

**Borough of Peapack & Gladstone  
Land Use Board**

*January 20, 2016*

**Opening Statement:** Adequate notice of this meeting of the Land Use Board of the Borough of Peapack & Gladstone was given to the Courier News on January 7, 2016 and was posted at the Municipal Complex, 1 School Street, Peapack; The Peapack Post Office, 155 Main Street, Peapack; and the Gladstone Post Office, 266 Main Street, Gladstone, New Jersey on January 7, 2016.

**Salute to the Flag**

**Roll Call:**

**Present:**

Greg Yannaccone, Chairman  
Mayor William Muller  
Stephen Neville, Vice-Chairman  
Joan Dill, Class IV  
Kingsley Hill  
David DiSabato  
Chris Downing  
Judy Silacci, Alternate # 1  
Peter Sorge, Alternate # 2  
James Heck, Alternate # 3  
Lisa Saunders, Alternate # 4

**Absent:**

Mark Corigliano, Councilman  
Susan Rubright  
John Szabo, Borough Planner,

**Also Present:**

Roger Thomas, Esq. Board attorney  
William Ryden, Borough Engineer

**Public Hearing/Applications:**

- Mayor Muller excused himself from hearing the Sorrenti minor subdivision application and left the meeting room.

**Sorrenti Minor Subdivision** – **Block 33, Lots 13.15 & 13.17** – Application No. 2015-009 - Reconfigure two adjacent lots via lot line adjustment.

The Sorrenti's were represented by Alan Rich, Esq.

Mr. Ryden, Borough Engineer had prepared a report dated November 13, 2015.

Mr. Rich advised that Lot 13.17 is developed with a single family home, and Lot 13.15 is presently under construction with a new single family dwelling. The area being transferred from Lot 13.15 to Lot 13.17 is 1,244 square feet. No Variances are being sought. He went on to explain that no new lots are being created. Mr. Ryden's report was reviewed and it identified 5 waivers and until the waivers are addressed, the application remains incomplete:

BOROUGH OF PEAPACK & GLADSTONE

LAND USE BOARD

January 20, 2016

- 23-33.1(13) - Water courses, wetlands, topography , etc on site and within 200'.
- 23-33.1(14) - Existing streets, rights-of-way, etc on site and within 200'.
- 23-33.1(15) - Wooded area and specimen trees.
- 23-33.1(17) - Existing and proposed contours.
- 23-33.1(18) - Storm drainage facilities.

Mr. Neville moved to approve the waivers as listed in Mr. Ryden's report; Joan Dill seconded the motion which was approved therefore making the application complete.

**AYES:** Greg Yannaccone; Stephen Neville; Kingsley Hill; David DiSabato  
Chris Downing; Judy Silacci; Peter Sorge; James Heck

**NAYS:** None

**ABSTAIN:** Joan Dill

Robert Moschello, P.E. was sworn in and accepted as an expert witness by the Board attorney Roger Thomas.

The following exhibits were entered into evidence as:

**Exhibit A-1** – Aerial view dated 1/20/16

**Exhibit A-2** - Minor subdivision plat dated 1/20/16

Mr. Moschello explained that the lot line adjustment involves re-alignment of a portion of the common sideline between the two (2) subject lots. There currently exists a special or enhanced side yard setback of 70 feet on lot 13.15. This condition was imposed under the settlement agreement resulting from the action brought by the Friends of Peapack Gladstone in 2013. They did approach Hamilton Farm to see if they could purchase this land consisting of 1,244 s.f. equaling 0.29 acres. This lot line adjustment has no affect on the zoning for either lot. This does not have any bearing on the settlement; it is just a transfer of land between two owners.

The board questioned the witness. The easement will become part of the property.

**Public Portion** - since there were no comments from the public, the public portion was closed.

Mr. Thomas advised that there are no conditions other than the original covenants, restrictions or easements that were originally created which will be carried forward in the deeds.

