

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

*April 30, 2019*

**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 April 12, 2019 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 April 12, 2019.

**Salute to the Flag**

**Roll Call:**

**Present:**

Greg Yannaccone, Chairman  
Kingsley Hill  
Judy Silacci  
Susan Rubright  
Chris Downing  
David DiSabato  
Lisa Saunders, Alternate # 3

**Absent:**

Joan Dill  
Mayor Greg Skinner  
Mark Corigliano, Councilman  
James Heck, Alternate # 2  
Peter Sorge, Alternate # 1  
Matte Sutte, Alternate # 4 – was recused

**Also Present:**

Roger Thomas, Esq. Board attorney  
William Ryden, Borough Engineer  
John Szabo, Planner  
Eric Keller, Bowman Consulting  
Jack Szczepanski, Princeton Hydro

The meeting commenced at 7:00 p.m.

Public Hearing - carried from March 27, 2019 - Tolling Time 7-25-19:

**Block 33, Lot 15 – 145 Route 206** Preliminary and Final site plan with bulk variance approval as applied for by Manjit Singh Bajwa and Ravinder Kaur – **Application complete.** Revised plans were submitted for review April 18, 2019.

Robert Simon, Esq. was present representing the applicant in this matter. This is the second hearing on the second portion of this application. He reviewed briefly the March 27<sup>th</sup> meeting. They have made both engineering and architectural revisions to the plans which were submitted to the Board office and the professionals on April 18, 2019. Included with the plan was a report from a tree expert. The following experts will be heard this evening:

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Paul Fox 4-18-19 report.  
William Byrne, architect  
Traffic Consultant from Dolan and Deane  
Peter Steck, Planner

The following exhibits were entered into evidence as Supplemental information to the original application:

- A-6 – Amended site plan, rev. date 4-18-19, sheet 4 of 11 sheets
- A-7 – architectural fuel station
- A-8 – Apgar letter of 4-18-19 from Mr. Fox’s office with attachments

Susan Rubright and David DiSabato did advise the board that they had listened to the tape of March 27<sup>th</sup>.

Paul Fox was reminded that he had been previously sworn in and he reviewed the plans and changes to them.

The lighting plan shows the proposed Lighting fixtures which are called Sheppard’s Crook which he feels is closer in theme of the railroad station and to the mini mart. This is shown on sheet 9 of the plans marked as ‘Construction details.’

The Landscaping plan on sheet 7 shows the increase in the number of trees where there is space for them. A variety of landscaping vine called Weeping Forsythia is proposed to hide the walls. The wall height has been also changed. The walls are located in front of the septic and also behind the store. The plantings in the bio detention basin has also been increased and variety changed. The number of trees on the slope has been increased and changed to dogwoods. There are Maples in front of the site and infill with dogwood trees to the rear. Retaining walls height has been increased to limit the area of disturbance. 8’ is the highest height and will be covered with the weeping forsythia. The disposal bed has been sized down as much as it can.

Mr. Fox reviewed the revisions that have been made in accordance with the comments of the board’s professionals.

Sheet 2 of plans shows the 300’ buffer from across the highway. The 300’ buffer just touches the very front of the property at the southerly corner. They have provided the Natural Heritage Data base to the DEP. Listed in the Natural Heritage Data Base for the 115-acre forested area is the Hawk and Barred Owl. That sighting was from 1987.

The letter received from the Chairman of the Environmental Commission was addressed by Mr. Fox. The walls have been pulled back from the property line. Solar production does not work in the area because of sun exposure. The entire limit of disturbance was walked with the tree expert. They identified only one oak tree which is leaning and it is felt that it should not be left; it is to be removed. The white oak has some rot and will be cabled to increase its longevity. There will be additional infill with tree plantings. It was determined that trees would have to be removed in order to plant any more trees. They

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would be amenable to plantings trees in the Borough where needed. They will confirm any nesting birds prior to the start of any construction.

