

BOROUGH OF PEAPACK & GLADSTONE

LAND USE BOARD

April 18, 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 10, 2018 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 10, 2018.

Salute to the Flag

Roll Call:

Present:

Greg Yannaccone, Chairman

Susan Rubright

Chris Downing

Kingsley Hill

David DiSabato - late

Judy Silacci

Peter Sorge, Alternate # 1

James Heck, Alternate # 2

Lisa Saunders, Alternate # 3

Matt Sutte, Alternate # 4

Absent:

Mayor William Muller

Mark Corigliano, Councilman

Joan Dill, Class IV

Also Present:

William Ryden, Borough Engineer

Roger Thomas, Esq. Board attorney

John Szabo, Planner

Eric Keller, Traffic engineer

Meeting convened at 7:05

Block 33, Lot 15 – 145 Route 206 – ORL Zone – Use Variance to allow communication tower and gas station with convenience store. Application is bifurcated; no site plan submitted. – Deemed complete 11-27-18; Time for decision 120 days – **May 30, 2018 Carried from the January 17, 2018 meeting.**

Rob Simon, Esq. was present and reviewed the previous testimony and advised that this is a bifurcated application for only the use variance and if approved then the applicant will apply for site plan. Have submitted some of the site plan so as to get feed back from the board. He reminded the board that they have heard from engineer Paul Fox at the January meeting. Eric Keller's revised memorandum regarding the April 6th memo – Eric Keller from Bowman Consulting was present and recognized by Chairman Yannaccone.

Paul Fox had been previously sworn in and reminded of that. Mr. Fox did prepare and submit the following exhibits

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Exhibits

- A-3 – Use variance plan dated April 3, 2018**
- A-4 - dated 4-2-18 turning movement plan**
- A-5 - dated 4-17-18 Use Variance site plan – sheets 1 and 2 of 5**
- A-6 – revised turning analysis dated 4-17-18. – 4 sheets**
- A-7 – photo of existing structure showing the southern end**
- A-8 – photo of building from the north**

The three parking spots in front of the convenience store have been moved to the rear of the property. They have spread the pump islands further apart and eliminated one of the fueling stations. They are reduced to 9 from 12 positions for fueling. This is to provide wider distance between pump islands. The plan is showing trash and recycling container locations. There is a 50' driveway to Route 206; the island has been removed. The steep slopes consist of 2/10 of one acre. This area would be encompassed in an easement and be maintained. This would not affect the ingress and egress to the telecommunications tower on the site. If not developed as a gas station; the 20% proposed other development would result in a much larger developed area and have a greater impact on the slopes. It was noted that there are slopes of 25% and greater on the site.

*David DiSabato came in @ 7:25 p.m.

The purpose of the two photos exhibits A-7 and A-8 is to show where the proposed development would be located.

Mr. Fox proceeded to explain exhibit A-6 which shows the turning pattern for a fuel truck leaving the site. Deliveries to the convenience store would be from box trucks. The isle width is typically ranging from 20' – 24'. He sited other gas stations recently built in Chester and Far Hills. This testimony is showing that the site is suitable for this type of use. The DOT does not want curbing.

There were no questions from the professional staff.

A motion to open the meeting to the public for questions of this witness was made and seconded by the board. Since no one in the public wished to question the witness, the public portion was closed.

Judd Rocciola, of Rocciola Engineer who had been previously sworn was reminded of that by the Chairman. Mr. Rocciola then advised that the two reports dated February 9th and April 15th and prepared by Eric Keller had been reviewed by him and subsequently he prepared his report dated March 29, 2018. He discussed conversations he had with Mr. Ryden. As the result, the plan was revised as testified to by Paul Fox. Route 206 is an access level 2 highway and the amount of traffic that can be accessed is controlled by the DOT. 190 trips would be permitted for this use. The proposed gasoline/min-mart has not been enlarged to accommodate this number of trips. At the last hearing he had testified to 150 trips. According to DOT regulations, the applicant could increase the size of the mini-mart so as to accommodate the 190 trips allowed. The propose driveway is a full

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access with full movement. The gas station is largely going to be for by-pass traffic. There are a lot of other available gas stations in the area. A permitted use of 60,000 s.f. such as an office would be allowed @ 130 trips per hour. This would be new traffic on the highway not by-pass traffic. He addressed Eric Keller's latest letter asking for trip generation according to the 10th edition of the manual. They are proposing 160 trips. The DOT uses 130 trips at peak hour. The DOT will review at 130 trips. In his report he showed in Table 4, trip generation/pass-by trips for the various uses in this zone during peak hours. These are based on a 20,000 s.f. building. It was his opinion that this use fits the site more than the permitted uses allowed in the Master Plan. The circulation plan is viable to this site; access for the fuel truck is adequate (perhaps the DOT may allow a wider driveway); access quality of ingress and egress is a danger to health and safety. He feels that it is a safe driveway and appropriately designed for the use. The island has been removed and made narrower only for the trucks; not cars.

The Board members questioned the witness. He has not spoken with the DOT about this driveway.

Eric Keller questioned the witness and asked if DOT would approve an 80' driveway with no island in the middle. Mr. Keller commented that he has never seen this. The paved width is 32'. The FinPro driveway is across the road. There is an island in that driveway. It is a teardrop. 10' wide paved shoulder with gravel beyond that is used for the old building. He questioned the information in Table 4. The witness had used the ITE information not the DOT.

Mr. Keller was sworn in and gave his background which included a licensed since 1987 in both Pa. and N.J. He was accepted as an expert. Mr. Yannaccone asked Mr. Keller if he agreed with the testimony of Mr. Rocciola. Mr. Keller was then questioned by the board regarding the testimony of Mr. Rocciola. He advised that DOT does not like the little islands. Roger Thomas, Board attorney questioned the witness. DOT uses its own trip rates and they do sometimes vary from ITE rates. The gap study was done in July.