Joan Dill moved to approve the minor subdivision; Kingsley Hill seconded the motion which was approved by the following roll call vote:

**AYES:** Greg Yannaccone; Stephen Neville; Joan Dill; Kingsley Hill; David DiSabato, Chris Downing; Judy Silacci; Peter Sorge; James Heck

**NAYS:** None

- Mayor Muller came back into the meeting.

**Mr. Joseph Zoltowski of the New Jersey State Department of Agriculture** – New Regulations regarding Bee Keeping.

BOROUGH OF PEAPACK & GLADSTONE

LAND USE BOARD

January 20, 2016

Mr. Zoltowski introduced himself and advised the board that he is here to listen to any concerns about keeping bees. The State Department of Agriculture is in the process of writing the standards for Bee Keeping so they want to hear the concerns of the residents. Mr. Thomas suggested that the board first hear from the public. The procedure that the Board follows for public comment was explained to the public. Each speaker is allowed 5 minutes to speak and no one will be heard after 9:30. If a person does not finish speaking after 5 minutes they may return to the dais and speak again after all other people who wish to be heard have spoken. Since the meeting now starts at 7 p.m., the meeting will be adjourned at 10 p.m.

**Public Portion**

Teresa White - She identified herself and thanked the Department representatives for coming to this meeting. According to Ms. White, everyone needs to know the importance of the honey bees. The town did allow the maintenance of honey bees in two zones. A particular neighbor had bees and chicken and roosters and as the result of an inspection by the town, the bees were observed. There were a large number of bees on her property. 20-30 bees in the sand box and the swing set; there were swarms of bees. Her family would have to wait until the bees dissipated before enjoying their property. This neighbor was then made to apply for a variance for the keeping of the bees. She does support people with hobbies but they must be respectful of others properties. She talked about Urban Bee Keeping where the bee hives are put on tall buildings. They look to other garden roof tops so they stay up high. This neighbor has tall trees on his property lines and during the day the bees were on the neighbors' property. If everyone decided to have the allowable # of hives per the State's standards, consideration of the children will have to be addressed. She was told that there were bills in the legislature but when she called she was informed that they were not active; after which they did become active. She visited Trenton and said that she was cut off from speaking by Senator Lesniak. The bills were rescinded. She is willing to work with them on the bills. According to Ms. White Ms. Katz, a local bee keeper from Chester Township had approached her and they had a meeting scheduled for June 11<sup>th</sup> the same date that the bills were to be heard. She spoke to Senator Lesniak who told her that these bills will protect her. At the end of the 20 month proceeding, Ms. Katz did speak up. She did say that this particular bee keeper had poor management practices. This particular bee keeper still maintains bees near by in a surrounding municipality.

Linda Weth - 7 Tiger Hill Drive – She advised that she lives diagonally across from the bee keeper that is being talked about. These bees have affected her life; she has grandchildren and a pool and the grandchildren love to come to her house. The bees love when the water gets splashed around the pool. Hundreds and thousands of bees are around the pool where the water pools on the patio. When the water is splashed on the pavement next to the pools the bees come. Her life has been badly affected by these bees. Last year there were fewer bees.

Michael Seboria - 10 Tiger Hill Drive – He stated that he is not against honey bees but there is a need for practical guidelines for the keeping of bees. The regulations would allow 3 hives per ¼ acre which would permit 15 hives on this particular property. There was a honey bee infestation in 2013. It can't be proven that the bees came from this

BOROUGH OF PEAPACK & GLADSTONE

LAND USE BOARD

January 20, 2016

neighbor. He had to hire an exterminator to get the honey bees out of house. He was told that he had a real problem. Whenever there was water on the ground, the ground was covered with honey bees. Neither he nor his wife was able to go to the garden or other areas because of the bees on the ground and on their deck. He does understand the need for regulations. Our town regulations address bee keeping in agriculture areas. The question is when is this going to start back up and who is going to protect us. There is a need for a good ordinance that addresses all needs. He suggested that towns be allowed to address local needs without going to the dept of agriculture for permission.