Mr. Downing questioned the 2-year guarantee of the trees. Mr. Thomas advised that the 2 year is a landscape guarantee but the performance bond will require that landscaping to be maintained. Mr. Yannaccone was very pleased with the lighting changes and the tree expert who is very good.

Jack Szczepanski reviewed the revisions that had been made and found them to be satisfactory. His report of April 29<sup>th</sup> was reviewed. Soil tests don't show permeability rates. This is required by N.J. For stormwater, the tests used are not acceptable. There was discussion on the type of pipes being used and Chairman Yannaccone asked if there will be area that would allow under drains to be put in if necessary.

Mr. Ryden asked about the candles under the canopy. Mr. Fox explained what is required for service stations like this type. Mr. Fox explained that there are 4 different settings and explained these to the board. They used the 'Rural' setting. The candles under the canopy is that level and is 8 to 10. This level is needed because of the activity under the canopy. Mr. Ryden has nothing else; the rest of the report would be set as conditions in the resolution.

Eric Keller addressed the monument sign and its proposed location. Mr. Fox reviewed the location. Mr. Keller was concerned that a vehicle driving north bound would miss the turn in because of the location of the entrance. Mr. Fox explained that the locations of the DELTA signs on the canopy makes the station visible to the oncoming traffic. The facility will be serving commuter traffic who are familiar with the site. Mr. Keller was advised that the property is set back approximately 14' from the edge of pavement to the road right of way.

Public Portion – The public portion of the meeting was opened for questions of the witness.

John Kappler, Chairman of the Environmental Commission questioned Mr. Fox about the plantings of trees. He advised that the Commission is concerned with the continuous forest. He would like to consider the entire property and plant the trees on the property rather than in the Borough. He would not object to a condition that once the clearing is finished, they walk the area to determine the need if any, for additional tree infill. Mrs. Rubright asked that Mr. Kappler stick to questions of the witness and hold the comments to later. He asked if the state were to widen the highway would it affect the site. Mr. Fox saw no problem if this were to happen.

The public portion closed to questions since there were no other persons wishing to question the witness

William Byrne was sworn in and accepted as an expert architect. His office is in Chester and he lives in Gladstone.

Mr. Byrne reviewed the changes made to the signage. Reflect 8'10" height and removed the designation of the DELTA sign and one of the 4 price designations. The height of the

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sign has been cut in half. The canopy design included a flat section 48" in height; this was reduced to 36" which is a 25% reduction. The detailing on the panel includes brackets and moldings and molding panels which reflects the design of the market. They have provided color breaks to the panel around the canopy. They did consult with a structural engineer and he agreed with the reduction of the panels from 48" to 36". The board questioned Mr. Byrne. Kingsley Hill asked how long the canopy would survive if there was a fire. Mr. Byrne could not determine the length of time. Mrs. Rubright suggested that the construction code would determine that. There is no change in the color from the other plan. The colors of the market sign have not been determined. Mr. Keller suggested that they not use green on blue. The letters would be 12" in height. The Delta letters on the canopy remain the same.

Public portion was opened and closed since no one in the public wished to question the witness.

Douglas Polyniak of Dolan and Dean Traffic Engineering was sworn in and accepted as an expert traffic expert. He had reviewed the site plan with respect to the traffic aspect. He testified that the property is located along the southbound lane of Route 206. The canopy consists of 1960 s.f. with 9 pumps with 9 fueling stations. The isles are 30'. He expects the DOT to classify the highway at a Level 2 highway with 190 peak hour trips. There will be a right turn in and right turn out. He believes that there is very little impact on the up and down stream traffic. He feels that the sign size is appropriate for Route 206; which is a commuter path and that the customers are familiar with the site. He commented on the Environmental Commission report regarding site access. The driveway meets NJDOT access approval. It will be submitted to the NJDOT for their concerns but he does not expect any concerns. This is a left turn highway so a vehicle going north could drive in. It would have to bypass a stopped vehicle and use the shoulder. He feels that the NJDOT will accept that design. The site is going to be used by the commuter stream. The Building is less than 2,000 s.f.; not a super convenience store. The quality of the access is safe.

