

**BOROUGH OF PEAPACK AND GLADSTONE  
ORDINANCE NO. 1047-2017**

AN ORDINANCE AMENDING CHAPTER XXIII, TITLED "LAND DEVELOPMENT ORDINANCE" OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF PEAPACK & GLADSTONE PERMITTING RESIDENTIAL HEALTH CARE FACILITIES AS A PERMITTED USE WITHIN THE RE, RURAL ESTATE ZONE

WHEREAS, pursuant to the Municipal Land Use Law of the State of New Jersey, N.J.S.A. 40:55D-1 et seq., a governing body of a municipality may adopt a zoning Ordinance relating to the nature and extent of the uses of lands, buildings and structures thereon within the municipality; and

WHEREAS, consistent with the Municipal Land Use Law, a governing body of a municipality may elect to not only create, but also from time to time modify land use regulations; and

WHEREAS, the Borough's Land Use Board conducted a general reexamination of its master plan, and thereafter adopted a Master Plan Development Regulations Periodic Reexamination Report ("Reexamination Report") on January 29, 2015, which report made specific findings and recommendations; and

WHEREAS, the Reexamination Report recommended that "residential health care facilities in conjunction with a school" be eliminated as a permitted conditional use in the RR-5 and RE zoning districts for reasons as set forth in the Reexamination Report; and

WHEREAS, on September 29, 2015, the Governing Body of the Borough of Peapack and Gladstone, did adopt, after public hearing and referral to the Land Use Board, Ordinance 1015 thereby eliminating "residential health care facilities in conjunction with a school" as a conditional use as recommended by the Reexamination Report; and

WHEREAS, the governing body of the Borough of Peapack and Gladstone did memorialize a concomitant resolution to exercise administrative restraint in zoning enforcement with respect to any conditional uses which may be eliminated on the Matheny parcel resulting from the adoption of the aforementioned Ordinance 1015 which has effectively eliminated the "residential health care facility in conjunction with a school" as a conditional use.

WHEREAS, the Reexamination Report further stated that "Given the complexities of the land use issue specifically concerning the "Matheny parcel" the Land Use Board recommends that further analysis is warranted and should be performed in a timely manner" and

WHEREAS, the Land Use Board appointed a special subcommittee to study and present recommendations to the Board regarding the "Matheny parcel" and

WHEREAS, the special subcommittee conducted its study and presented its findings to the Land Use Board recommending further amendment to the Land Development Ordinance with regard to the "Matheny parcel" and

WHEREAS, the Land Use Board further deliberated on the recommendations of the special

Section 3. Article IV Zoning Section 23-39.10 shall be added entitled RHCF, Residential Health Care Facility as follows:

**23-39.10 Residential Health Care Facility**

- a. **Purpose.** The intent of permitting Residential Health Care Facilities within the RE Rural Estate Zone is to recognize the important community service that such specialized facilities provide in meeting the special needs of disabled individuals in our society while establishing strict standards consistent with protecting the rural residential character of the RE Rural Estate Zone.
- b. **Permitted Activities.** Residential health care facilities shall be required to include operations as defined hereinbefore and licensed in the State of New Jersey Department of Health and providing residential patient beds provided however that the Applicant may construct group homes that will be compliant with the requirements of low and moderate income individuals as determined by the rules for low and moderate income housing (N.J.A.C. 5:95 et seq.).
- c. **Optional Permitted Activities.** The following activities may be conducted as part of a residential health care facility.
  - i. Non-Resident clinic/services (similar to services provided for resident patients) for treatment/care for chronic disabling conditions.
  - ii. A private school, that is approved by the New Jersey Department of Education, providing an educational program for resident and non-resident students with developmental disabilities for local school districts ages 3-21.
  - iii. Adult day and education services for resident patients age 21 and older with developmental disabilities.
  - iv. Maintenance of on-site wheel chair operations for resident patients.
  - v. Parking facilities.
  - vi. Onsite housing for the use of employees and visiting family members of residents.
  - vii. Performing Arts Center limited to performances and/or exhibits by and for the benefit of resident and non-resident patients.
  - viii. Gymnasium and therapeutic pool use for resident patients and their direct supervisors only.
- d. ***Prohibited and Restricted Activities.*** Fund raising activities conducted solely in connection with the Residential Health Care Facility shall be limited to 4 events annually. Theatrical productions to be permitted on-site shall include resident and non-

resident patients of the facility.

- e. *Permitted accessory uses.* Permitted accessory uses are limited to the following: auxiliary storage buildings, off-street parking, a theater and recreational amenities limited to a gymnasium with therapy pool for the sole use of resident patients and their supervisors.
- f. Any approval granted by the approving Board under this Ordinance shall be subject to a Developer's Agreement entered into between the Applicant and the Council of the Borough of Peapack and Gladstone which Developer's Agreement shall include all of the conditions of the approval together with such other elements as may be deemed necessary to assure public health, safety and welfare by the Borough Council.
- g. In the event that an applicant's property is the subject of a prior settlement agreement, the terms of said settlement agreement shall be incorporated into this Ordinance as if set forth herein at length.

Section 4. Schedule I Table of Height, Area and Other Requirements. Schedule I Table of Height, Area and Other Requirements is hereby amended to add area, yard and building requirements applicable to a Residential Health Care Facility as follows:

Min. Required Lot Size (acres)	80
Minimum Setback New Structures (feet)	100
Maximum Height (feet)	40
Maximum Floor Area Ratio	.045
Maximum Building Coverage (percentage)	4.0
Maximum Lot Coverage (percentage)	12
Minimum Setback from Property Line (feet)	50
Minimum Setback from ROW Line (feet)	200

Section 5. No clearance of a Wooded Buffer is permitted within 100 feet of an existing property line.

Section 6. All Ordinances of the Borough of Peapack and Gladstone which are inconsistent with the provisions of this Ordinance are hereby repealed to the extent of such inconsistency.


Section 7. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this Ordinance.

Section 8. This Ordinance shall take effect immediately upon final passage, approval and publication as required by law.

Introduced: October 10, 2017  
Adopted: November 21, 2017

**ATTEST:**

  
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Nancy Bretzger, RMC  
Municipal Clerk

  
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William C. Muller  
Mayor