Regina Holleb – 6 Tiger Hill Drive – She advised that she has also been to Trenton; this has affected all residents in this area. They have voiced their concerns and there is a lack of awareness of the concentration of the bees in this residential area. The neighbors are not angry but this is a situation that does not follow best management practices. She asked if anyone had ever been in the middle of a honey spill. Mr. Zoltowski responded to her with the answer –yes. She described this event when the honey spilled and the queen bee and the swarm engulfed her home. She called the police who did come. She was unable to leave her home for 2 hours at 2 p.m. She said that the neighbor has as many as 32 bee hives. Her concern after visiting Trenton and attending multiple meetings is that there is no monitoring in place to keep this particular situation safe. She would like to see the municipality have the final say; not the state of New Jersey.

Deborah Hawkins - 5 Tiger Hill Drive - She lives across from the bee keeper. It is not a complaint; it is a concern. She is concerned for the visual aspect. There are 20-30 five gallon drums on pallets; large boxes are delivered by UPS every day and sometimes twice a day and are left in front of the house. A business is being run from this house. She stated that she is concerned about enforcement and the protection of neighbors.

Ron Silacci – Tiger Hill Drive - He stated that he lives diagonally across from the bee keeper. His wife is allergic to bees. His concern is her getting stung by bees.

David Holleb - 6 Tiger Hill Drive - He stated that he had bees in the house in the attic. His concern is of over use of the property. Who monitors this? Who comes out; who counts; who enforces the law?

The Board members commented.

Judy Silacci commented that she has lives in this neighborhood and she is concerned. Her enjoyment of using the backyard is essential during the nice summer days. If surrounded by hives - we're limited. She supports honey bees but not in residential zone and 5 plus acres is a must.

The chair spoke of the intensity of the hives with relation to the lot size. He thanked Mr. Zoltowski and the Department of Agriculture for coming tonight but did inform him that ¼ acre zoning is different than 20 acre zoning. Roger Thomas, board attorney asked if the State will get back to the board. Mr. Zoltowski explained that they are in the writing stage and the town will have another chance to comment. There are no recommendations at this time. The Best Management Practices currently allows 3 hives per ¼ acre. He will talk to the bee keepers and try to make every one happy. Steven Neville advised that he

BOROUGH OF PEAPACK & GLADSTONE

LAND USE BOARD

January 20, 2016

had sat thru the 20 month hearings and he learned a lot but did say it is a tough position that the Department of Agriculture is in. Mr. Zoltowski said that they will look at the carrying capacity of the land and come up with uniform rules and regulations. This is the first community to be heard from. There is no time frame for working on the regulations.

Kingsley Hill spoke about living in the country and being stung by wasps; not usually honey bees but having your house swarmed and not being able to sit outside is not acceptable and is concerning. Multiple people having bees in the same neighborhood may be a problem. He questioned if this could be a violation of a public nuisance law? The state pre-empts the town by not allowing the town to regulate. He asked if this could be an area that could be delegated to the municipality by the state. Perhaps this could be considered by the state.

Judy Gleason introduced herself as working at the State as the administrative practices Officer and went on to explain that when the laws were written the municipalities were brought into the discussion. 1) They make the standards but they can delegate the monitoring and enforcement to the municipality but the town has to agree to the standards; 2) If the municipality feels that the standards do not address problems then they are supposed to work under the law and come to the department and voice their concerns or issues. They have not heard from other municipalities. Bee Keepers do not have to belong to the Bee Keepers Association. Joan Dill asked if Bee Keeping could be required to have a license or register with the state. Ms. Gleason explained that bee keepers that over-winter their hives in this state are required to be registered by the State. The state has not experienced these issues.

Steven Neville suggested that honey from the bee hives be kept for personal consumption rather than commercial production.

Roger Thomas spoke to the issue of bees in the state of New Jersey and that there is an issue in this town. There are persons in the audience with concerns and who are interested in this who may want to reach out to other municipalities for experiences that they may have had or have.

