN: (Inaudible)

MR. SELVAGGI: Then Mr. McGroarty raises a question about the square footage and the impact on the FAR.

MR. HANSEN: Yeah. We're going to take a look at that. In either case, the FAR will be less than what's required in the zone so we will tidy that up and do that housekeeping on the plans.

MR. SELVAGGI: Comment 5.3.

MR. HANSEN: 5.3 talks about the height variance for the building. We've been through that. It's 37 feet, 4 inches is the actual height. It says 37'5" but we need a variance and I've provided that testimony.

MS. NATAFALUSY: Wait a minute. I thought it was he said it was 32'2".

MR. MCGROARTY: It's an average. It's an average. With the architectural plans indicated that one elevation was 40'8" and it didn't scale correctly and Mr. Hansen's testimony is one of the occurrences where I got it right. So the correct scale, I had it at 37.5 or whatever it is.

MR. HANSEN: (Inaudible)

MR. MCGROARTY: And then it's an average of all of the elevations around the building. So the total building height is 32.2 feet or 32 feet, 2 inches.

MR. HANSEN: (Inaudible) per ordinance which an average of the highest point of the building to the grade averaged around the building at 5 foot off. You get 32 foot.

MR. BUCZYNSKI: Yeah. Five foot off.

MR. MCGROARTY: And it's designed and for a site like this where you have the front is two stories and the back goes in to the slope and so that why....so the actual variance is only two feet and some inches.

MS. NATAFALUSY: Oh. Ok.

MR. MCGROARTY: And it stays as a C-variance (inaudible).

MR. SELVAGGI: Now about the parking, excuse me, the lighting, John from the sidewalk to the proposed building.

MR. HANSEN: Yeah. What I would propose here is we'll look at this again. If we have to add some additional building-mounted lights to increase the lighting, the safety there we can certainly do that.

MR. FLEISCHNER: I don't think we should say "if". I think Chuck raises a good point that additional lighting would be provided. I don't want to leave it open.

MR. SELVAGGI: Yeah, we can. Yeah, we'll do it. That's fine.

MR. FLEISCHNER: So that will be a condition. Am I good with that, Chuck?

MR. MCGROARTY: Yeah, that makes sense. Thank you.

MR. HANSEN: 5.5 talks about a second trash and recycling collection station and there's a picture here and not a great picture of our dumpster. What I would suggest that we do is enclose that structure there and formalize it and make it a little nicer and contained. Since we are close on the coverage, what I'd rather do is utilize that and maybe make the pickups a little more frequent so that there's enough trash pickup. These office buildings don't generally create a lot of trash. A lot of it is lunchtime stuff that's picked up. There's papers that's been shredded (inaudible). So if the Board is agreeable to that we could work with Mr. McGroarty and kind of formalize that existing area make that a little bit better.

MR. MCGROARTY: I think it was just discussed. That's up, obviously to the landlord but I think we would like to see it may be enclosed.

MR. HANSEN: Yeah, yeah. We'll do that.

MR. MCGROARTY: Keep the bears out.

MR. MCGROARTY: And by ordinance, it should be.

MR. WILPERT: And they're going to have to expand it too, obviously. And you should make provisions for recycling.

MR. HANSEN: Absolutely.

MR. SCHAECHTER: (Inaudible) there's a house of worship there; it's not just an office building.

MR. HANSEN: Correct.

MR. SCHAECHTER: So, I mean, and what's there is not adequate, obviously for what you got cause it's overflowing and it's on the ground.

MR. HANSEN: Yeah, I think it might be the pickup time. You know, basically, at that side of the unit but also, (inaudible) the pickup time, doesn't matter how big the unit is if you never pick it up, it's going to overflow.

MR. FLEISCHNER: When you enlarge the picture, I mean, you can see the trash is kinda in the woods and all over the place. I'm not going to say it happened because it blew out, maybe there was a bear, decided to go for lunch but it does need to be enclosed and maybe, I don't know, the applicant can look to Blue Diamond to provide a little bigger container.

MR. HANSEN: Agreed.

MR. MCGROARTY: Just to get in to the

MR. WILPERT: Recycling

MR. MCGROARTY: Yeah, it might be good actually to put a detail on the plan. Typically, if the lid is a plastic material as opposed to these heavy steel at a site like this because that lid doesn't get closed I would guess. It's just, it's probably....

MR. HANSEN: The lid on there is a steel lid now?

MR. MCGROARTY: Yeah, I think so.

MR. HANSEN: I didn't look that close.

MR. MCGROARTY: I think it is.

MR. BUCZYNSKI: Yeah, it is.

MR. MCGROARTY: It is. Gene is confirming. So, just small stuff like that because office users would be more inclined perhaps to be careful about that.

MR. HANSEN: As far as the next one, the sign goes, we are not proposing any sign modifications, no additional signs, there will be no more signage that is there right now. Number 5.7 talks about the specific setback dimensions of the proposed building should be provided on Sheet 1 of the site plans. We're going to do that. And lastly, the handicap issue which I think we've agreed to and I think that's it.

MR. FLEISCHNER: You good with that Chuck?

MR. MCGROARTY: Yes, thank you.

MR. FLEISCHNER: Any questions from the Board for Mr. Hansen?

MR. NELSEN: You said there will be no additional signage?

MR. HANSEN: Correct.

MR. NELSEN: There will be other tenants....or condo owners....

MR. SELVAGGI: What I would suspect is when, again because we're only here for preliminary, when we come back, presumably that's because there's interest in the building and at that time we would decide whether to add to the existing sign or change it in some way.

MR. SCHAECHTER: So, if you're saying you're going to come back and change it or add it that will be additional signage. Shrink it down.

MR. MCGROARTY: They could, you know, in the event and it's sort of a standard (inaudible) to say. In the event they come back a couple years from now for a final and they have a tenant and they want to change the sign, they want to enlarge the free-standing sign or add a second one or whatever the case may be...the way the ordinance reads today, they might have to get an amended preliminary at the same time as final with a variance if they need it. So they have some flexibility. We just want to make sure that if they were looking for a sign at this time it'd be on the plans but they don't know who is going to be in there....so that's not a surprise. But they can always do the amended preliminary (inaudible).

MR. FLEISCHNER: Any other questions from the Board?

MR. MCGROARTY: Can I ask a question, Mr. Chairman? There's a shed but I believe your plans note that that's going to be removed. Am I correct?

MR. HANSEN: Yeah.

MR. FLEISCHNER: Ok, with that being said, are there any questions from the public? Anyone from the public? Do you want to step up to the podium please? Give your name, address.

MR. RUCCO: My name is Salvatore Rucco. I live at 13 Oxford Road. This proposed site is probably pretty much right behind me and the only questions I have right now is how close is it my property? How high is the building going to be in my back yard? And lighting....is it going to shine into my back yard? Just a few things like that.....

MS. COFONI: Do you know what Block and Lot you are? We can probably look you up anyway.

MR. RUCCO: 13 Oxford

MR. MCGROARTY: 27.

MR. RUCCO: Yeah, that's it.

MS. COFONI: 27.

MR. MCGROARTY: Northeast corner.

MR. WILPERT: Oh, ok.

MS. COFONI: So he...yeah.

MR. HANSEN: You're up in this area here.

MS. COFONI: Right.

MR. HANSEN: Alright so we have (inaudible). You're at least 500 feet away from the property line. (Inaudible) grade line with the existing building here.

MR. RUCCO: From my deck (inaudible).

MR. FLEISCHNER: Could you speak up so the Board can hear?

MR. RUCCO: From my deck, the corner of my deck, in the fall there's no foliage, I can see the corner of the existing building. This one. Alright. So this one will definitely be in view of my house, probably. I just don't know how close it is to my property line.

MS. COFONI: Your property line is at the very end so you're not next to this property, you're at the very back.

MR. RUCCO: (Inaudible) Oh, ok.

MS. COFONI: Yeah. Yeah.

MR. HANSEN: Looks like 500-600 feet at least. Probably more.

MR. RUSSELL: It's also downhill from his property.

MR. HANSEN: It's definitely downhill. It's about 60 feet in elevation difference.

MS. COFONI: Can you show him....show him....John show him the, yeah, show him tax map so he can see where his lot is. 27.

MR. SELVAGGI: So, 27. This is the lot. You're up here.

MR. RUCCO: Right.

MR. SELVAGGI: You're off the cul-de-sac.

MR. RUCCO: Uh huh.

MR. SELVAGGI: So then, everything will be down here. So you have all those woods.

MR. RUCCO: Right. (Inaudible)

MR. SELVAGGI: Nothing is proposed to take out the wooded area. That has to stay that way.

MR. RUCCO: That's pretty much all the questions I have.

MS. COFONI: Did you tell him how tall it was going to be? How tall the building?

MR. HANSEN: Yeah.

MS. COFONI: Ok.

MR. RUCCO: I heard the height and all this stuff. It's just hard to visualize what....

MS. COFONI: About the same as the existing, right?

MR. RUCCO: Right, cause I could see the corner of it (inaudible).

MR. FLEISCHNER: What time does the lighting go off?

MR. WILPERT: When it's light out.

MR. MCGROARTY: On the existing building, do you have controls on the lighting?

MR. CORFIELD: Ten o'clock.

MS. COFONI: Lights go off at 10:00?

MR. FLEISCHNER: No, just so it's on the record.

MR. MCGROARTY: And any new building, now the lights and Mr. Hansen should detail on the plan will be directed downward.

MR. WILPERT: They're all shoebox right?

MR. HANSEN: Shoebox right. So at least 60 feet in elevation, higher than the lights. You certainly won't see any of the sources.

MR. WILPERT: You still have security lights with, in the

MR. BUCZYNSKI: In the doorway.

MR. WILPERT: Yeah.

MR. RUCCO: Alright.

MR. HANSEN: We good?

MR. RUCCO: Yes. Sounds great. Thank you.

MR. FLEISCHNER: Ok. Thank you. Any other questions from the public? Seeing none. Closed to the public. Any other questions from any Board members? Seeing none. Could I get a resolution? Motion.

MR. RUSSELL: I'll move that PB 14-17 be approved with the appropriate waivers.

(Inaudible)

MS. COFONI: I have a condition regarding two handicapped parking spaces for the existing building. One in the front, one in the back. Two handicapped parking spaces for the proposed building. One in the front, one in the back. Restriping of the entire parking spaces to 9'x18' to gain the spaces to make up for the additional handicapped space. The water quality Storm Management to meet 50% Total Suspended Solids Removal. The applicant to add building-mounted lighting for illumination of the sidewalk between the proposed building and rear parking lot. The applicant to enclose, expand and provide for recycling for the existing dumpster. The plans will be revised to provide for the specific setback dimensions for the proposed building. That's one already said...the handicapped space.

MR. MCGROARTY: And the other comments, if I may, just the other comments, the (inaudible) FAR, etc. Just a few things but the plans are going to be revised anyway. And the architectural plan will be revised as well?

MS. COFONI: Oh yeah. I'm sorry.

MR. MCGROARTY: To correct the height.

MS. COFONI: Yep. Ok.

MR. BUCZYNSKI: And the approvals from the Health Department.

MS. COFONI: Hold on. Hold on. Plans to be revised re: building height. Ok. And I think that's in Gene's report. I have the Fire Marshall with the fire lanes that comment, the Health Department, April 3<sup>rd</sup> letter to be addressed, the Highlands Council exemption, the waiver from the Stormwater Management Report.

MR. BUCZYNSKI: You addressed that with the water quality.

MS. COFONI: Oh yeah. I already said that, that's right. The approval of the Health Department of the septic system and the adequacy of the on-site well; the Morris County Soil Conservation District certification.... those two are waivers. That's everything I have.

MR. BUCZYNSKI: You're good.

MR. NELSEN: Did you mention the enclosure and the expansion of the garbage?