A motion to open the meeting to the public for questions of both witnesses was made and seconded by the board. Since no one in the public wished to question the witnesses, the public portion was closed.

Charles Horn, residing on Rt. 206 Bellemede, NJ, was sworn in and advised that he has been employed as a Realtor with Keller Williams since 2002. He has listed properties that he has sold on Rt. 206. He had not had any sales of gas stations. He testified that he had listed this property in 2014 as the listing broker for \$975,000. On 11/20/16 it went under contract with Manjit Singh Bajwa. They have had between 90-100 inquiries and 3 offers one of which was a grain and feed store owner; premier development for age restricted housing, however they could not yield the # of units with a profit. There were lease advisors interested in the cell tower; not the development of the property. He did have persons of interest about restaurants. The Board members questioned the witness. The purchase of the property for a cell tower was between \$300,000 and \$400,000. The monthly rent from the tower is between \$3,400 – \$3,600. There have been no contracts from banks or pharmacies. There was a potential for a liquor store but no pharmacy. Judy

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Silacci was advised by the witness upon her questioning that no soil tests have been done yet on that property.

A motion to open the meeting to the public for questions of this witness was made and seconded by the board. Since no one in the public wished to question the witness, the public portion was closed.

Elizabeth C. McKenzie, Planner from Flemington NJ – was sworn and accepted as an expert witness.

The following exhibits were entered into evidence:

A-9 –her qualifications

A-10 – Aerial of site from 2011

Ms. McKenzie testified using the aerial from 2011 which does not show the solar farm. It does show the subject property bordered in yellow. The area adjacent to Route 206 is flat and rises in elevation toward the rear. It is a 5.010-acre site located on the southbound side of Route 206. 650' is the average depth. It was a Former Elks Lodge which has been vacant since 1996. Prior to the Elk's Lodge it did have gas pumps. There is nothing in Peapack Gladstone serving gas on the south bound lane of Route 206. The applicant is a Contract purchaser. She referred to the reduction in the # of gas pumps. She commented that the revised plan is a better plan as far as mover ability on site. The cell tower will remain with its access as now located. There is a shared driveway with American Legion which is located next to this property. She then proceeded to review the current zoning and the permitted uses. Seeking permission for a gas station and mini-mart will require a D-1 variance and bulk variances. The issues with DOT will be looked at if the use variance is approved and the site plan is prepared. She reviewed the proofs that need to be satisfied by the applicant so that the D-1 variance could be approved. The property does have a configuration that supports the proposed use. The Benefit is that they are proposing to leave almost all of the land undeveloped and also has volunteered to put an easement on the remainder of the property. The wooded area should remain intact to help to buffer any proposed adjoining residential development. This is a difficult site to develop as an office building. The FAR in the ordinance would limit an office building to 27,000 s.f. which would require a great many more parking spaces and the disturbance of much more land. The property has been substantially neglected and is an eye sore. The layout is simple and clean. Improvement to the area is substantial. It can be well screened from the property to the south; north and west. The site is peculiarly suited to this use. It is appropriate to this site and may contribute to public safety over time. She does not feel that there should be gas stations all along Route 206. Peapack has tried to preserve Route 206. They are utilizing only that portion of the site that is already developed. It is not substantially detrimental to the master plan. It allows the property to be developed to allow the ingress and egress to be safe. There are no other gas station located on the south lane.

Chris Downing asked if a cell tower could be the only use on this lot. She did not feel that she was the right expert to answer this question. Kingsley Hill questioned the permitted use and why she left out the Animal Hospitals. She said that it is possible to have an animal hospital but if the property needs to be cleaned up it would be a challenge.

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John Szabo, Board planner, questioned the witness. He agreed with her that this property is an anomaly.

Roger Thomas questioned the witness. There will be intense review by this board on what the building should look like. A building with character made up of the surfaces; roof line and the canopy will be appropriate. The nature of the building should reflect the character that she referred to.

A motion to open the meeting to the public for questions of this witness was made and seconded by the board. Since no one in the public wished to question the witness, the public portion was closed.

Chris Downing advised that there is no sewer infrastructure there. The nearest is on Pottersville Road. Someone would have to run a line up Rt. 206 to a small pumping station. They could put a septic system on site if approval is granted.

A motion to open the meeting to the public for questions of this witness or any of the witnesses who have testified was made and seconded by the board. Since no one in the public wished to question any of the witnesses, the public portion was closed.

Mr. Simon then summed up his case. He noted that there were comments in the Patch about a gas station. He noted that throughout this hearing; there has been no public wanting to question any of the witnesses or make any comments about the application.

The board deliberated about the application.

Kingsley Hill moved to approve the D-1 variance subject to the submission of a site plan; Susan Rubright seconded the motion which was carried by the following roll call vote:

AYES: Greg Yannaccone; Susan Rubright; Judy Silacci; Kingsley Hill; Chris Downing; James Heck

NAY: Peter Sorge

David DiSabato did not vote since he was late to the meeting.

Annual Report – carried to the next meeting.

County Hazard Mitigation Plan Update Presentation – Kingsley Hill

Kingsley Hill gave a brief overview of his presentation. Small areas that flood; big storms and mitigation of. He would like to meet with utilities and Fema and discuss underground burial. He asked the board members to please advise him of any known hazards or risks that they may know of. This will be discussed at the next meeting of the Board.

Minutes – The April 4, 2018 minutes were approved as corrected.

A motion to adjourn was made and seconded and the meeting was closed at 9:20 p.m.

Sarah Jane Noll
Secretary/Administrator