

**Millville  
Zoning Board Meeting  
Held February 6th, 2020  
Minutes**

**PUBLIC MEETING**

Members of the Millville Zoning Board met on the above date for their regularly scheduled monthly meeting in the Richard C McCarthy Chamber, 4<sup>th</sup> floor of City Hall. Chairperson Chainey called the meeting to order at 6:30 PM and announced that this meeting was being conducted in accordance with the Open Public Meetings Act of 1975, was advertised, posted, and made available to the public as required by Statute. The Secretary called roll and found those in attendance were Vice-Chairman Conner, Chairman Worthington, Mr. McGahhey, Mr. Carty, Ms. Roselle, Ms. Johnson, and Mr. Latore were all present. Also present were Mr. Van Embden, Zoning Board Solicitor, Wayne Caregnato, City of Millville's Zoning Officer, Samantha Silvers, City of Millville Supervising Planner, and Michelle Baker, City of Millville Assistant Engineer. The following were absent Ms. Velez and Ms. Chainey.

**MINUTES OF THE PREVIOUS MEETING**

Mr. Latore made a motion to approve the minutes of the January 9th, 2020 meeting and was seconded by Vice- Chairman Connor. All present voted yes.

**RESOLUTIONS- N/A**

**CORRESPONDENCE – N/A**

**APPLICATIONS –**

**5.1 Wheelers Holding, LLC d/b/a “Mission Spirits”, 215 Buck Street, Millville in Block 411 Lot 10**

John Anderson, III, Esq., is representing applicant James Wheeler of 320 Rumson Road Little silver, NJ requesting D variance with site plan waiver. The use variance is to conduct a spirit distillery at location 215 Buck Street in Block 411 Lot 10 in a B-3 Central business zone. The property is under contract with Richard and Linda Lappine owners of Shore Plastic Technologies. This is a fully developed site with need of remodeling the Inside and outside, but no additions will be made to the property. The Applicant has provided all needed documentations and 200ft notices receipts.

The application before the board tonight will structured towards the use. The following will be sworn in for testimony, the present owners of 215 Buck street, Richard and Linda Lappine, James and Ashley Wheeler, purchasers, the Architect, Planner, and Engineer. The three subcomponents being discussed will be 1. Production of the distillery 2. Consumption on site of the define perimeter the state prescribed 3. Retail sales and branded merchandise.

Mr. Nathan VanEmbden swore in Mr. James Wheeler, the applicant, located at 320 Rumson Road Little Silver, NJ 07739. Mr. Wheeler is one of two owners of Mission spirits. The ultimate use is spirit distillery with a public tasting room. On the eastern end of the building will be the production space, the still which is cooper and stain steel tanks, and keeping the environmental sanitary and keep the production sanitary. The elements will be able to be seen through glass walls sparing the production space. They will be starting with producing rum to start, a dark spirit and a white spirit with the ability for additional alcohol in the future. The tasting room will be a place for the public to taste what was made on site. There will be a bar but not ran like a bar normally would. They will feature craft cocktails, flights,

education on how the product is made, tours, workshops, classes, and hold events limited to 25 total private parties. Small retail area for purchase of hats, t-shirts, mugs, etc... No food service in the distillery. Per ABC regulations Distillery are not allowed to compensate from food economy. No food service at all in the applicant's facility. ABC does allow distillery to provide snacks pretzel, chips, crackers, etc... Small batches they agency only allows the distillery to produce 20,000 gallons on an annually bases, which I'm only doing a quarter of that. Can only sale what is made by the distillery. The public can buy up to 5 liter per person, per day, per tour, no more. The regulation are 9-liter cases in a box can be sold to go, 12750 milters. Free samples, 3 small half ounce pours. Applicant applied for ABC in NJ and federal license.

From the engineer report it asked about waste, the applicant states he will use private waste removal. The waste will not be high volume. Mostly paper product, cardboard boxes, and napkins. Deliveries will be infrequent, once every month or two for sugarcane totes by product, raw spirit materials, and bottles once a quarter by box trucks. Outgoing deliveries, once a week by a 2axle van; closures, caps, and labels.

No noise factor with this product and no odor. The parking, the lot behind the building and the library parking is enough for this business. Security, they will have camera instilled inside and outside. Alarmed windows and doors.

The applicant is not proposing any exterior add-on renovations to the façade and not expanding the footprint of the existing structure ore to alter the height of the existing structure. The building is perfect for what the applicant wants to do, the door in the back for the delivery and public entrance in the front for tasting. Employees needed 3 distillery apprentice, 1 director of operations, and 1 head bartender. Hours of operation Monday -Wednesday for production 8am-3pm and Thursday production only 8am-3pm and Thursday-Saturday during the Summer 12pm-10pm for tasting and Friday-Saturday in the Winter 12pm-10pm for tasting.

Mr. VanEmbden swore in Mr. David Manders of 1138 East Chestnut, Vineland. Professional credentials License architect for 43 yrs. Chairman of planning board in vineland for 11years and has come before location planning boards. Chairman Worthington recognize Mr. Manders as a professional. Exhibit A-1 – proposed the façade changes to the building and the levels of the building on Buck Street. There are two windows on the front of the building that will be taking out and made into one large window. New stairs and add a ramp for barrier free access. Small sitting area for outside. 3 removable tables that sits about 2 people. The revised date sent was 2/6/2020 to the board secretary without the update of lighting. Exhibit-A-3 shows the building before the changes. Exhibit A-2 floor plans showing of the layout of facility, signage, lighting, and front elevation on buck street that is being proposed. The revised date 2/6/2020 was sent to the board secretary. These plans where provide by Mr. Mander, Architect. The floor plan shows the building is currently broken into two pieces. Rear distillery area with a large overhead door and employee door. Front portion is a public access for the tasting room and the retail area. The facility is set to sit the capacity of 35 people by code can fit 39 people. There will be removable tables for outside, weather permitted. The ramp will be in the property line. The only thing maybe outside the property line would be the landscape/ planters. No additional height being added to the building. The proposed lightening four goose neck lights, light over the entrance door and sign and in the concrete walk of the ramp in the front of the building. There will be lightening on both sides of the building. There is a basement in the building, and it will be used for storage. No accessible to the public.