MS. COFONI: Yes. Yup I have that.

MR. FLEISCHNER: Ok. So, that's the motion. Is there a second?

MR. KOPTYRA: I'll second it.

MR. FLEISCHNER: David, seconds it. Any further discussion? Seeing none, can we have roll call, please?

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**Roll Call:**

MS. NATAFALUSY:        Joe Fleischner                - yes  
                                 Brian Schaechter            - yes  
                                 David Koptyra                - yes  
                                 Dan Nelsen                    - yes  
                                 Nelson Russell               - yes  
                                 Frank Wilpert                -yes  
                                 Kim Mott                      - yes

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MR. FLEISCHNER: What we're going to do is we're going to take 7 minutes for a quick break. Promptly 7 minutes.

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**PB 15-13 JERSEY GIRL BREWING – 426 Sandshore Road**

MR. SELVAGGI: Michael Selvaggi from Lavery, Selvaggi, Abromitis & Cohen. We're here now on the Jersey Girl application to go from the mundane office building to a microbrewery which is kind of a unique and new permitted use under New Jersey law as we will find out in a moment. We are here tonight for use variance approval and to the extent, maybe necessary, site plan. The proposal is to use the existing building that's on Sand Shore Road which the applicant will be leasing in order to accommodate the microbrewery that they are hoping to develop. What I'd like to do is begin tonight's testimony and evidence with a representative of the applicant. When that's concluded the Professional Planner, Jessica Caldwell will talk about the specifics of the relief we are seeking so Charles Aaron and Jessica Caldwell will both be talking. I don't know if you want to swear them in together or take Mr. Aaron first (inaudible).

MS. COFONI: We can go ahead and swear them one at a time. Swear whoever is going to testify first.

(CHARLES AARON IS SWORN IN FOR THE RECORD)

MR. SELVAGGI: Mr. Aaron, what's your affiliation with the applicant Jersey Girl Brewing Company?

MR. AARON: I'm the president and CEO of the business.

MR. SELVAGGI: Ok. And what is the, what do you hope the Jersey Girl Brewing Company is going to be?

MR. AARON: What we're trying to do, my partner Michael Bigger is sitting behind me and I would like to do is, under New Jersey statute, we'd like to open up a microbrewery here in Mount Olive. Under this statute it's a limited brewery which allows us to brew up to 300,000 barrels of beer per year. Barrels are typically about 31 gallons. Our goals are much lower than that as a business, as a microbrew, as a craft microbrewery. Under this license we can sell directly to consumers in a sample room environment that's associated with, connected with a tour of the brewery so as people come to look at the facility, tour the brewery and then sample the product that we would sell. We're also licensed to sell to authorized wholesalers and retailers in the State of New Jersey as well as self-distribute our product to those parties. Under this license we're not allowed to sell food so this is strictly a brewery....a microbrewery.

MR. SELVAGGI: Ok and for the record the statute which will govern this use is New Jersey statute 33:1-10 which has an effective date of December 1, 2013 so as I said it's a relatively new use. The operations that you're hoping to do here, what would it really consist of? I mean, generally. How many, type of equipment, tanks, things like that that you would hope to use.

MR. AARON: So there's really four, there's four areas....there's the brew house operations, there's the fermenting area, cold storage and then the sample room. The brewery itself is a four vessel, 30-barrel system so we process the beer through four individual vessels. At the end of that process it goes into a fermenting tank where it's stored for anywhere from two weeks to four weeks while it ferments with

the yeast and then it's put into a bright tank, we call it a finishing tank where it is filtered before it goes in and sits for an extended period of up to seven days and then it's kegged off. Once it's kegged off it will go into cold storage and then distributed out from there.

MR. SELVAGGI: Ok, so that's the brew house. What other sections of space would you have?

MR. AARON: It's primarily the four areas...the brew house, then separately the fermenting tank, the fermenting farm, cold storage warehouse and storage and the sample room. The sample room which is, people can come and they can learn in that area. They learn about the brewery, they discuss craft beer, they tour the facility and then they can sample the beer.

MR. SELVAGGI: Ok. Just generally, and perhaps if the Board wants to indulge us a little bit, the actual brewing process, can you take it through this and focus, obviously if Board members have questions they can certainly ask but how many people are involved, number of employees, the product, the materials involved....things of that nature that would perhaps peak their interests.

MR. AARON: The brewing process itself, the operating of the brew house is done by a brew master which we'll hire as part of the process. My partner Mike and I will operate as brew masters as well under the license that we're granted. We'll have a, what is called a seller man or seller person and this person's job is to clean tanks, fill kegs, generally move warehouse materials around and then we would plan to hire two part-time people to operate our sample room and they would be responsible for touring the facility but also serving within the sample room area. So we're looking at about 5 employees in total in the day-to-day operation. The sample room employees will come in during sampling hours and our brew master and seller person would come in during the brewing process and the normal business hours of 7 a.m. to 8 p.m. in general. So the brewing process itself is just to kind of go through it quickly, the four vessels. We take a malted grain, we bring it into the facility and we mill it and grind it. We break the shell of it and that allows us to release proteins that are then put into a mash tank and mixed with water and then put into a mash tank.

MR. FLEISCHNER: Can I ask a question at that point? You're milling. Do you have someone who will testify as to the dust that's created during milling and how you handle the air in that area? Your handling in that area?

MR. AARON: Generally, what happens in the dust of the area...it's going to be enclosed and we have it on the architect's plans. It's going to be a walled area where the dust will be contained within that area. And on the top we're not planning to put a ceiling on that space but just kind of netting so that things can't fall in to it but it doesn't have to have that ceiling on it that's why we're going to do it that way. It'll have two doors on the front that will close. The material will come in. We'll mill that material through and it's usually not a tremendous amount of dust...but we keep it contained within the space by putting the walls in place.

MR. FLEISCHNER: So you would comply whatever Federal standards for dust explosions?

MR. AARON: Yes.

MR. FLEISCHNER: And you're aware of the standards for....

MR. AARON: We're aware that if there's lighting in the room, it has to be explosion-proof lighting. We don't plan for any outlets in that space other than the power that will go to the machines to operate them.

MR. FLEISCHNER: And the air handling is going to be the air handling for the entire area or will there be a unique air-handling system that's located to deal with dust for that?

MR. AARON: We don't plan for air handling. If we're required to, we would do so.

MR. FLEISCHNER: I would think that you would, I don't know if you have but I would think you would consult with an engineer that knows the specifics of air handling for dust explosions because they do occur with a nominal amount of dust....you could get an explosion. I don't know if you're aware of that but I would think that you....someone should have kind of looked into that before you designed the area because it's a concern I have.

MR. WILPERT: Isn't that covered, should be covered with the Building Department? Whatever codes or the UCCs.

MR. SELVAGGI: I was just going to say...yeah, importantly there's your local approval, we need construction code official approval which would encompass that and then there's also a limited brewery license which the ABC issues. So...

MR. FLEISCHNER: But there is Federal standards for dust.

MR. SELVAGGI: Yeah and the Federal standards are the front line of that is the construction code official and then also too the State licensing will also encompass it because they're going to have oversight on this project as well.

MR. SCHAECHTER: Except I think we're (inaudible) will have some oversight because if there is some equipment, air handling equipment that needs to be put on the roof that needs to be explosion proof there could be noise and there could be things that we need to deal with....so I think, Joe's questioning is on the right. If it does need an air handler we need to figure out, it needs to be on the plans somewhere.

MR. AARON: In the breweries that we visited and we visited quite a few in the northern part of New Jersey we haven't seen an air handling requirement so far as much as we've seen requirements for lighting and power to the space and that's the only type of review (inaudible).

MR. SCHAECHTER: Listen, none of us are experts in brewing beer so we need a (inaudible) as to....

MR. AARON: We haven't seen it. We haven't seen it but that's the extent of what of we've seen. There hasn't been an air handling requirement at any of the other breweries. In fact, there are some local breweries that have (inaudible). But if there is a requirement, through the building approval process, we would completely comply with that.

MS. COFONI: Just so the Board's aware, this application does not include site plan approval, right?

MR. SELVAGGI: There's nothing, there's nothing proposed to have to change the existing space that's there.

MS. COFONI: Right. So my point is that if they're going to have to...

MR. SELVAGGI: Excuse me, the interior yes which will be subject to the Building Department but on the exterior, no.

MS. COFONI: My point is that if there were to be equipment that would have to go on the roof, I believe then it would trigger a site plan approval that would then have them come back... if they find that out at a later date is what I'm saying.

MR. FLEISCHNER: It's something that needs to be, I guess the proper word is "looked in to" because from what I'm aware of any time you're doing any milling you're required to have, that generates dust whether it be corn starch, or whether it be barley or anything it requires air handling.

MR. WILPERT: That will be addressed in the Building Department when it goes to review for plan for approval.

MR. SCHAECHTER: Or OSHA. Does OSHA get involved in that?

MR. BUCYNSKI: The Construction Code Official.

MR. WILPERT: We don't approve air handlers. We're approving a D-variance.

MR. FLEISCHNER: I understand that but what I'm trying to say is, if it indeed is required then it belongs it should be part of this application and I don't know what, has the Construction Department even looked at that?

MRS. NATAFALUSY: I sent this to the Fire Marshall and the Police and the Health Department. I only got a response. The Fire Marshall had no comment and I had a response from the Health Department. I have not heard from the Police.

MR. FLEISCHNER: Because I don't know if they're even aware, if they've ever dealt with anything like this and I go from my background as 37 years in the pharmaceutical industry and I ran a huge manufacturing facility and you couldn't even put in one milling machine unless OSHA showed up and asked for complete plans of where you're air handling goes, where's the dust go, do you have explosion-proof walls in this area so that there isn't a dust explosion, doesn't blow the walls out so that's a concern I have. I don't think it would be an issue but it's a concern that I think I'd like to hear some kind of testimony to the....

MR. SELVAGGI: Nothing in any of the licensing would suggest that that be....now it's entirely possible that the Building Department, when Mr. Aaron goes for the building permit would require that in the internal space and maybe even have it on top. You wouldn't do that now because you don't know if you have an approval yet. So, and I don't even know if the Building Department would even act on the proposal, so the best I can say is if we're fortunate enough to get an approval and the Building Department says, "Oh look, you're going to have to make these modifications to the exterior of the building..."

MR. FLEISCHNER: That's kind of a Catch 22 and I understand where you are but if there is a requirement then it does affect because it brings in other aspects to the application and that's my concern.

MR. SELVAGGI: Yeah. I mean if it's modifications on the interior space I don't think that would be your concerns. You know...

MR. SCHAECHTER: I think where Joe wants to be put in the comfort zone is if there is some sort of regulation on dust handling, it gets addressed.

MR. FLEISCHNER: Right. I don't want it getting addressed in the field. It's too late.

MR. WILPERT: But if it does get addressed in the field and it's corrected....

MR. FLEISCHNER: Well, let's say it does require some type of air handling, just in that area. Well then, I don't know who said, but then you're dealing with noise, you're dealing with other aspects that should be part of the application. Does it then have to come back to the Board, totally?

MR. BUCZYNSKI: Can we make that a condition? Joe, can we make it a condition that if the air handling system is required the applicant will have to come back to the Board for site plan approval?

MS. COFONI: I actually have two conditions so far. That they must comply with Federal and/or State dust explosion requirements because of the milling and in the event an air handling machine is required on the exterior of the building, the applicant would be required to make a site plan application to the Board.

MR. SELVAGGI: I don't know if it would necessarily be an amended use variance but we would apply for the site plan. That's what we had a notice for if there was anything....

MS. COFONI: Right.

MR. FLEISCHNER: Just want to make sure. I don't want anything to happen.

MR. SELVAGGI: Alright. So we mill the materials, what happens next?

