

**RESOLUTION OF FINDINGS AND CONCLUSIONS
PLANNING BOARD OF THE
BOROUGH OF WOODBURY HEIGHTS
2022-08**

WHEREAS, Sons of Barley, LLC has applied to the Planning Board of the Borough of Woodbury Heights for a waiver of formal site plan review to establish a 75 seat licensed brewery in an existing building; and

WHEREAS, the property in question is located on Mantua Pike, Block 40.14, Lot 19, in the Highway Commercial Zone; and

WHEREAS, the Borough of Woodbury Heights Planning Board has had an opportunity to review the application for Sons of Barley, LLC and a hearing having been held thereon and proper notices having been served on all surrounding property owners as required by Statute; and

WHEREAS, the Borough of Woodbury Heights Planning Board has made the following factual findings:

1. Richard T. Wells, Esquire appeared on behalf of the applicant who seeks to establish a 75 seat brewery which will be operated under a New Jersey Limited Brewery License. The business will occupy 2,840 square feet of an existing building consisting of approximately 5,500 square feet. The applicant will lease the premises.

2. The applicant presented testimony of co-owners, Scott Rigilano and John Kelly. They will be brewing the beer and managing the operation. They also presented the testimony of John Descano, Licensed Architect and Professional Planner. They presented a package of exhibits marked as A-1 through A-5 including a color aerial image of the site, and interior layout plan, a revised site sketch depicting available adjacent parking, color images depicting existing exterior conditions and a combined site and interior reference plan. The business will operate under a Limited Brewery license governed by the New Jersey Department of Law and Public Safety, Division of Alcohol Beverage Control.

3. Beer will be brewed on site approximately two times per week utilizing public water and sewer facilities. There will be no contamination of public water and no toxic by-products produced. The by-product of the brewing will be picked up by a local farmer on a scheduled basis. The brewing process will not result in excessive noise or unpleasant odors. The beer will be placed in kegs and cans and stored indoor on site. The serving of beer, consumption of food, special events, and various other aspects of the operation are governed by New Jersey Law.

4. The applicant estimates that they will have no more than ten employees at this time.

5. The applicant indicated the hours of operation will be Monday, Tuesday and Wednesday from 4:00 p.m. to 9:00 p.m., Thursday and Friday from 4:00 p.m. to 10:00 p.m., Saturday from 12:00 noon to 10:00 p.m. and Sunday from 12:00 noon to 6:00 p.m. However, it is understood that hours of operation may be governed by New Jersey Regulations and/or a local ordinance.

6. The applicant indicates that they will be utilizing existing signage. They are not proposing any modifications to the exterior of the building or site except that they will be painting the entire exterior of the building and will be renovating the interior.

7. The Board and their professionals expressed concerns regarding parking, the trash enclosure and lighting. The applicant indicated that the owner/lessor of the property has pledged to cooperate regarding any requirements or conditions imposed by the Planning Board and that adjacent complimentary businesses, including a Liquor Store, a Pizzeria and a Wings to Go are willing to share parking.

8. The Board carefully considered the review letters of Planning Board Engineer, Mark R. Brunermer, PE, CME dated December 13, 2021 and Planning Board Planner, Tiffany A. Morrissey, PP, AICP dated December 29, 2021.

9. The applicant agreed to address all concerns raised in those review letters. No one from the public appeared to comment on the application.

10. The Board has determined that the use is a permissible and desirable use which is complimentary to adjacent uses and that a fully engineered minor site plan is not required provided the applicant satisfies several conditions of approval along with a final revised sketch plan being updated and resubmitted to the Board's professionals.

NOW, THEREFORE BE IT RESOLVED, by the Planning Board of the Borough of Woodbury Heights that the application of Sons of Barley, LLC for a waiver of formal site plan review to establish a 75 seat licensed brewery in an existing building is hereby granted subject to the following conditions:

1. The applicant shall obtain any other applicable governmental approvals which the applicant is required to obtain from any Federal, State, County or Local Governmental Agency or body.

2. All outstanding escrow and inspection fees shall be paid in full prior to the issuance of any permits or certificate of occupancy.

3. The applicant shall operate under a limited brewery license issued by and governed by the New Jersey Department of Law and Public Safety, Division of Alcohol Beverage Control and shall abide by all State Regulations including but not limited to those set forth in N.J.S.A. 33:1.1, the New Jersey Administrative Code as well as any special rulings currently in effect as well as those which may be promulgated hereafter.

4. Hours of operation shall be Monday, Tuesday and Wednesday from 4:00 p.m. to 9:00 p.m., Thursday and Friday from 4:00 p.m. to 10 p.m., Saturday from 12:00 noon to 10:00 p.m. and Sunday from 12:00 noon to 6:00 p.m. Those hours of operation may be superseded by New Jersey Regulation. The Planning Board shall advise Borough Council that New Jersey Regulations permit the Borough to establish hours of operation by ordinance.

5. Parking concerns shall be addressed as follows:

(a) Handicap spaces which comply with Federal ADA Standards shall be established.

(b) The existing handicap ramp shall be reconstructed to comply with Federal ADA Standards.

(c) The applicant shall confer with the owner of the property and provide written clarification regarding allocation of parking for all tenants and remaining building space on Lot 19.

(d) The applicant shall enter into a written shared parking agreement with adjacent property owners subject to review and approval by the Planning Board Solicitor, Engineer and Planner.

(e) The applicant shall designate an area for employee parking.

(f) The parking lot shall be restriped for all parking spaces and sealed where necessary.

(g) The Planning Board shall make a recommendation to Borough Council to prohibit parking on the south side of Alliance Street and to designate what areas along the north side of Alliance Street will be designated as "Parking" or "No Parking".

6. Exterior lighting shall be modified to the satisfaction of the Planning Board Engineer and Borough Ordinances.

7. The applicant shall utilize the existing pylon and façade signage. Any modifications shall require application for a permit and variance if necessary.

8. The trash enclosure shall be upgraded with self-closing locking doors and trash pickup will occur as often as necessary to prevent overflow of trash.

9. The sidewalk will be replaced and repaired as may be necessary.

10. Deliveries shall take place outside of hours of operation and shall occur in the parking lot and not on Alliance Street.

11. The applicant shall address the roof runoff which discharges onto the sidewalk near Alliance Street and into the parking lot.

12. There shall be no outdoor storage and all events and activities shall take place indoors.

13. All conditions must be addressed to the satisfaction of the Planning Board Engineer and Planner. If that does not occur, the applicant will be required to return to the Planning Board for further review and approval. A revised sketch plan shall be submitted for approval addressing all conditions and modifications set forth herein, prior to the issuance of any building permits.

14. The Applicant shall post a site inspection escrow for the Borough Engineer to confirm all site improvements have been completed in accordance with all applicable standards prior to issuance of a temporary or final certificate of occupancy.

15. The property owner shall provide written confirmation that all improvements required by this Resolution shall be completed prior to the issuance of any temporary or final certificate of occupancy.

ADOPTED at a regular meeting of the Borough of Woodbury Heights Planning Board on February 7, 2022.

**PLANNING BOARD OF THE BOROUGH
OF WOODBURY HEIGHTS**



BRUCE FARRELL, CHAIRMAN

ATTEST:



SHANNON ELTON, SECRETARY