



**PLANNING & ZONING MEETING  
(Public and Virtual)  
SEPTEMBER 17, 2020**

**ATTENDEES:** David Chillas, Chair  
Morris Deputy, Town Manager  
Frank Bailey, Fire Chief  
Gene Bloemker  
Donald Dibert  
Joe Pontak  
Gretchen Rachko  
Charles Roberts  
Craig Sherman

**AGENDA:**

- 1. 128 Patriot Drive, Suites 11 and 12 – Conditional Use Permit request for a beer brewery (JAKL Beer Works LLC) to locate in an M-I zoned area. Plans for the project call for a beer brewery with on-site production, sales and consumption. CU-09-20. Tax Parcel No. 23-041.00-015.**
- 2. Review Ordinance 20-09-01 for the rezoning of 104 and 106 E. Lake Street from R-2 zoning (single family residential) to R-3 zoning (multi-family residential), to construct a 2-story apartment type unit on each lot, which would be occupied by separate families on each story. Tax Parcel Nos. 23-006.00-146 and 23-006.00-147.**
- 3. Review Ordinance 20-09-02 to amend Map 7. Future Land Use and Annexation Areas, of the Middletown Comprehensive Plan.**

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**1. 128 Patriot Drive, Suites 11 and 12 – Conditional Use Permit request for a beer brewery (JAKL Beer Works LLC) to locate in an M-I zoned area. Plans for the project call for a beer brewery with on-site production, sales and consumption. CU-09-20. Tax Parcel No. 23-041.00-015.**

Andrew Kulp, co-founder of JAKL Beer Works, requested Conditional Use approval for a family and community oriented business to serve beer, mead and wine (wine will not be produced on-site).

- Seating is proposed for 125 occupants inside. Outdoor seating is proposed in a beer garden setting with a play area for kids.

- The brewery will be a 5-barrel brewery producing approximately 400 barrels per year (one barrel is 31 gallons).
- No distribution is proposed in the beginning; the brewery will sell directly to customers for off-site consumption.
- No food will be produced on-site; patrons will be permitted to bring in their own food. Food trucks and catering will be available.
- Minor fit-outs proposed for the facility include additional drainage for the brewery and bar area, and an additional bathroom.

Don Dibert asked if the liquor control board had been contacted yet. He said he doesn't believe kids are allowed unless food is served.

Mr. Kulp said the law is different for a micro-brewery – families and children are usually allowed in the taproom without food on-site as long as beer is produced on-site.

Joe Pontak asked if serving food is something they would consider in the future.

Mr. Kulp said serving food is not in their current plan.

Gene Bloemker asked what their business hours will be.

Mr. Kulp said probably Tuesday thru Thursday from 4 to 9 p.m., Friday 4 to 10 p.m., Saturday noon to 10 p.m. and Sunday possibly noon to 6 p.m.

Don Dibert asked how much parking is available.

Mr. Kulp said their lease provides 30 spaces; there are about 60 spaces in the parking lot. Parking is also permitted on the street.

Discussion on parking requirements, availability, other businesses using the parking lot, other parking lots available, etc. It was pointed out the other parking lot owners should be contacted prior to his customers using the spaces. It was noted that when the other businesses open up full time, their customers will also be using the parking lot at 128 Patriot Drive. Parking requirements should be considered now to avoid future parking issues.

Joe Pontak commented that parking is a concern and should be addressed now rather than later. Although parking on the street is permitted, it can cause problems for emergency vehicles. Other businesses in the business park have had to address parking issues due to limited parking area.

Morris Deputy: The code requires one parking space for every three (3) seats – based on 125 seats, approximately 45 spaces are required. Thirty parking spaces would accommodate about 90 seats. Deputy suggested Mr. Kulp should get a written agreement guaranteeing enough parking or the seating capacity should be adjusted.

Morris Deputy recommended Mr. Kulp contact the Public Works Director, Wayne Kersey, to discuss pre-treatment for sewer because two other breweries in town were required to provide pre-treatment. "Breweries tend to create issues with the sewer plant and we want you to be aware of what will be required before you start your operation", he said.