MR. AARON: So then it's put into the mash tank. In the mash tank, the starch breaks down into fermentable sugars, that goes then in to the water ton where there's a false bottom. The liquid is cycled through the grain bed and what's called is wort comes off of that and goes in to the boil kettle. In the boil kettle the liquid is heated up and that's where it begins the fermenting process. It's whirl pooled in the whirlpool tank and then it goes off to fermenting where yeast is added.

MR. SCHAECHTER: Let's go back a couple steps.

MR. AARON: Ok.

MR. SCHAECHTER: Let's go back, you got the grain, now you put it into a fermenting vessel, right? Has it been fermented by vessel yet?

MR. WILPERT: No.

MR. AARON: No. The grain is separated out. The grain is separated out now.

MR. SCHAECHTER: Whatever solid is going into the tank and then you're adding water and how much water does it take to fill that tank?

MR. AARON: So the brewing process, we generate 900 gallons of beer at the end of the process. It'll take approximately 1,100 gallons of water to make the beer in the end. There's going to be absorption in to the grain, there's going to be evaporation from the boiling.

MR. SCHAECHTER: And you're at 1,100 gets you 900.

MR. AARON: 1,100 gets us 900.

MR. SCHAECHTER: So out of 300,000 barrel level that's 9,300,000 gallons of finished product times....I need a calculator here.

MR. AARON: Our plan is not to brew to the extent of the license. We've actually applied....

MR. SCHAECHTER: But what's does your license say?

MR. AARON: 15,000. Our license approves us up to 15,000.

MR. SCHAECHTER: Barrels or gallons?

MR. AARON: Barrels.

MR. SCHAECHTER: So it's 15,000 times 31....is 465,000 gallons of finished product and out of the 465,000 gallons of finished product you need.....there's 200 every for every 900.

MR. MCGROARTY: Is that per year by the way....the gallons?

MR. AARON: The 15,000? Yeah.

MR. NELSEN: Brian, you done with your calculations? You said 200 to 900?

MR. SCHAECHTER: No, it's an additional. For every 900 gallons of finished product it takes you 1,100 gallons of water...so it's 200 additional gallons for every 900 gallons of finished product. So, at 465,000.

MR. FLEISCHNER: Unless you have that number already....

MR. SCHAECHTER: It's 516,000.

MR. FLEISCHNER: That's a lot of water.

MR. SCHAECHTER: That's a lot.

MR. WILPERT: That's serviced by a well currently?

MR. AARON: Yes.

MR. MCGROARTY: Mr. Aaron, did you say 15,000? Is the license 15,000 gallons or barrels?

MR. AARON: Barrels.

MR. SCHAECHTER: Is it 1,320,000?

MR. BUCZYNSKI: It doesn't make sense. No. Just take the percentage. Take 1,100 divided by 900....get the percentage, multiply it by the 465.

MR. WILPERT: There you go.

MS. COFONI: Go ahead, Gene.

MR. SCHAECHTER: It's 465,000 times 1.22 if I calculated right.

MR. BUCZYNSKI: 568,000

MR. MCGROARTY: Total?

MR. BUCZYNSKI: Total

MS. COFONI: So a year? 568,000 gallons of water per year.

MR. BUCZYNSKI: How many days a week do you make the beer?

MR. AARON: Once.

MR. BUCZYNSKI: Once a week. So you figure 52 days.

MR. AARON: We have it calculated to be at 15,000 but our business plan doesn't call for us to be at 15,000 at full extent. That's just the minimum licensable level that we can enter at so there are tiers that bring you from 15,000, in the statute that bring you from 15,000 to 300,000. We're applying for the lowest level license that's available to us in the State. Our five-year plan, at a stretch, would put us at 5,000 barrels a year. So we don't have a...although I understand your calculation, your process and your thoughts....our business won't get to the extent of the license in five years...which is what we have (inaudible).

MR. MCGROARTY: But if you get the variance and if you get the approval, you don't have to come back here if you get the license, right?

MS. COFONI: Yeah.

MR. AARON: We're approved to 15. I understand the question.

MR. FLEISCHNER: The question that I would have of all these other microbreweries that are in the State of New Jersey, how many are in a preservation area where the ground water is concerned to be protected because of the aquifers...or are they all on city water?

MR. SELVAGGI: Well, this isn't a concern about the quality of the water; I think you guys are more...

MR. FLEISCHNER: The quantity.

MR. SCHAECHTER: That's going to affect the quality too.

MR. SELVAGGI: First of all, there's no evidence that the aquifer couldn't support this. You have other uses that are permitted in this space.

MR. FLEISCHNER: Whoa, whoa, whoa...hold on a second now. That's why the State and Federal government or whatever made this a preser...and I understand what we have here but this is a preservation area and the preservation area was not to protect the land. It was to protect the water.

MR. SELVAGGI: The water quality.

MR. FLEISCHNER: The water.

MR. SELVAGGI: The water quality.

MR. MCGROARTY: There are water deficit areas in the Highlands.

MR. SELVAGGI: But this is not designated...

MR. MCGROARTY: I'm not saying it is but I mean, the Highlands Act was for...

MR. SELVAGGI: Yeah but this is not, this was never designated as a water deficit area and as I said you have a research lab here with a permitted use in this zone so if you can have a research lab that would use as much or perhaps even more water....

MR. BUCZYNSKI: Are you sure this isn't a water deficit area? Are you sure of that?

MR. SELVAGGI: I'm pretty sure.

MR. BUCZYNSKI: Because I know there are a lot of areas in Mount Olive that (inaudible).

MR. SCHAECHTER: They're not using that kind of water.

MR. SELVAGGI: What's that?

MR. SCHAECHTER: I said it's very unlikely that a research lab would use that kind of water.

MR. SELVAGGI: You....I mean you have offices; there are a number of uses. You have a lumberyard that could use, you know. It's a concern but it's a concern that there's no evidence to suggest that it would be a problem.

MR. FLEISCHNER: But if it is a problem, who's going to remedy it?

MR. SELVAGGI: Well, in their lease there's already provisions in the lease for, as it relates to this property. You put in, drop another well.

MR. BUCZYNSKI: We should verify that it's not a water deficit area. We should verify that. We can look at that.

MR. FLEISCHNER: Would you look at that please....just to make sure?

MRS. NATAFALUSY: We need to verify that it's not in a deficit area?

MR. SCHAECHTER: (Inaudible) drop another well (inaudible).

MS. MOTT: It's a preexisting well.

MR. SELVAGGI: Yeah, it's a pre...

MR. SCHAECHTER: Then why do you want to drop another one?

MR. SELVAGGI: No, we don't want to....

MR. BUCZYNSKI: Don't forget the Health Department's going to have to look at this too.

MRS. NATAFALUSY: The Health Department did look at it.

MR. SELVAGGI: They already looked at it. The Health Department did not express that as a concern.

MR. BUCZYNSKI: They didn't.

MR. SELVAGGI: And we have a letter from the Health Department.

MR. BUCZYNSKI: Just the septic, not the water.

MRS. NATAFALUSY: They didn't talk about the water, they talked about the septic.

MR. BUCZYNSKI: That's the next issue we're going to get in to.

MR. SCHAECHTER: We're just putting the water in; we haven't gotten the water out yet.

MR. FLEISCHNER: It is a ...believe me.

MR. SELVAGGI: Like I said, we've gone to the Health Department and it's the same thing with the other issue. All we can do is go to the agencies that we're required to and Mr. Aaron, you went and spoke to the Health Department directly, correct?

MR. AARON: I did. I did. We talked primarily about septic and the waste product that would go out of the building into the septic and I went down and met with the NJDEP to talk specifically about that

process and we've received no..... As an agreement with the NJDEP any materials we use in the cleaning process we're going to tote those and have those hauled offsite. Those won't go in to the septic system. We're only using two...

MR. BUCZYNSKI: The Britex and all that stuff?

MR. AARON: Yeah, the acid (inaudible).

MR. BUCZYNSKI: I think that was the next comment we were going to have regarding that.

MR. FLEISCHNER: Is it, is it, and correct me if I'm wrong, Gene. Is it acceptable for us to ask the applicant to provide a letter from the, whether it be from the Highlands or from whoever whether DEP with regard to the possible maximum usage.

MR. BUCZYNSKI: I guess you can request it. I'm not sure if you'll get it but you can request it.

MR. SELVAGGI: The Highlands Council doesn't have jurisdiction because it an exempt (inaudible).

MR. BUCZYNSKI: No, but DEP. If you contact DEP.

MR. SELVAGGI: (Inaudible) DEP. You could (inaudible).

MR. FLEISCHNER: Something in writing that says that you're taking the maximum amount of water out of the ground is acceptable.

MR. MCGROARTY: We do have a, I was just thinking we, the Town has adopted the Highlands Preservation Area Ordinance, which I don't have with me, and it's a very complicated formula in there in terms of water usage. We have to see if this is a water deficit area it may apply. It may not have any bearing on it but we'd have to check.

MR. BUCZYNSKI: Can we go over it. I'd just like to know myself regarding how much material goes into the septic.

MR. AARON: We did this calculation for the Health Department on the amount of material that would go in to the septic system and if you just bear with me a second while it bring it up.

MR. SCHAECHTER: I want to know if the maximum level of the license how much water is going down or what they think they're going to produce. I think that's....

MR. SELVAGGI: Well we told you the worst case scenario is up to....the license would be 15,000 barrels.

MR. BUCZYNSKI: 15,000 barrels. That's 10,923 gallons each time they... If they're not going to produce all that 52 days...which I don't think they will... going to be more days if they're going to produce all that so it depends.

MR. SCHAECHTER: I just want to stick to a standard here. A standard would be what their license is...

MR. BUCZYNSKI: Yeah but I don't know how many days.....15,000 barrels. How many days a week would they be manufacturing? Would it be every day? Because then you could figure out how much water they need every day.....

MR. AARON: We've calculated waste water as part of the process so we've calculated that our brewing process, if we were to brew every day, we would have 445 gallons of water from rinsing and brewing process in the septic system.

MR. BUCZYNSKI: Ok.

MR. SCHAECHTER: In the 445 gallons, how much beer does that produce, a day?

MR. WILPERT: That's the waste.

MR. SCHAECHTER: Yeah, but what I'm asking, out of the 445 of waste how much beer do you get out of that?

MR. AARON: That's the 900 gallons that we talked about.

MR. BUCZYNSKI: Each day would be 900 gallons?

MR. AARON: We're not planning to brew every day of the week.

MR. BUCZYNSKI: No, but we're trying....he wants to do the maximum 15,000.

MR. SCHAECHTER: I know (inaudible).

MRS. NATAFALUSY: Mr. Selvaggi, can I just ask a question. The article that was in the Chronicle says that their brewing license allows for the brewing up to 50,000 barrels a year. Is that an incorrect statement in the...

MR. SELVAGGI: Yeah. The fee for the license is graduated. So to brew not more than 50,000 barrels of 31 gallons is...and there's different....you can go all the way up to 300,000 barrels.

MRS. NATAFALUSY: I just...I was hearing 15 and I didn't know if the 50 was....

MR. SELVAGGI: I don't know where the reporter got....well I know where he got it from but I think he just misread the statute.

MRS. NATAFALUSY: Ok.

MR. MCGROARTY: Just on that point then...how does that work then? Are you at, is your facilities as designed maxed out for 15,000 barrels a year or if you chose to change your license at some point, your facilities would allow you to produce more?

MR. AARON: There's a capacity constraint based on time. The brewing process itself from beginning to end is approximately 7 to 8 hours....just to get through those 4 vessels. So you wind up running into a capacity of time where you can only brew so many times per day over the course of the week. So that's where our equipment is limited by time. We've put in a 4 vessel system. We've estimated that that system can generate, at our pace, about 7,500 barrels per year. If we were to go to additional levels, we could hit the 15,000 in our existing system if we desired to do that.

