

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

January 17, 2018

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 23, 2017 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 23, 2017.

Salute to the Flag

Roll Call:

Present:

Greg Yannaccone, Chairman
Mayor William Muller
Susan Rubright
Joan Dill, Class IV
Kingsley Hill - late
David DiSabato
Chris Downing
Judy Silacci
Peter Sorge, Alternate # 1
James Heck, Alternate # 2
Matte Sutte, Alternate # 4

Absent:

Mark Corigliano, Councilman
Lisa Saunders, Alternate # 3

Also Present:

Roger Thomas, Esq. Board attorney
William Ryden, Borough Engineer
John Szabo, Planner

The Chairman advised the public that during a public hearing no new witnesses will be heard after 10 p.m. and the board adjourns at 10:30 p.m.

• **Rules and Regulations – Bees:**

Mr. Yannaccone discussed a draft response to the Dept. of Agriculture regarding the Proposed Rules regarding beekeeping. A response to the proposed rules is required by 1-19-18.

Public Portion – Lisa Wurtz Secretary of the Bee Keepers' Association made a brief statement of prior bee keepers' abuse and thanked the board for its time; Theresa White spoke of the proposed Rules. The rules will allow 3 hives per ¼ acre.

*Kingsley Hill came into the meeting.

Mrs. Katz – president of the Bee Keeper Assoc. gave a brief background of what has happened over the last several years regarding bee keeping. There have been 2 meetings

BOROUGH OF PEAPACK & GLADSTONE

LAND USE BOARD

January 17, 2018

in 2 years. She does not think that these rules protect either the bee keeper or the residents. She has personally 4 hives on an acre in Chester Township and with the new rules, she will have to go to the state for a waiver. She thinks the rules are bad because the department of agriculture did not do what they should have. During the hearings they were not allowed to bring in the positives of bee keeping

Public Portion was opened and closed since no one else wished to speak.

The chairman polled the board about writing a response to the Department of Agriculture. Greg Yannaccone moved to have the response which had been changed to reflect the Board's comments, written by the Secretary and signed by the Chairman; Joan Dill seconded the motion which was passed by the following roll call vote:

AYES: Yannaccone; Silacci; Muller; Dill; DiSabato; Sutte

ABSTAIN: Rubright; Hill;

NAYS: Downing; Sorge and Heck

Mayor Muller left the meeting at this time.

• **PUBLIC HEARING/APPLICATIONS:**

Block 33, Lot 15 – 145 Route 206 – ORL Zone – Use Variance to allow a communication tower and gas station with convenience store. Application is bifurcated; no site plan submitted. Application deemed complete on 11-27-17.

Robert Simon, Esq. introduced himself. He explained that the application is bifurcated in that they have separated the site plan from the Use variance and are only seeking the approval of the use. If the use is granted, the applicant is still obligated to apply for site plan review and a variance application. The purpose of the bifurcation is to reduce the cost associated with the full use variance and site plan.

He acknowledged receipt of the reports from John Szabo, Planner and William Ryden, Engineer. He has the following witnesses:

1. Paul Fox, Engineer
2. Mike Byrne, Architect
3. Judd Rocciola, PE and traffic expert.
4. Betsy McKenzie, Planner

Bill Ryden has deemed the application complete according to the checklist on November 27, 2017,

They will address the bulk variances this evening and again during site plan.

Paul Fox was called as a witness and was accepted as an expert witness. Mr. Fox had prepared a site plan dated 11-2-2017 consisting of 5.01 acres on the west side of Route 206 across from the FinCorp property. Formerly it was the Elks Club but has not been used as such for a long time. The front of the property is covered with the abandoned lodge building; gravel and pavement and a cell tower on the hill. There is a Steep slope

BOROUGH OF PEAPACK & GLADSTONE

LAND USE BOARD

January 17, 2018

going up to the tower. There is a 120' vertical elevation from the flat to the tower. The Hotdog Wagon is currently located on the property. The ordinance requires a min lot size of 40 acres thus this lot is non-conforming because of its' size.