There will be a glass wall so people can see the distillery and/or taking a tour. Will the glass in wall be accessible to the public without having a tour, Mr. Wheeler states, NO. They will not have the distillery running while patriot is there until they have more manpower. The distillery needs to be watch while running. At normal operation the distillery will be running twice a week. A-4 exhibit There will not be any planters, tables, or ramp on the travel way. Zoning Officer, Wayne Caregnato asked if the development in the front of the building planter, tables, and ramp will be in the travel way and what is the distance left in the space? The Engineer, Matt Baldino answer the question for pavers clear of the planters 6ft on the concur way. Zoning Officer, Wayne Caregnato states he saw a par38 flood light that would shine down on the door, but would like a lighted walkway available?

Mr. VanEmbden swore in Mr. Baldino and Mr. Worthington accept him as an expert witness, license in Nj, and been before Millville planning board before. A-4 is a revised site plan submitted to the board, changing the lightening on the back door and candle coverage in the parking area, 2 parking space with stripe area, improves on the steps and tables. Revised 2/3/2020 prepared by the Engineer. The additional lightening is for safety purposes and No spillage outside the proposed area.

Questions from the board: Is there enough room for delivery trucks about to turnaround and have access to the back? Most of the delivery are smaller box truck or Vans. Mr. Wheeler states he has seen BoJo trucks fit back there easily believe the trucks will have enough room.

Mr. VanEmbden swore in Mr. Steve Hawk, Professional Planner and Mr. Worthington accept him as an expert witness, license in NJ since 1993, and came before the Millville Planning board. The planner is familiar with the city, site plan, and zoning ordinance for the City of Millville. The applicant is seeking a D-1 Variance for a use that is not permitted in the Zone. The standard for relief is positive, one special reason and negative, proof that there is not substantial detriment to the public good and substantial impairment to zone plan or ordinance. For the Positive criteria the planner found that the site is suitable and carries and meets the criteria, a smaller site that will be able to take advantage of the public parking in the area. The intensity of the use and employee and they will be able to fit on the site. The hour of operation suits the parking area. They will able to use the library parking. The business will be downtown and be part of the nature of walkable area and can co-exist with the arts district and other business on High Street. The landscape will make Buck Street more desirable for Millville district area. The building was a former lab and works in the applicant favor with use of a distillery in this building. Three difference uses retail (sale of Distill products), Bars, processing, and manufacturing are all similar to distillery for a permitted use. ABC is cap at 20,000 and Millville ordinance is cap at 36,000. The applicant can maybe produce a quarter of 20,000.

Mr. Hawk states, The Master Plan of the City of Millville also supports the proposed use. For example, the City of Millville's land use plan element, revised in January 2017, addressed the downtown commercial area (beginning at page 39). The plan recognizes, with respect to the Downtown Business District, that the intent and purposes should include ***"a broad selection of retail uses such as art galleries, music, and theater venues, dining, lodging, sales and personal and professional services should be available throughout the district"*** (page 40). Later on, the same page, with respect to zoning and land use regulation recommendations, it is stated, ***"permitted uses in the district should include retail restaurants and services that support the future Cumberland County Community College Arts and Innovation Center on High Street."*** The conclusion section on the land use element (page 58, paragraph 6 therein) recommends ***"encouragement of economic development and investment by attracting businesses and retailers to the Downtown Business District, commercial corridors, and industrial centers. The land use element plan element recommends extending economic opportunities by promoting existing uses and permitting new types of business and land uses focused in the Downtown Business District..."*** The negative criteria show no impact to the substantial detriment to

the public good and substantial impairment to zone or ordinance. The factor on the character of the neighborhood has variety of uses on the block making a distillery fit in with the character of the neighborhood.

Mr. VanEmbden swore in Richard Lappine located at 7 pleasant view dr. He is the current owner of 215 Buck Street. The building has been vacant for 30 months and it's his attention to sell Mr. Wheeler the business. The use of the building was Glass machine factory then made into a plastic making factory. The City and the residents have done enhance the look with the Buck street block. Resident is for this distillery and things it's a good business to have in Millville.

With no further questions from the board, Chairperson Chainey opens comments portion to the public.

With no other speaker's, Public portion was closed.

Mr. Worthington feels this is a good addition to the City of Millville art district and zone. The use of the distillery is similar to the business surrounding the zone. It's less disruptive then a bar, like to see vacant building get used.

Mr. McGahhey and Vice-Chairman Conner like to see a former vacant building put to use. Making the downtown district look better with the new landscaping in the area. They support the application and the applicant has shown they meet the positive and negative criteria.

Approval the resolution subject of the conditional sited in the engineering report, capable of comply with lightening, permits, license, improvements needed to the outside of the building and inter of the building, and traffic pattern. Comply with the ABC license rules and regulation. Improvements of the right a way. Hours of operation and the intent of operation on numbers.

Mr. Carty made a motion for D-1 variance with a site plan wavier to conduct a spirit distillery and seconded by Vice- Chairman Conner. All present voted yes.

#### **OTHER BUSINESS –N/A**

With no other further business, Mr. McGahhey made a motion to adjourn the meeting and was seconded by Mr. Latore.

Submitted by:  
Kristine Klawitter