MR. MCGROARTY: And your existing system really couldn't accommodate anything over 15,000 barrels?

MR. AARON: It's not designed for that kind of thoroughbred usage. At that point you would go to a larger vessel system. You go to a 60 or a 90 or 120 which we wouldn't be able to do it in the facility we have today.

MR. BUCZYNSKI: I'm just looking at numbers and if we're looking at Brian's number of looking 465,000 gallons and I figured you're brewing every day, Monday through Friday. You would have to brew about 1,800 gallons a day.

MR. AARON: Two batches.

MR. BUCZYNSKI: Two batches?

MR. AARON: Two batches. Right.

MR. FLEISCHNER: But that is doable.

MR. SCHAECHTER: If they have the space for it...

MS. COFONI: But to Chuck's point, in your existing facility you wouldn't be able to exceed the 15,000 barrels a year.

MR. NELSEN: Not with their license.

MS. COFONI: Well no. I think Chuck's point was because I think where Chuck was going was perhaps, well then couldn't you change your license without having to come back to us and then exceed that 15. So we're looking and everyone's talking about the effects on water and septic and everything else. Septic.

MR. BUCZYNSKI: Not yet.

MS. COFONI: With regard to 15,000 barrels per year being the most and I think, what I was thinking, what Chuck was thinking is...well why couldn't you go to 30, because you'd have to do is change your license and that wouldn't have anything to do with us.....and the whole point of the Board is to look at "ok what is the potential impact" because of course we want every business to come in that gets approved to be successful so we always have to think the height of your success because you don't have to come back in as you get more and more successful. We look at your most successful, which hopefully you achieve and say "ok what are the effects of that?" And since we're talking about 15,000 barrels per year we were wondering, "Ok, well could it be more with just a change of your license?" And you're saying, given your facility you don't think you could do more than 15,000 barrels per year.

MR. AARON: I mean, it's a craft brew. It's a microbrew. We're not looking to be a macro brewery and get to those larger scales. It's just not interesting to us as a business.

MS. COFONI: So is the definition of a microbrewery limited to 15,000 barrels?

MR. AARON: No, it's much larger.

MR. SELVAGGI: It goes up to 300.

MS. COFONI: Ok.

MR. AARON: There's 300 in the license. I think it's roughly 5 million barrels for a craft brewery. It's a much larger number. Companies like Sam Adams qualify as a craft brewery.

MS. COFONI: What's a macro brewery?

MR. AARON: Macro would be your Budweiser's, your Coors, your really big, Anheiser Busch in Newark would be a macro.

MS. COFONI: But I was just trying to explain why the questions were coming the way they were. It's all to understand the impact that could potentially be there given your height of success....you know...your wildest dreams. So and that's what we have to account for because....

MR. WILPERT: Couldn't we put a condition in there, a resolution that they....

MR. SELVAGGI: This is very important. We're regulated. The town, because it's ABC, you're going to get

MR. WILPERT: Reports

MR. SELVAGGI: The reports.

MR. MCGROARTY: Well, I was just going to ask Mr. Selvaggi on that or Mr. Aaron, do you get, do you have to renew your license annually?

MR. AARON: Yes, we do.

MR. MCGROARTY: And is there any requirement, you just said Mike, is there some requirement the Town is included in that process?

MR. SELVAGGI: They have to sign off on it.

MS. COFONI: The Town has to sign off on it?

MR. SELVAGGI: It's just like any other license.

MS. COFONI: A liquor license? Like a liquor license?

MR. MCGROARTY: So if in the future at some point a license, you renew your license and it shows up here at the Town for whatever it is....30,000 gallons or 40,000 gallons....the Town at least presumably

will know that you exceeded the 15 that was approved here and as Mr. Wilpert just said if the Board had a condition you would have to come back.

MR. AARON: Ok

MR. MCGROARTY: But I don't know if that's workable but as long as the Town's in the loop, there's some way to do it I guess.

MR. WILPERT: I'm assuming it goes to the Clerk's office.

MRS. NATAFALUSY: That's what I was just going to ask....because the Clerk's office told me they need Plenary Retail Consumption License.

MR. AARON: Not under a limited brewery license. That's our license.

MS. COFONI: Yeah, I don't think so.

MR. AARON: That's our license. We've talked to the Clerk. I've been to the Clerk's office to go through that process and that was a misunderstanding of the type of license that we were applying for as a microbrewery. We're a Type A license.

MR. MCGROARTY: But whatever it's called, annually the Township Clerk has to be copied on that license?

MR. AARON: Right, we have to file every year because of ownership. Even more constrained than that we have to file for taxation purposes. We have to disclose how much beer we're making on a monthly basis and pricing in the market (inaudible).

MS. COFONI: I think...if I...I'm trying to think for a second...I think those licenses are actually authorized by the Town Council. I think they actually, to sign off on those, they're authorized by the Town Council.

MR. AARON: Our authorization for the license is directly from the ABC and we have a Federal license that we've applied for.

MS. COFONI: So what do you go to the Town for?

MR. AARON: We don't go to the Town.

MR. SELVAGGI: Well they get a copy.

(Inaudible)

MS. COFONI: Oh they just get a copy of it. Right, it's not a liquor license. That's why I'm asking.

MR. MCGROARTY: Would the, forgive my ignorance on this but, would the license, the documents the Town gets, would it disclose how many barrels are being authorized?

MR. AARON: I believe it is because the type of the license and the level of the licensing.

MS. COFONI: Would include...

MR. AARON: Would include that kind of information because there are fees on different levels of licensing.

MR. WILPERT: How often are you required, through the Health Department for, they can just do spot inspections or check for (inaudible)....I don't know how that would work because what I would suggest too is the possibility putting a meter on, just for, to know where you're actually on a yearly basis what you're doing and we can document that with the help, with the Director of Health or the Health office and if we ever wanted to look back on....

MR. AARON: The conversation with Morris County....I've had a conversation with Morris County Health Department because the well will have to be inspected because it's being used for beer on a quarterly basis for bacteria and then .....

MR. BUCZYNSKI: For the County or the local Health Department?

MR. AARON: County. It's at the County level.

MR. BUCZYNSKI: Oh, it is.

MR. AARON: It is, yeah.

MR. SELVAGGI: They want us to designate this as a non-community

MR. BUCZYNSKI: Non-community water system. Right.

MR. SELVAGGI: So the Town will have oversight and (inaudible).

MR. FLEISCHNER: If I may, my biggest concern is, I live in Budd Lake, they have quite a few people their wells have gone dry. Their wells have gone dry and some of these wells were over 200 feet and they've had to go back and drill down 500 feet to get water. And my biggest concern is, again, that's why that portion of the Town is in preservation area and I have nothing against your business, you know. God bless you. Make a go of it, but I'm concerned about taking so much water out of the ground when we have people now that are facing problems where the water level has gone down.

MR. BUCZYNSKI: Let me just go in to, you were looking at number before and if we're looking at the 15,000 barrels again, the way I come up with numbers was if they were going to brew 15,000 gallons, I'm sorry, barrels, 465,000 gallons, 5 days a week.....they would use 2,200 gallons a day which you're talking 90 gallons an hour...it's...

MS. COFONI: I'm sorry say how much water they would be taking a day...

MR. BUCZYNSKI: Twenty two hundred gallons a day, 5 days a week.

MR. SCHAECHTER: That's just the beer, you gotta clean those vessels.

MR. BUCZYNSKI: Just the beer.

MR. SCHAECHTER: That's just the beer and the cleaning process in between every batch. You're above that. You're probably close to....

MR. BUCZYNSKI: Alright this isn't our call. We're just throwing numbers out.

MR. SCHAECHTER: We're learning about beer.

MR. WILPERT: Everybody's going to go home and (inaudible).

MR. BUCZYNSKI: There is a good amount of water that's going to be used. Definitely is.

MR. MCGROARTY: Mr. Aaron, just to go back to what you said a few moments ago then....and I'm not trying to put you on the spot but we just want to be clear. If the annual license, the Town gets some documentation that you've done whatever you need to do. I wasn't clear if you said that it's actually indicated in whatever documents the Town gets that you're doing 15,000 barrels or you're doing whatever barrels. If it's a dollar amount then one has to interpret what that means in terms of the barrels. So, simple question, does the paperwork the Town gets indicate barrels?

MR. AARON: I'm not sure. I'd have to get that answer for you from the Clerk's office and see if it's included. If it's not just the type of license, which shows the cap of the license, if there's an actual amount in there.

MR. MCGROARTY: OK.

MS. COFONI: Well, even if it were, even if it were the cap, that would tell us too because if you were above the 15,000 barrels you'd be then to the next type of license. Is that right?

MR. AARON: That's true. The type of license (inaudible).

MR. MCGROARTY: As long as whoever the party is that would be looking at it

MS. COFONI: View those levels, yeah.

MR. MCGROARTY: As long as there is some intelligible way to figure it out without doing research, then you know...

MR. FLEISCHNER: You think that's going to happen?

MRS. NATAFALUSY: That's the Clerk's office.

MR. FLEISCHNER: How's the Clerk's office going to know?

MR. MCGROARTY: Is it going to happen? I don't know, Joe.

MR. FLEISCHNER: It's not going to happen.

MR. BUCZYNSKI: Also, Joe, we were talking about the amount of water. Don't forget they're going into the septic system and this was based on doing what they want to do every day. We used to have to double it, so you're looking at about 900 gallons going back in to the septic into the ground water.

MS. COFONI: Here's the thing with regard to the volume though. If for some reason there was a problem with the amount of water that's being taken and the Town was, that was brought to the Town's attention and there was some indication that maybe it was coming from this site or operations here were exceeding whatever. I think there would then be a way, perhaps, we have to confirm it, than looking at their license. So I don't know that it would happen on a regular basis but if a problem occurred there'd be a way to back into "ok, wait a minute, how much water is the brewery using; let's look at their license; let's see where they're at. Oh wait, look, they're above the 15,000 barrels, they're now at 30,000 barrels. That could be a... you know what I mean. So, I think there'd be a way to do that. I think to tie all that together, we would want to have some sort of condition in here; because this is a use variance I think it's appropriate with regard to the maximum number of barrels. Now, my question would be, is the applicant comfortable with limiting this approval. That's not to say you couldn't come back at another time should your business really take a boom and would you be willing to limit it to 15,000 barrels per year?

MR. AARON: Knowing our business plan for the first 5 years, I'd feel comfortable

MS. COFONI: Doing that?

MR. AARON: Doing that. If that's what we will have to go through for the Board to approve our use variance. I would go with that and then I would come back and seek additional (inaudible).

MS. COFONI: Right. If in 5, 7, 8, 9, 10 years you want to expand, you just come back in to....

MR. AARON: If that creates a comfort for the approval of the use variance I would agree with....

MS. COFONI: Well cause that just provides them the cap of all the water and septic and all those things that we're talking about here and it also provides some sort of document that, you know, admittedly with a little digging, we could then tie some pieces together. Chuck, you know what I mean? You don't seem confident.

MR. FLEISCHNER: Chuck has a question, then Nelson.

MR. MCGROARTY: No, I just, you know, look Gene; its 30 years doing this government stuff. Unless it's clear and there's some sort of minimal path to figuring this out and reporting it and whatever, it's not going to happen.

MS. COFONI: Yeah. I agree however I wonder if there's some if there's enough documented if there's a problem if we could figure it out and look into it.

MR. MCGROARTY: I'm sure it's something that can be resolved. It doesn't seem like it's....

MR. BUCZYNSKI: (Inaudible) it has to be documented somewhere.

MR. SELVAGGI: It's documented. The bigger question is when it's sent here....

MR. FLEISCHNER: Where does it go?