Chris Downing spoke to his concern about the # of hives per residence. Mr. Zoltowski spoke about the fines and penalties that can be levied on the destruction of hives.

Janet Katz – The president of the Bee Keeper Association introduced herself and stated that she has hives in Chester Township where she lives. She advised that there are laws protecting pollinators. The BMP or guidelines were never enforceable; they are only guidelines. She sat through the 20 months of hearings about the Bee Keeper in the Borough. She has never seen anyone as bad as his BMP in New Jersey. He was buying and then reselling honey. She has a one acre lot with hives in Chester Township with children all around and her own children and she has a swimming pool and has no problems. She keeps her bees at Natirar and Gill St. Bernard's School. Any issues that she has had she has been able to resolve with the zoning official and other persons. She does not want to get the calls; she wants everyone's property rights protected.

BOROUGH OF PEAPACK & GLADSTONE

LAND USE BOARD

January 20, 2016

Roger Thomas questioned her about situations that she is aware of. He asked her if she could convey her situations to some of the persons in the public tonight. She informed the board that she has done that. The representatives of the state asked Ms. Katz to advise them of some of her issues.

Kenneth Sprott from Matheny advised that they have a pool and hives with no problems; intensity is the issue.

Mayor Muller thanked the State personnel for coming and hearing the concerns of the public on this particular problem and asked that the state keep the Borough under advisement.

The public portion was closed.

**Update on Matheny** - Mr. Neville assumed the position of Chair of the meeting when Greg Yannaccone left the meeting along with Judy Silacci.

Mr. Neville asked if everyone was given a copy of the response from the Matheny School and asked for a response to it by the February meeting. He asked that the subcommittee meet with Matheny and the neighbors so that they can provide guidance to the LUB.

Open Public Portion

Dr. Sprott advised that they had a meeting with Ruth Williams, Dean Lurker, Andy Katchen, Ron Kennedy, and Vincent Barba. He advised the board of the concerns that were related to traffic, expansion of the school and zoning language regarding the uses. He thinks that zoning/ordinances might be created about limited expansion. It is the purview of the land use board to come up with language acceptable to all. He is not sure that they (neighbors) are ready to engage in discussion with the Land Use Board. Another of their concerns was the out-patient services. The process and authority is going to rest with the Borough. Joan Dill felt it is unfortunate that Dr. Sprott was not here thru the other times because she feels that Matheny is being taken advantage of. Dr. Sprott feels there is distrust which is unfortunate.

Mr. Neville thanked him for having the meeting and if they were here he would thank them also. There were some productive results.

Chris Downing asked if traffic into the site at the entrance is monitored. Answer – no.

Dr. Sprott suggested that he will provide traffic patterns and trips that they make and will consider doing some monitoring at the entrance of the driveway.

Mayor Muller expressed his understanding of where Matheny is coming from. Why is the State saying that the headcount should come down and he asked why Dr. Sprott speaks about expansion? Dr. Sprott explained that the neighbors are concerned about their proposed expansion; they have no plans for any expansion. He talked about 2 group homes. No additional people just moving some patients to other accommodations. Lisa Saunders asked if they have a Master Plan. There is no master facility plan.

BOROUGH OF PEAPACK & GLADSTONE  
LAND USE BOARD  
January 20, 2016

Kingsley Hill asked about the two issues 1) Expansion and 2) what successors could do. If it were sold would the agreement with Matheny carry over to a successor?

Roger Thomas explained that if this use was permitted by ordinance than in the future another type of facility similar to Matheny could have a heliport and other things. When asked, Mr. Thomas felt confident that he could draft a document covering this concern.

Roger Thomas suggests that if any board members have comments they should email Ruth who will send the comments to Steven Neville.

**Land Use Board – annual report** - The planner John Szabo had prepared and submitted the annual report for 2015 regarding variances issued. Ruth will distribute it to board members to be discussed at the February 3, 2016 meeting.

A motion to adjourn was made and seconded and the meeting was closed at 9:10 p.m.

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Sarah Jane Noll  
Assistant to Ruth Spae