***Moved by Gene Bloemker and seconded by Gretchen Rachko to recommend Mayor and Council approve 128 Patriot Drive, Suites 11 and 12 – Conditional Use Permit request for a beer brewery (JAKL Beer Works LLC) to locate in an M-I zoned area. Plans for the project call for a beer brewery with on-site production, sales and consumption. CU-09-20. Tax Parcel 23-041.00-015. Motion Carried 6-0. Craig Sherman abstained.***

**2. Review Ordinance 20-09-01 for the rezoning of 104 and 106 E. Lake Street from R-2 zoning (single family residential) to R-3 zoning (multi-family residential), to construct a 2-story apartment type unit on each lot, which would be occupied by separate families on each story. Tax Parcel Nos. 23-006.00-146 and 23-006.00-147.**

Steve Woodin, with Apex Engineers, presented the request to rezone 104 and 106 E. Lake Street to construct a 2-story apartment on each lot. Woodin said half of the lots on this block are zoned R-2 and the other half R-3. 106 currently has a boarded up house that appears to be condemned. The apartments will be similar to the apartment unit on 118 E. Lake Street.

Gretchen Rachko asked how many total units are proposed.

Mr. Woodin said one (1) two-story unit is proposed on each lot, each having one living unit on the first floor and one unit on the second floor (two units per building). A total of four dwelling units will be available.

Frank Bailey asked how large the units are, where the parking is located and if the driveway and parking will be located behind the building as it appears in the photos.

Mr. Woodin said the units are about 24' wide and 40' deep. The private alley behind Lake Street will be considered for the driveways and parking as the site plan is developed. The units will be stick built, not modular.

Joe Pontak asked if the existing structure would be torn down and if the same foundation will be used.

Mr. Woodin said the house will come down; however, the condition of the foundation is not known at this time. The site plan has not progressed and will be designed after the rezoning approval has been received.

Mr. Pontak commended the owners for their revitalization efforts.

***Moved by Joe Pontak and seconded by Donald Dibert to recommend Mayor and Council approve Ordinance 20-09-01 for the rezoning of 104 and 106 E. Lake Street from R-2 zoning (single family residential) to R-3 zoning (multi-family residential), to construct a 2-story apartment type unit on each lot, which would be occupied by separate families on each story. Tax Parcel No. 23-006.00-146 and 23-006.00-147. Motion Carried Unanimously.***

**3. Review Ordinance 20-09-02 to amend Map 7. Future Land Use and Annexation Areas, of the Middletown Comprehensive Plan.**

Morris Deputy: The Town received a request to annex a 4½-acre parcel on the northeast corner of Marl Pit Road and Rt. 71. This Ordinance will amend the Future Land Use and Annexation Area Map 7 to include this parcel. State Planning had no issues with amending the map.

Donald Dibert said the fertilizer plant was located there and the land might be contaminated.

Craig Sherman noted that the State Planning comments confirmed that groundwater contamination is present and asked what the Town's responsibility would be.

Morris Deputy said there is no liability for the Town because it's private property. The owner indicated he wants to build light commercial; it would be his responsibility to obtain permits from DNREC and satisfy their requirements to clean it up before building.

*Moved by Craig Sherman and seconded by Gene Bloemker to recommend Mayor and Council approve Ordinance 20-09-02 to amend Map 7. Future Land Use and Annexation Areas, of the Middletown Comprehensive Plan. Motion Carried Unanimously.*

*Moved by Donald Dibert and seconded by Joe Pontak to adjourn. Motion Carried Unanimously.*

We believe these minutes accurately reflect what transpired; however, we will appreciate comments involving a different understanding of what occurred. Unless we are notified in writing to the contrary within 10 days after receipt, we will assume all in attendance concur with the accuracy of this transcription.

Respectfully Submitted,



Morris Deputy, Town Manager

Ry 9/23/20

Cc: Mayor and Council  
Planning & Zoning Members  
All Attendees