MS. COFONI: Listen, I don't have any pretenses that that's going to happen on a regular basis. I think more what I'm looking at is, if there's a problem, can we back into it and investigate?

MR. MCGROARTY: I have a way. If of course we're resolving all the minutia before the use testimony but perhaps, one way to do it is to require them to get an annual zoning permit. And then it comes to the Planning Department as well as wherever else and whatever documentation the Planning Department would have to be satisfied that whomever in that office is looking at it can issue the permit if they need more documentation, they can ask. It's a bit of an annoyance but what is it, \$20 per year?

MR. WILPERT: I think the route we (inaudible) should go is...this should be on the Health Department. Why don't we mandate or give a suggestion saying they need to get an annual septic inspection and at that time they're reviewing whatever water usage they've gotten, whatever their permits are as far as...then it's on the REHS to review that and move forward.

MR. MCGROARTY: The only thing I say, I'll defer to the attorneys on this, they don't have jurisdiction over Planning issues so they could have an issue with the gallonage. I think your suggestion is a good one Frank. I would say send it to both.

MR. WILPERT: Ok.

MR. MCGROARTY: But this way if you get an annual zoning permit then it relates back to if this is approved what's in the conditions. You don't like that idea?

MS. NATAFALUSY: No, I'm listening.

MR. MCGROARTY: Oh, ok. I thought you said you didn't like that.

MR. FLEISCHNER: She's going to retire.

MR. MCGROARTY: Then at least someone can look at it and say "ok, on whatever the calendar date is or within that certain period of time, we'll issue a zoning permit as long as we have whatever documentation you're comfortable with.

MS. COFONI: Ok, so, what happens if they don't meet whatever the requirements are for the zoning permit? You got an existing brewery (inaudible) then what happens,,,,,

MR. MCGROARTY: Well that's like with everything, if you add these, that's the life with conditions. I mean, what happens then? Then you have to go, I don't even think you can go to municipal court, you go to superior court, do you not to say they're in violation of their site plan approval?

MS. COFONI: No. I would probably do a zoning violation.

MR. SELVAGGI: I don't even know if you guys have a ordinance that allows for to go to municipal court for violation of your site plan...cause you got to have that ordinance.

MR. MCGROARTY: Yeah, we don't.

MS. COFONI: You don't?

MR. MCGROARTY: Not for site plan.

MR. FLEISCHNER: We'll have one next week.

MR. SELVAGGI: I understand the concern, what's a little frustrating here is that we went to the DEP, we went to the Health Department, issued a letter to the Planning Board which I assume you guys got.

MR. SCHAECHTER: Did we?

MRS. NATAFALUSY: Yes.

MR. BUCZYNSKI: But they have concerns with the septic system....not with the water.

MR. SELVAGGI: They have concerns with the septic system which we've, I think we'll talk about it in a minute....

MR. MCGROARTY: Were they aware though Mike? Were they aware that this could go from 15,000 to 30 and above? I mean, maybe they just didn't ask the right questions. No

MR. SCHAECHTER: Or maybe they weren't given the right answers.

MR. SELVAGGI: I mean, we gave them the application. I mean they asked for, they said it would be a public, non-community water supply. You know....

MR. FLEISCHNER: Let Nelson ask his question.

MR. RUSSELL: Gene, for your information there are 31 gallons in a US air barrel.

MR. BUCZYNSKI: Right.

MR. WILPERT: Yeah, that was stated earlier.

MR. BUCZYNSKI: That's still 465,000.... I've got a question for Mr. Aaron. You mentioned you went to a lot of different breweries in northern New Jersey. Do you have any idea what percentage or how many were on public water and public sewers?

MR. FLEISCHNER: That was the question I asked, well my question was how many were in the Preservation Area.

MR. BUCZYNSKI: Joe I missed it. I'm sorry.

MR. AARON: The ones that I visited are on public water and public sewer. I talked to Tuckahoe Brewing which is in Cape May County, New Jersey. Their brewing system is a bit smaller than us but they're on a septic system as well. I went through the process that we plan to go through that we talked through with...

MR. BUCZYNSKI: But most of them were on public water and public sewer?

MR. AARON: Right and they're putting their waste material in the septic system in Cape May County. We've agreed that we won't do that. We'd rather tote it and have it hauled off and processed offsite. We don't want to do anything. I mean, we're from Mt. Olive and we're residents in Mt. Olive. Our goal isn't to create a brewery to disrupt the ecosystem in the Town at all.

MS. COFONI: So wait a minute, when you said some 445 gallons of waste water daily...someone said that....

MR. AARON: I calculated, that's what I gave the Health Department.

MS. COFONI: But that's not going to be put into your septic? That's going to be hauled off?

MR. SCHAECHTER: No, that's just their water usage. The acids to clean the vat...

MR. AARON: The acids that we use, the cleaning...if we get into cleaning....the way that the cleaning process goes is it's a two-step process. We take a powder and a liquid, that's the original form and it goes into solution. It goes into 1 or 2 percent...so if we use, there's a hundred gallons of water in the vessel that'll circulate through, there will be a gallon of this cleaning material in there. So we'll cycle that through the first tank, we'll move it to the next tank, cycle it through, all 4 tanks then we take that final liquid and we put that into a tote. It's a 300 gallon tote and we store the first material and then we run the second material, as it's following the first then that goes into a second tote. What we do for disposal, we can either separately dispose of those materials or the vendor says you can blend them together, it neutralizes the ph and you could dispose of it that way as well.

MS. COFONI: So, I'm sorry I just (inaudible). So the waste water that you were saying you weren't going to put into the septic was from the cleaning, not from the actual processing?

MR. AARON: We originally had calculated that everything would go into the septic system and in that scenario it's 445 gallons per day is what we had calculated we would put into the septic system.

MS. COFONI: Ok but didn't you just say that you wouldn't be doing that?

MR. AARON: We're going to be putting, we're going to be putting less because what we will do is take the chemicals rather than putting them in the septic. We'll tote them off. We'll use them for their useful life and then we'll haul them away.

MS. COFONI: And that's all for the cleaning?

MR. AARON: That's all for the cleaning.

MS. COFONI: Ok.

MR. AARON: What's left is just general rinsing. After the second step, it's just a light rinsing on the inside of the tank and then it's ready to go for the next, the next cycle.

MR. SCHAECHTER: This space shares a septic system.....a common septic system (inaudible).

MR. BUCZYNSKI: Yes they do.

MR. SCHAECHTER: So what's everybody else's septic usage or toilet flushing?

MR. BUCZYNSKI: That's in the report that you submitted to the Health Department, right?

MR. SELVAGGI: Yeah the Health Department (inaudible). I have it here.

MR. FLEISCHNER: Mr. Aaron, the tanks, are they going to be 3/16 stainless or 3/10?

MR. AARON: 3/16. They're surgical stainless.

MR. BUCZYNSKI: There was a memorandum dated April 17<sup>th</sup> from, it was actually (inaudible) it went to the Health Department I believe, he determined the usage of each building including their office space (inaudible) and they came up with (inaudible) it left 485 gallons per day in excess which can be used for brewery discharge. That was considering all the other uses in the other units. Yeah it's close.

MS. COFONI: He said there was 485?

MR. BUCZYNSKI: I'm sorry I (inaudible).

MR. AARON: The building currently has three 10,000 (inaudible) sections. The third section which is the largest volume according to Mr. Wunner's summary is vacant and has been since (inaudible) Mohawk moved out of the building. The center space was occupied just a couple months ago by a sign manufacturing company and they have large equipment and they'll have a few, a couple of employees but there's only 1,000 square foot of office. It's mostly warehouse space.

MS. COFONI: Yeah, his calculation accounts for employees and seats at the tasting and all that so, yeah, he leaves 485 gallons per day for actual brewery discharge, not for the total use for them but for the brewery part of it. I see you separated out five employees at 15 gallons per employee a day and then 14 seats at 3 gallons per seat which 42 for a total of 192.....so he separated the other stuff out.

MR. BUCZYNSKI: Yeah but the applicant mentioned that they are going 445 gallons of water in the system daily.

MR. AARON: That was including the cleaning material if we were to dispose of it. But we're not disposing of it so that relieves almost 300 gallons a day of that 445. I'll clarify that.

MR. BUCZYNSKI: You're playing with numbers and really it's going to end up being looked at by the Health Department that if during your operations they end up with a problem with the septic system then it will be closed down or have to deal with it or have to go, put another septic system in, or enlarge that system. I mean it's going to be under the jurisdiction of the Health Department.

MR. FLEISCHNER: To be honest with you I wish there was someone from the Health Department here to actually discuss this with....well, I'm just saying I think that's, to do this, make sure that all the safeguards are in place, I'd like to have someone from the Health Department actually here.

MR. BUCZYNSKI: I think that's why they submitted the report.

MR. FLEISCHNER: The report, that's ok but I think, as members of the Board and we have questions what do we do?

MR. WILPERT: What are they going to say? If the septic fails they're going to have to replace the septic. That's what they're going to say.

MR. FLEISCHNER: Well, I had questions on the well too. I mean...

MR. WILPERT: Ok, well, they would have to do a study on the well to know what the flow is.

MR. FLEISCHNER: Well then maybe that's something (inaudible).

MR. WILPERT: Well then you have to put it as a condition but we don't have to have a representative from there. He did a report.

MR. FLEISCHNER: Well, I don't know why you're so...

MR. BUCZYNSKI: I don't know if you read the report but one of the conclusions was he says, they talked about the usage and what's going into the system and the last sentence said "however, no increase in the waste water flow would be permitted to the other units in the future." He's saying the units can't put any more septic into the system.

MR. AARON: The landlord, we've had full disclosure with the landlord on all the reports that we've received including the Health Department report. It was specifically brought up in conversation between myself and the landlord because the third space is not leased yet and it's pre-agreed with the landlord that the, if not it goes into the space, it would not exceed the, or be able to expand on the space that's currently existing and that's what Mr. Fred Romano is the landlord of the space.

MR. FLEISCHNER: I'd like to see something in writing to that effect to be honest with you.

MR. BUCZYNSKI: There are certain requirements that they're held to relative to the Health Department pertaining to the water and non-public water system committee, water system, all that. They have to satisfy those requirements. Now, I know one of the items in the Health Department report regarding whether or not the NJPDES permit or treatment works approval was required. I guess that's why you went to the DEP to discuss...

MR. AARON: It was the first, it was the first discussion with the DEP and that was on my conversation with Robert in the Health Department. I went last Wednesday and had a meeting with Mr. Chin where we discussed the process; we discussed the disposal if we were to go to the septic it would require permitting by the DEP and (inaudible).

MR. BUCZYNSKI: And that's why (inaudible) just so we're all aware of what's happening. That's all.

MR. AARON: And I have an email where I summarize that discussion with Mr. Chin and he replied that he acknowledged that yes that is the conversation and we agreed that we would....

MR. BUCZYNSKI: That part satisfied

MR. SCHAECHTER: Is that why it's being carted off?

MR. AARON: Yes.

MR. SCHAECHTER: Why didn't we just say that?

MR. BUCZYNSKI: (Inaudible) say don't cart it off?

MR. SCHAECHTER: We're here an hour and we're digging into this and now we find out why it's being carted off. Not that they live here.

MR. FLEISCHNER: That's why I say it's nice to have that person, I mean, for the Board.

MR. BUCZYNSKI: I'm just reading what's in the report that you all have.

MR. WILPERT: That's my point exactly. It's we get these reports. We're supposed to read the reports before the members come here and we go round and round in circles for an hour and a half discussing something that's already covered in the report and wasting their time and mine.

MR. FLEISCHNER: Well, wait a second, you know

MR. WILPERT: That's just my opinion and I'm allowed to have it.

MR. FLEISCHNER: That's your opinion and you're entitled to an opinion.