The following exhibits were entered into evidence:

A-1 and A-1B – photos 2-page document – Mr. Fox described the photo which was of the northerly side of the existing building. The highway was known as Rt. 31 prior to it becoming Route 206. This structure was built after the highway was built. It was an old gas station with gas pumps and an overhang. There are gas lines existing of the property.

A-2- single page document.

Mr. Fox reviewed the variances needed in the ORL Zone as set forth in the application in attachment A. They are proposing 6 gas pumps and 12 fueling stations and 18 parking spaces; additional could be provided at the rear of the station area. Mr. Fox showed where the additional parking could be placed. He advised that 18 parking spaces is adequate. He explained the traffic pattern of a Right turn in and right turn out. There are limitations on access. The proposed development would be confined to the existing cleared area. Southwesterly corner will have some tree removal where the retaining walls are proposed. This may require a slope waiver and will be addressed during site plan. There will be a separate diesel pump. Mr. Fox has no further testimony.

Public Portion for the questioning of this witness was opened and closed since no one wished to question this witness.

Michael Byrne, Architect was called as a witness and was sworn in and accepted as an expert witness.

Using **Sheet A-1 proposed Fuel Station and Mini Mart dated 10-16-17** was reviewed by Mr. Byrne. Main entrance is at the north side of the property. Canopy building 54' x 131' with 15' min. height. 32.66' high structure. There is proposed a 15' free-standing sign. The canopy is parallel to Route 206 with 12 angled fueling stations and 6 pumps. There is a proposed kiosk consisting of 5' x 9.6'. The façade of the sign will be composed of the same stone as used on the building.

The name of the Station will be 7th Heaven Market. The Board questioned the witness.

Public Portion for the questioning of this witness was opened and closed since no one wished to question this witness.

Judd Rocciola of Rocciola Engineering of Pompton Plains was called as a witness and accepted as an expert.

A traffic report dated 11-1-17 had been prepared by him and as part of the application. He explained that an access permit from the State of NJ is required. This strip of highway going almost to Chester is listed as level 2 and allows only a single driveway into properties along this stretch of highway. This would apply for all uses. The State limits

BOROUGH OF PEAPACK & GLADSTONE

LAND USE BOARD

January 17, 2018

the amount of traffic that can use the driveway based on a formula which he explained. 151 trips in a peak hour are permitted and therefore limits the use. The mini mart must be below 2,000 s.f. This was developed back in the 1980's by the state staff and planning professionals. The cell tower access will be from within this site. They cannot have a separate access. DOT developed criteria for gas stations with mini marts. The ITE does not make that differentiation. DOT must approve this use. He did some counts and a gap study which is to measure the gaps in the front of the car and the rear of the car. He explained this was done in late June and July. He then compared another use on this site and the trips. This use will not necessarily generate new traffic. The board asked about trips for other uses and asked him what would a retail use generate?

Public Portion for the questioning of this witness was opened and closed since no one wished to question this witness.

Mr. Thomas announced that the board should consider hiring a traffic expert and that Ms. McKenzie will not testify this evening. The Board was polled about hiring an expert. An expert will review Mr. Rocciola's report. Mr. Rocciola may wish to review his report for the next meeting. This application was carried to February 7th with no further notice.

Ordinance to be Reviewed

1050-2018 – Amendment to portions of Chapter XXIII, Article IV – **A Residential Housing Community on Certain Lands in the ORL and RR-5 Zoning Districts.**
LUB response prior to Public Hearing scheduled for 2-13-18.

Mr. Thomas explained that it is the same ordinance which was addressed in 2017. No changes; same ordinance. It will facilitate affordable housing.

Public portion was opened and closed since no one wished to speak.

Joan Dill moved to refer the ordinance back to the council advising that it is consistent with the Master Plan; Judy Silacci seconded the motion which was approved by a roll call vote. Mr. Thomas will prepare a resolution of memorialization.

- **RESOLUTIONS TO BE MEMORIALIZED: - Carried to the next meeting.**

Application 2017-004 – 230 Main PG – LLC

Members eligible to vote: Yannaccone; Muller; Corigliano; Rubright; Hill; Dill; Heck; Silacci; Saunders; Sutte; Downing and DiSabato

Minutes – January 3, 2018 were approved as corrected.

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

Sarah Jane Noll
Board Secretary/Clerk