MR. WILPERT: Thank you.

MR. FLEISCHNER: And that's why, living in this town, in my opinion is, living in this town for 41 years and knowing things that have been built that should never have been built and that's all you have to do is walk across the street to the Library and look at the problems they have right now. Signed off by the Zoning Office and we have real problems there. Real problems. So, I mean, that's, and it's not Mr. Selvaggi, it's not you and your applicant's fault but my position here is I want to be absolutely sure that this is approved, it doesn't affect people in the area in a negative way. That's all my concern.

MR. SELVAGGI: I listen and one thing and what's frustrating, and I think perhaps we're all frustrated, is and I think, our planner and I had a discussion, the one thing I said about Mr. Aaron and all the applicants I've represented for quite some time, he has been very proactive. Any time an issue has come up, he's gone to the Health Department, he went down to the DEP, he's managed to get audiences with people down at the DEP in anticipation of that. The water usage issue was not hidden. The application went to the Health Department and the Health Department acknowledged it because they said it was going to have to be a non-public community well. Whether, you know I don't know what more we can do and look you get reports for all different types of applications and you accept them verbatim. And here it's just a little frustrating because I could see if you raised these issues and we're like "oh geez we didn't talk to the Health Department, we didn't talk to..." We've done that and it seems in some ways we're being held to a higher standard and we don't, we don't mind working with you and I'd be happy to submit this DEP letter which details exactly the discussion and what was agreed to and I mean we'd love to have Arif here because I know Mr. Aaron has spoken to him on several occasions, correct?

MR. AARON: I have. I have.

MR. SELVAGGI: So, we're trying to stay one step ahead of it and in large measure we have a limited period of time under the tentative lease to make sure we get our approval. Obviously we're not stupid; the lease is conditional upon getting this approval, so in an effort to expedite everything that's why Mr. Aaron in particular has been so proactive.

MR. SCHAECHTER: You know, I take offense to that. Ok, and I take offense to, (inaudible) Mr. Aaron because you're doing the right thing. You've gone to the DEP, you've also gone to the paper, I've seen it on the Mayor's Face book, I've seen it everywhere before we have even got to Planning Board approval.

MR. SELVAGGI: None of that was his. I mean...

MR. SCHAECHTER: No, but the Town, the paper knew that there was a new business that had a lease....

MR. SELVAGGI: There was an application that was filed.

MR. SCHAECHTER: He was interviewed in it.

MR. SELVAGGI: There's nothing wrong with that.

MS. COFONI: I'm not sure that that has any bearing...listen, we want (inaudible) this approved.

MR. SCHAECHTER: I want to make sure that we're doing the right thing in protecting the people and we're not letting the emotions of what is out there in the real world cloud any decision that we have so I think we have a right and an obligation to make sure that we're doing the right thing here.

MS. COFONI: I think that's true. And I think, you know, certainly we're made aware of applicant's time and concerns all the time and it is or isn't applicable in our circumstance. But I think whether or not they've gone to newspaper or anything else, that's up to them to market their business the way they want to market it before, after, during their approval process. I think the concerns that we have with regard to water and sewer and all those things are good ones. I, you know, I think those are genuinely what the application needs to be about and need to see whether or not our concerns have been alleviated through the comments from the applicant, through the Health Officer report and I don't know, Mike Selvaggi if you want to....issue that.

MR. SCHAECHTER: And that's what we're trying to do here....and the way that we uncover things is by asking questions.

MR. AARON: I did, I did, just as Mr. Selvaggi (not discernable)....

MR. SELVAGGI: You have this electronically stored, right?

MR. AARON: I do have that.

MR. SELVAGGI: This too?

MR. AARON: I have the second one as well. After I went to the DEP, when I got back in the afternoon, and I called the Health Department to let them know that I had a conversation with the DEP, he informed me that he called the DEP then back and started talking about the next stage, which is well what about storage? And I went back to the DEP and had a second conversation with the DEP to make sure that when we put it in the totes we can actually store it at the facility as well and I had a second conversation with a completely different department at the DEP kind of to keep pushing these answers forward to make sure we get to a full disclosure of what we're doing at the site so that we have full approvals and we're not trying to, certainly not trying to hide anything, definitely not trying to harm the Town in any way but in the second conversation with the DEP it was discussed and agreed that because the materials we're using are not a listed weight and the product doesn't meet the characteristics weight for PH that we're perfectly okay to store it between cleanings and then dispose of it through a licensed and authorized disposal company. So, we tried, I've tried as best I can to go through all these trails and answer as many questions, even from the other two reports that we received from Planning and Engineering. We'll continue to answer questions.

MR. FLEISCHNER: Did you look for any other sites within the Township that's on public water and public sewer?

MR. AARON: We did. I think the only other site that would have met those needs would have been the International Trade Zone. We just can't get a space our size. I mean we're really, we don't need 10,000 square feet.

MR. FLEISCHNER: Right. That's understandable.

MR. AARON: We don't. It's a lot of space. We could use half the space, three-quarters of the space realistically. At our 5-year plan we're at 7,500 square feet. We have an extra 2,500 square feet we're paying for that we're going to have to figure out, you know, we'll put up a couple racks or something, I don't know, but we're not going to add more brew house. I mean, the brew house is, it's done, it's half a million in investment for equipment to just fit it out and get it going and the operating costs. So, we're at cap right now. This is it. So the Trade Zone is 100,000 square feet. I mean they don't want to talk to us. They didn't want to hear our story of....so we went to Hackettstown. We had two sites in Hackettstown, well water, that's the municipal water as well....it's like nine wells or something like that that supplies the town but it's on sewer system, the town sewer system. We came back to, we want to be in Mount Olive. I mean we could have paid and gone to Hackettstown. There's two breweries opening up in Hackettstown. One's going to open up in a month and a half and there's going to be another one opening up a couple of months after that. They're both approved and licensed by the State, ready to go. That's right down the hill. One's in the old bank that's in downtown Hackettstown and the other's going to be right down the block from it. So, there will be two breweries there, Angry Erik up in, right up 206.

MR. WILPERT: Lafayette.

MR. AARON: Yeah, Lafayette, thank you very much...is opened up there. He's got about 2,000 square feet. You know, it's kind of the end of an industrial area so we're... We looked over in Roxbury, there was a little place over on Orben in Roxbury but it was on well, no it was municipal waste but it was on well but they were planning to put municipal water in, so it could have gone there. Mike and I talked about this over and over again and our landlord is very accommodating. The building has been empty, he'd like to get a tenant in there and he's really done a really nice job for us for the lease but we accept there are terms in the lease that say we have to pay for the well. So the cost of the pump is going on our dime cause we are the consumer (inaudible) at the site and we know that. So we're going to pay for the other two units water use. We've agreed to that. We've also put very specific terms in the lease that say if there is an issue with the DEP we are accountable for it. So they'll come and they'll test the well, they'll test the ground soil and the landlord just did a water test. We've had two water tests on the site so far, one on our behalf and one by the landlord just done. And those are, the one done by the landlord is in the Health Department records right now. So, we want to be in Mount Olive. The condition, if it's 15,000 barrels and we have to get another permit, if that's what we have to do to do business here in town then we'll accommodate as best we can. The comment about coming back for zoning for some type of permit, I'd be concerned if it shuts the business down because of the...

MR. MCGROARTY: Can I ask, Mr. Aaron, just cause with all the stuff we were talking about earlier, I think I missed it, but your initial license will be to generate 50,000 barrels?

MR. AARON: There are different levels in a license. Our plan is for 15,000. If I go to the statute, it's \$1,250 for 50,000 barrels. Our plan and what we submitted to the State is a plan for 15,000.

MR. MCGROARTY: Ok. So I just wanted to make sure I understood that. So, if I'm reading the statute that Mr. Selvaggi mentioned before, it talks about the fee for the license graduated as follows....and if I'm reading it correctly the first one is 50,000 barrels.

MR. AARON: Five zero. 50,000.

MR. MCGROARTY: What did I say?

MR. AARON: That's what I said....50,000.

MR. MCGROARTY: So your business plan is 15,000 but your license will permit you up to 50.

MR. AARON: Permit up to 50.

MR. MCGROARTY: Ok. Just want to make sure I understand.

MR. AARON: And we don't....and if that's our problem, we won't be able to stay in Mount Olive anyway because we'll outgrow the site, we'll outgrow the capacity, we understand already. We've had dialogue about that. Our lease is only for five years so...

MR. MCGROARTY: Right, but I mean, just to link the, just to link what you're permitted to do with what the capacity of the site would permit. You would be permitted under the license up to 50,000 gallons.

MR. AARON: Fifty thousand barrels. I'm sorry.

MR. MCGROARTY: Fifty thousand barrels. So I guess what I was saying before about if you exceed 15,000 barrels, really we don't have any mechanism. The license is going at the first level will say 50,000 barrels, not 15, not 30, whatever. So, you're good for 50,000 at least for the license.

MR. AARON: Right.

MR. MCGROARTY: The first (inaudible).

MR. FLEISCHNER: The only control we would have is the space because they don't, in the current lease they don't have the space, even if they did a double shift to get to 50,000.

MR. MCGROARTY: Yeah.

MR. FLEISCHNER: (Inaudible) would need a vacant...

MR. MCGROARTY: Yeah, I don't know if you can double 15 to 30 in the existing space. That would, but I thought the testimony, or the concern earlier was just to make sure you're not approving something that would exceed the capacity of the site to support it.....particularly the water. I thought that was the issue.

MR. FLEISCHNER: Correct.

MR. MCGROARTY: Ok. So you're approving it, knowing it could go, in theory, you're approved of to 50.

MS. COFONI: But not if we put a condition in the use variance that says up to 15,000 barrels.

MR. MCGROARTY: That's a question for you and (inaudible) attorneys. If the license says 50 can you limit the license?

MS. COFONI: Yeah, I think so.

MR. SELVAGGI: We can see. You see, unfortunately that is the smallest license, if you will (inaudible). So you apply for 50, that doesn't mean that you're going to use it. And...

MR. MCGROARTY: No, but I'm asking, and I'm out of my league here but the State issues you a license to produce 50,000 gallons per day, barrels rather per year, can a Planning Board insert its jurisdiction on that?

MR. SELVAGGI: Absolutely.

MS. COFONI: Yeah. Yeah because it's not for the same reasons. It's for different reasons. It's capacity of the site, use of water, septic system....it's for all the things the Board is concerned about and because this is a use variance, in particular, I think that the Board has the ability to do that.

MR. WILPERT: And he's estimating all, his proposal is all for 15,000 barrels, so basically that's what we're here to approve.

MR. MCGROARTY: Well, again his initial 5-year plan, right?

MR. WILPERT: Right.

MR. MCGROARTY: Right. Ok.

MR. WILPERT: But he's only looking to at a maximum 15,000 but you're only looking to do 7,500.

MS. COFONI: Yeah, that's your 5 year...

(Inaudible)

MR. AARON: If we get 15,000 barrels a year in New Jersey we'll be one of the largest brewers in New Jersey next to Anheuser Busch. There are 31 approved breweries in New Jersey right now, there are another 17 on the docket in our process which is the prelicense process. A typical brewery could do 1,500 barrels a year, 2,000 barrels a year craft beer. Now there's a couple....there's River Horse that's coming up, there's Flying Fish, they're going to hit 10,000, they're going to hit 15,000. They are the exception to the rule right now. New Jersey craft beer isn't as big of a market as it would be maybe in Washington State where it's just, it's huge. Everybody in Colorado, that's another...

MR. FLEISCHNER: Colorado...I can

MR. AARON: It's huge.

MS. COFONI: That's a good perspective to give.

MR. AARON: And those breweries are truly, even in Colorado, our environmental codes are (inaudible). Colorado, it's a whole level of environmental awareness. They don't even bottle typically in Colorado because they're such outdoor people they want to want to be able to carry cans and recycle and bring it back. So New Jersey's got a long way to go but just to put, I'd like to keep things within a little bit of a realistic perspective. Our 5-year plan for 5,000 would make us one of the biggest breweries in New

Jersey and I'd be excited to bring that to Mount Olive and have that brand associated with the Town but we're realistic as well. We know we're going to have to grow into it. Breweries that start up that do 500 barrels a year, we're planning for one brew a week. Initially we'll have to build up capacity so the sample room has more than one beer because it's not going to be very exciting for people to come to a brewery with one beer. So we'll try to brew a couple of beers but our volume is such that if you brew, if we brew 3 beers, our capacity is 30 barrels per beer so it's 30 times 30 so it's 1,900 gallons of each beer that we brew. We mess up, nobody's drinking that beer, we're going to be sitting on a lot of beer for a long period of time till it's consumed. So the reality of our particular situation is we're planning for one brew the first year. That's 900 gallons of water going into the system, 400 gallons a week in waste and that's really what we're expecting as a business. The second year we're hoping it goes up. The third year we hope it goes up. What's really carrying us right now is the brand. You mentioned the newspaper. In New Jersey it's bigger than we could have, you know in terms of the interest in the name and such, it's got a lot of interest. That's still not going to carry us to 15,000, 20,000 barrels in the first year. Just unrealistic. It's just, if we did that we would be the poster child for craft beer in the United States. We really would be. And so I think the calculations are appropriate. I think they're warranted to look at the total volume. If we hit those numbers, realistically, we would be...it would be amazing but it's just not realistic. I just want, I just want to put a realistic perspective on the whole picture of we're, what we're really going to do versus what we're licensed to do. Everybody's license, every brewery in New Jersey is licensed for 50,000. Every one of them....31 breweries at 50,000. If they hit a fraction of that, that's great. Fifty thousand barrels is a lot of beer. That's a lot of beer.

MS. COFONI: That's good, that's good perspective.

MR. FLEISCHNER: Ok. Now that we've gotten that far.

MR. SCHAECHTER: So we got the grain in the water are in the tank.

MR. FLEISCHNER: Now, the septic. Gene?

MR. BUCZYNSKI: Yeah, I think...I think we discussed it. And I think we got some idea, your concern is that is it very close to the (inaudible) the other system (inaudible) the other users can't increase their use but I think that's really under the jurisdiction of the Health Department. They'll have to monitor it.

MS. COFONI: And that's part of their report actually. A Health Certificate is required by our department prior to occupancy of this leased space.

MR. AARON: They want to do a septic capacity report I guess. They'll flush into the septic to make sure that (inaudible) properly.

MR. BUCZYNSKI: Exactly, to see what the volume can be.

MR. AARON: To see what the volume can be and again, our agreement with the landlord is that we're the primary water use and according to the Health Department and all the conversations that I've had our capacity, even in our worst-case scenario that we've shown, we don't exceed the capacity of the system and we've pulled out of that calculation almost 300 gallons of chemical waste that we're going to be hauling off at our cost so that we don't put that in the system so we don't have to license with the DEP.

MR. BUCZYNSKI: I think we've done a water and sewer. I think we're covered as far as jurisdiction with the water and the Health Department....that's where it lies.

MR. SELVAGGI: By the way, the report from the Health Department is a worst-case scenario.

MR. FLEISCHNER: I understand that.

MR. SELVAGGI: The proposal is for .....

MR. FLEISCHNER: I understand that. I understand that. But that's what we have to go by.

MR. SELVAGGI: No. No. Ok., but we would agree to a condition that the waste material would be stored separately and toted off, off-site....which is a permitted activity as Mr. Aaron's testified to based on his discussions with I guess, Brent Reburn.

MR. AARON: At the DEP.

MR. MCGROARTY: Where do you store that Mr. Aaron, inside, outside?

MR. AARON: Indoors. We would have an area allocated for those totes and we would, again with the 10,000 square feet allocating a spot for the 2 or 300 gallon totes. We would, I was talking to my partner and we would likely get 4 totes just for, in case we had additional storage that we need to or what we prefer to do is before we send it to waste we going to blend them and neutralize the PH so that it takes one step out of that process, the environmental concern so that's just something we're proactively doing by getting additional totes.

MR. MCGROARTY: And it will definitely be, all of that will be inside?

MR. AARON: Yes.

MR. SELVAGGI: And the discussion with Brent Reburn (inaudible) with the Bureau of Hazardous Waste Compliance and Enforcement at the DEP. What I'd like to do, if the Chairman sticks to the 10:00 thing I doubt we'll get to Jessica but Mr. Aaron, that's an email exchange that you've had with Representative Chin from the DEP?

MR. AARON: Yes.

MR. SELVAGGI: I'd like to mark this A-1.

MR. FLEISCHNER: Could you please? I'd appreciate that.

MR. SELVAGGI: And we will present this so that if anybody wants to confer or your professionals want to speak with Mr. Chin they certainly can.

MS. COFONI: I'm sorry, Mr. Selvage...

MR. SELVAGGI: It's an email exchange between Mr. Aaron and Mr. Chin from the DEP.

MS. NATAFALUSY: But the last one is sent to Bob Stahlhut.

MR. SELVAGGI: Yes.

MR. AARON: That was just to close the loop to show him that I had the conversation to address his concern.

MR. SELVAGGI: Mr. Aaron, A-2 is contemporaneous notes you took following your conversation with Mr. Reburn?

MR. AARON: Yes it is.

MR. SELVAGGI: And we include Mr. Reburn's contact information, email and phone number and that's A-2.

MS. COFONI: What's the second thing?

MR. SELVAGGI: its Mr. Aaron's notes that he made following that day, May 15<sup>th</sup> conversation with Mr. Reburn.

MR. SCHAECHTER: We accept notes?

MS. COFONI: Sure. You just know that they are notes and you take them for the fact that they're notes.

MR. FLEISCHNER: And he said that they're his, so...

MR. SELVAGGI: As I said, Mr. Aaron is, does an exceptional job recording everything so those notes were taken there in anticipation of these issues.

MRS. NATAFALUSY: Does any of the Board want to see the emails at this point or should I just hold them?

MS. COFONI: You can hold them.

MR. FLEISCHNER: I'll take a look at it but (inaudible).

MR. SELVAGGI: I think we were talking about the brewing of the beer and we talked about kegging it off and then we cleaned the tank. I think we talked about the some material, you're going to clean it....what's the substance or the chemical you're going to use to clean it?

MR. AARON: It's from a company, Birko Chemical and they have a whole division that does brewery cleaning and they've come up with some materials that are for cleaning products that are environmentally friendly and we've chosen them for that...it's a two step process. The first one is called acid brite the second one is called Bru-R-EZ and it's two step. If we continued cleaning if did a thorough job cleaning we could actually cut the acid step out of the cleaning and just run the Bru-R-EZ which is recycling through the tank and then we could store it in the tote and we just rinse them and we're done with the cleaning as long as we stay on top of it. The acid is really used for something called, like a bricking on the inside of the container on the stainless where the beer will create some build up over time, it's just part of the process....so the acid is used to take that off and pull that off (inaudible) but if you stay on top of it, it works really well, you use the CIP properly, the Clean in Place process you don't need to run the acid every single time so it allows us to be and it's designed that way. We didn't want to have to use a lot of chemicals in our process for making beer. We want to make it as environmentally friendly as we can so.... Those are the materials that were recommended and after conversations with other breweries they've reinforced that we've chosen the right materials given our situation.

MR. SELVAGGI: Now, how often do you expect to see deliveries to the site, the materials that you need to brew the beer and the cleaning?

MR. AARON: Probably about 6 per month. I mean, we're not, what you're talking about is getting a shipment of grain, a shipment of yeast, a shipment of malt, of maybe some kegs or returned kegs going once they go out and come back....so probably about 6 times a month.

MR. SELVAGGI: Ok and those deliveries will be made in what type of vehicle would you anticipate? What would be the biggest vehicle that might be there?

MR. AARON: Probably a tractor trailer at the largest. Probably more likely it's going to be a FedEx truck because some of the packages for yeast and stuff are going to be 5 gallons.

MR. FLEISCHNER: Which the site sees now.

MR. SELVAGGI: Yes.

MR. AARON: We have a loading dock on the back of the building. We've selected this building for that purpose, so we could put a trailer on there to unload and load.

MR. FLEISCHNER: There are many tractor trailers that go to that site....not many but there are...

MR. SELVAGGI: Now the materials, there's also, and we touched upon it briefly, the sampling room itself, I think there's some...I know in the public, some misconception about what that is and I think people equate it to the equivalent of a bar. I mean, what is it? What would be in it if I went in there? What would you see?

MR. AARON: I mean the perception's that way because that's what people know. Because breweries not big in New Jersey right now but the reality is it's kind of a, for us it's a first step in marketing the beer. So, people who like craft beer love the process. They home brew, they make beer in their house their garage, so when a brewery opens up we'll be, if records still shows, we're the first brewery in Morris County so there's some interest from craft brewers in the County to come and see the process. So when they go in the sample room the idea is and the license mandates that we do, we offer tours, so we take people through the brew house, they see the brewery process and then the sample room is kind of the next step in that process. You go in the sample room and we can provide the samples, which are kind of 4 oz samples we can retail up to a 15 gallon keg which is a half of a barrel. That's why we brought something like this in. This is kind of retail product that people could buy. It's called a growler. It holds 64 oz. of beer in it. A customer would come in and sample a beer and they may leave with a growler. They'll buy the growler and fill it there and they can refill it.

MR. BUCZYNSKI: Do the customers have to pay for the sampling or no?

MR. AARON: Yes. They don't have to; the license allows us to give beer away for free if we want to as a sample size but the larger sizes we'll charge for of course....even samples we'll charge for.

MR. MCGROARTY: I guess the question is though is....in the sample room can, if I take the tour, can I hang out for a couple hours and buy a number of beers and is there a limit?

MR. AARON: There's not a limit per license of how much consumption occurs on site but it's not likely that....we're not going to provide an environment that encourages people to come and hang out so we're not looking to add entertainment, we not looking to add big televisions with games and things like that...

MR. BUCZYNSKI: So there's no food for sale but will you have pretzels and stuff there or no?

MR. AARON: That's mandated by the guild. There's a New Jersey Guild for craft brewers. The license says you cannot sell food at the site.

MR. BUCZYNSKI: Yeah but you can give it away.

MR. AARON: We're, the Guild and the group agrees that what we'll give away are going to be little pretzels or nuts. The consumption of beer without any food, it's dangerous. And it's on us to guide that and make sure that we manage the business accordingly, in that space. Typically,

MR. BUCZYNSKI: That's typical though in the other breweries too pretty much.

MR. AARON: It is, very much.

MR. BUCZYNSKI: I heard that, I didn't..you know.

MR. AARON: We'll likely serve just a mixture of little finger snacks if you want to call them that to people if they come to the site but. Chuck, the process that you're talking about, it's not typical for a brewery. It's not set up for that. It's an educational vehicle. People come in, they want to learn the process, they're interested in the process.

MR. MCGROARTY: Well, I mean, in my ill-spent youth, went through the Heineken brewery and some others in Europe and you could spend a day there....and we did. But, you know, I don't know if that's the same here or if it's just and if it's just...

MR. AARON: We're limited by hours. We're not going to be open every day. Our sample room, the primary business is brewing beer and shipping it wholesale and retail out the back door.

MR. MCGROARTY: What are your hours for the Sample Room then?

MR. AARON: So what we've we were going to run and we're going to open with this and we'll probably continue, which is typical is, it's a Thursday, Friday, Saturday, Sunday operation. Thursday and Friday are 4 to 8 or 5 to 8 which is a little more than 4 hours in the evening on Thursday, Friday. Saturday 12 to 5, a few hours. We're not opening up to be around till midnight. It's not a bar. It's, again it's for people to come during the day or after they get out of work on a Thursday and they want to come and talk beer. They want to come see the site. We'll pour a sample glass. We'll walk around with them. We'll show them how it was made and they'll be able to see the vessels that the beer was made on. If they're interested, they'll buy quantities to go home and consume later or put in their kegerator.

MR. MCGROARTY: I'm sorry, Sunday. Did you say Sunday too?

MR. AARON: Twelve to five.

MR. MCGROARTY: So Saturday and Sunday are 12 to 5?

MR. AARON: Yeah. Saturday we may go 12 to 8 but it depends on consumer demand.

MR. BUCZYNSKI: And if in your first year you're only going to be brewing one beer, correct?

MR. AARON: No, we're planning to offer four beers...

MR. BUCZYNSKI: Oh, you are? Ok.

MR. AARON: But you're going to brew them....they're going to cycle a brewing process. It's a day of brewing, then we move it to the fermenter. It's going to sit in the fermenter. If it's an ale, it'll ferment in about two weeks and then we'll filter it and bright it. If it's a lager, it's going to go four or five weeks. So the, it takes a while to make the beer from beginning to end in the whole process. So, we'll probably have four beers. We're going to try to do some seasonal beers where we incorporate some New Jersey flavors, blueberries or apples or something like that. It's just to kind of build off of what's available in the Garden State in the brewing process.

MR. MCGROARTY: Joe, could I just ask one or two more questions? As long as we're on the sampling...what's your, I see your plans, your architectural plans say 14 seats. There's not quite 14 shown but that's a minor, that can be cleaned up. Is that the size of your tour, typically, 14 people...15, 20? What's your size?

MR. AARON: We're estimate 10 per hour.

MR. MCGROARTY: Ten per hour?

MR. AARON: That's what we put in our business plan...is 10 per hour, which would be, if we're open 19 hours we're planning to be open at an average of 10 per hour. I think initially when we open, there's going to be some enthusiasm. So we'll have a little bit of a spike at the beginning, but once that enthusiasm goes, my partner and I have been to several breweries and we've been there on Saturdays, Sundays, weekdays. It just kind of, it's kind of a small crowd. It's a really, after you get the hype out of the way, it's really people who love craft beer will come and see us and enjoy it.

MR. NELSEN: Sir, did say you're going to be open 14 hours?

MR. AARON: Nineteen, if you add up. It's Thursday, Friday, Saturday, Sunday. If you add all those hours up.

MR. NELSEN: And your tours, you say 10 people per tour? Are they there by appointment?

MR. AARON: Well, what we're calculating is about 10 people per hour. It's not an appointment so you just show up at the brewery and we'll have scheduled tours if people jump into the tour and they'll go around and see the facility and then sample the beer.

MR. NELSEN: And how long is the tour?

MR. AARON: It's going to be like a 10 minute tour I figured to go through all the vessels...show the system properly.

MR. FLEISCHNER: And the fire department is going to have to put an occupancy...

MR. MCGROARTY: That's a...yeah. I was just, since you guys have obviously done quite a bit of research on this so the general public going into these areas where you're actually doing the brewing, presumably not the milling room itself but, is there no safety issues, no concerns there?

MR. AARON: No. None.

MR. FLEISCHNER: That's it.

MR. BUCZYNSKI: Chuck, said something about the 14 seats but there's standing room too where they can just stand there?

MR. AARON: Again, we're not designing and by choice, we're not designing it to be a place where people are going to sit. With purpose we'll not have seats at the bar. We're going to have a ledge that looks at the brew house through some windows but there won't be seats there because it's not designed to be some place where you go in and settle in.

MR. BUCZYNSKI: That's what I've seen elsewhere....like one in Greenport, Long Island is like that.

MR. MCGROARTY: Oh, is that what there are like, bar tables?

MR. AARON: The squares are bar tables, there's a couple of sofas there and we show some chairs just to... We still have to fit it out, you know, with the architects of what exactly we put there but we're purposely not putting....

MR. FLEISCHNER: Primarily, you want to be able to ship beer to different locations where they consume. That's the real....

MR. AARON: That's the business.

MR. FLEISCHNER: That's the business. It's not people coming in off the street.

MR. AARON: Ninety five to ninety seven percent of the beer is going out the back door. About three percent is going out of the sample room. If we estimated it, if we estimated our capacity, our start up, it's less than 2 percent of our beer would be consumed annually in the sample room.

MR. MCGROARTY: But you're going to sell product, and I know your planner will talk about this at some point, but you're going to, you'll be able to sell beer as well, like you just said and whatever, so. If someone's finished the tour they can come in and buy it. Can people come in and skip the tour and just go buy whatever they need, that they're interested in?

MR. AARON: That's part of the tour process. We're going to run a tour that goes through. It's going to be hard to stop every time somebody walks in the door and say ok....let's do a one person tour and then another person....so what we'll try to do is we'll try to do what other breweries have done is say at the beginning of every hour or every half hour we'll start the tour and then people will come in and sample the beer and then they'll go as part of the tour.

MR. MCGROARTY: Ok, so it's not like someone will just walk in as they would liquor store and go to the counter and...I've already done the tour but I just want to buy a whatever....

MR. FLEISCHNER: I don't want to go to another location. I live right here, I want to come get the beer...

MR. SCHAECHTER: I've taken the tour. I like the beer. I just want to buy beer.

MR. AARON: The obligation is to go through the tour the first time. When you come back again, you're coming to sample new beers that we've....

MR. BUCZYNSKI: Ok.

MR. FLEISCHNER: Alright. Got ya.

MR. AARON: Every time you walk in the door you're not....ok, let's do the tour again, let's do the tour again.

MR. MCGROARTY: Not to make a, nothing particularly wrong with it, just want to be clear about how this is all going to work, especially if you're going to be open maybe up till 8:00 on a Saturday. Jersey Girl product may or may not be, I don't know if it will be available local and if people want to buy your product and this is the only place to get it within a reasonable drive. They've already done the tour, they just want to stop there on a Saturday afternoon, evening and buy it.

MR. FLEISCHNER: Pick up that....

MR. MCGROARTY: They can do that, right?

MR. AARON: Yeah, absolutely. They can bring back a keg that they bought for their kegerator at home and they can turn it back in and get another keg of beer.

MR. MCGROARTY: So you're going to have like a little, small retail component in addition to the tour? I mean people will not be turned away if they come and say I want to refill my, what do you call that thing?

MR. AARON: It's a growler.

MR. MCGROARTY: Growler.

MR. NELSEN: Will there be like cases for sale...or 6 packs or something like that?

MR. AARON: We would like to, yeah, we would like to can eventually. We'll probably go away from bottling but that depends on how the business grows. We're starting with kegging. It's an expensive, kegs are expensive as they are but a bottling system, a canning system is very expensive. The alternative to that is, they have these mobile canneries that pull up to the loading dock and you can load beer that way. You can can off without having to make a (inaudible). We're going to start with kegs. It's a good starting point. It gets us into the local market. It gets us into the bars. It gets us into establishments. We've actually talked to places like the Pub, right on 206 and they're enthusiastic about carrying the product. So, our place isn't the only place you're going to be able to get a Jersey Girl beer. We'll establish relationships with wholesalers so that our product can go throughout the State. We'd like to get it to New York and Pennsylvania as well.

MR. FLEISCHNER: Well that's down the road. First we gotta get through this.

MR. AARON: Right. Ok. One step at a time.

MR. FLEISCHNER: The clock is at 10. Catherine, I got a question for you.

MRS. NATAFALUSY: No way. I'm looking at the calendar.

MR. FLEISCHNER: June 11. Because they have been here, I'd like to get them on the..

MRS. NATAFALUSY: Ok. We have 3 use variances on that night. Mrs. Shelton is coming in for her...

MR. FLEISCHNER: I'll tell you what I would like to do and since I'm Chairman for the night....that they come on first.

MRS. NATAFALUSY: Ok.

MR. FLEISCHNER: You would come on first. Are you ok with that?

MR. SELVAGGI: That's fine. June 11<sup>th</sup>?

MR. FLEISCHNER: And you'd be the first one. Thank you. It's not fair to you guys. Can we do that? And the others...

MR. MCGROARTY: The others can wait.

MR. FLEISCHNER: They're gonna have to wait. That's the way life is.

MRS. NATAFALUSY: Ok.

MS. COFONI: So it's carried to June 11<sup>th</sup>? Is that the date you said, Catherine?

MRS. NATAFALUSY: Yes.

MR. FLEISCHNER: That's the next meeting.

MS. COFONI: Because we have notice in this application so we want to make sure that the public is aware that the application is carried to June 11<sup>th</sup>. No further notice will be provided.

MR. FLEISCHNER: Yes. Unless you want to have a special meeting?

MRS. NATAFALUSY: No.

MR. FLEISCHNER: And I don't think that would work.

MRS. NATAFALUSY: No way.

MR. FLEISCHNER: June 11<sup>th</sup>, carried, no special notice and you'll go first.

MR. SELVAGGI: Alright. Thank you.

MR. AARON: Could I, is there, we talked about the room, so between that we'll go through that and we'll address that...

MR. FLEISCHNER: Yup.

MR. AARON: Is there anything else that is of concern that, between now and then that I should, other than ...

MR. MCGROARTY: If I may...

MR. FLEISCHNER: Yes, please Chuck.

MR. MCGROARTY: I know, obviously you have the reports, one thing, I know your architect, I don't, I guess your architect (inaudible) that's not a problem for me but we had that conversation earlier about the roof equipment and on the architectural plans there's a note, "boiler vented through roof", so, since you asked and I think it's a good idea that you asked, be prepared for what emissions will come through that. I mean, will there be odor, will there be noise, will there be whatever? There was a coffee roasting facility in town down towards my end of town and sometimes the smell is very strong...so that's something you might want to...

MR. AARON: That's a steam boiler. That's what that

MR. MCGROARTY: Ok. Don't know. I mean...

MR. AARON: Thank you, Chuck.

MR. MCGROARTY: And assuming that that's the only thing you can do....nothing else.

MR. AARON: We doing (inaudible).

MR. WILPERT: Is there any other professionals that this Board feels are going to want to attend that meeting? So we don't get to a point where we're saying we wish the Health Department would be here...or we wish this. Sub code official was here we should address that and give them ample notice to attend at that time so we don't keep prolonging....

MRS. NATAFALUSY: I don't know about attending but maybe (inaudible).

MR. WILPERT: I'm just saying...(inaudible).

MR. FLEISCHNER: It's a lot easier to address someone straight up that it is to read a report.

MRS. NATAFALUSY: Or is there something you want me to have them address in their memo, exactly.

MR. WILPERT: Well, all I'm telling you is I'm not against not bringing professionals here but if we read reports, which you get in time, if we have questions then it should be addressed to Catherine and Catherine should try to accommodate, not accommodate but make arrangements for that (inaudible) will be here. So when we get to the meeting we're not wasting time.

MRS. NATAFALUSY: Right.....or even answer the question inside the memo

MR. WILPERT: Exactly. That's all I'm getting at. Let's be prepared.

MR. FLEISCHNER: Catherine, you and I will, we have an ordinance committee meeting.

MRS. NATAFALUSY: Next Wednesday.

MR. FLEISCHNER: Next Wednesday. Before then I'll get with you.

MRS. NATAFALUSY: Ok. Alright.

MR. FLEISCHNER: Ok. Anything else? Thank you. Any other business to report or discuss? Could I have a motion?

MR. SCHAECHTER: I'll make a motion to adjourn.

MR. WILPERT: Second it.

(MEETING ADJOURNED AT 10:05:13 P.M.)

Transcribed by:  
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