The board questioned the witness. Judy Silacci commented that she thought that previous testimony during the use variance advised that access from the North bound lane would not be allowed. The answer was that it will be accessed from both lanes and that the DOT will determine what is allowed. Eric Keller was satisfied with the testimony.

Public Portion - The public portion of the meeting for questioning of this witness was opened.

John Kappler, Chairman of the Environmental Commission, questioned the bypass turn in. He had spoken with the local police and they told him that a bypass is a 4-point ticket. Both Eric Keller and Douglas Polyniak disagreed with this. Title 39 is state traffic regulations.

Isabel Corbin resident, referred to sheet 5 of 11 of the site plans revised through 4-18-19 and questioned the radius plan. She asked how someone would turn in from the north bound lane. She also questioned how a vehicle turns around when on the property. Mr. Polyniak explained this to Ms. Corbin.

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John Kappler asked how a car turns in and gets out. Mr. Polyniak explained.

Peter G. Steck, Planner – 80 Maplewood Ave., Maplewood, NJ was sworn in and accepted as an expert witness as a professional planner.

Mr. Steck provided an overview of the project. He commented that the application of the bifurcated use variance was unusual in that it had a fairly engineered plan. This plan does not have many changes in it other than what was presented during the ‘use’ variance application. The property did get rezoned since that approval and does have rights under the bifurcated application. He referred to the testimony of Elizabeth McKenzie, Planner during the bifurcated application and her testimony that this site is not conducive to residential use. Those reasons still exist. There is a Front and side setback issue and the canopy does intrude into the front yard. Since this is a residential zone, the zone does not address commercial signs. The signage is important to this site. They are proposing 3 signs. There are aspects of both C-1 and C-2 variances. The more that the development is pushed back, the more the hill is being cut into and the requirement of retaining walls and tree cutting. Aesthetics are promoted. If housing were done on this site; there would be a large detention basin. The rear of this site could be used for a housing development. Housing should not be located 50’ from the highway. The least amount of disruption of the site is better. The unique topography of the site provides the justification for the positive criteria for the C-1 variance. He testified that the positive criteria for the C-2 variance in the improvement of transportation routes and the aesthetics providing a desirable visual environment and the lack of any substantial detriment to the Borough has satisfied any negative criteria. The new building is closer than the old building however there is no established setback along Route 206. Mr. Szabo takes no exception to the testimony given. Mr. Downing questioned Mr. Szabo about possible affordable housing on this site.

Public Portion of the meeting to question this witness was opened and closed since there was no one in the public wishing to question the witness.

Public Portion for comments was open and closed. No one in the public had comments.

Mr. Simon thanked the board for their attention to this application and commented that this property has been an eyesore to this community for a very long time. From the Board comments at the March 27<sup>th</sup> meeting the applicant went ahead and revised the plans accordingly. The applicant has demonstrated the criteria for the C-1 and C-2 variances. They have gone far and wide to accommodate the wishes of this board. He thanked the board for their consideration.

Mr. Thomas questioned Jack Szczepanski and his March report and his satisfaction of the plan. Eric Keller suggested that the sign on the market ‘7<sup>th</sup> heaven’ should be white; not green and the lettering 12” in height. The DELTA logo on the canopy will be 24”. John Szabo agreed with the Environmental Commission regarding the barberry plants. Mr. Szabo advised that this is the most highly designed gas station in NJ. Bill Ryden stated that there are a number of conditions:

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- The Infill of trees at lower end and at the top prior to the Certificate of Occupancy being issued.
- Confirmation of endangered birds
- Test of soils
- Logo letters 24”
- 7<sup>th</sup> heaven letters be white
- Deliveries be off peak

David DiSabato; Chris Downing; Greg Yannaccone\\

Susan Rubright moved to approve the preliminary and final site plan with variances; Kingsley Hill seconded the motion which was approved unanimously by the following roll call vote:

AYES: David DiSabato; Chris Downing; Greg Yannaccone; Susan Rubright; Kingsley Hill; Judy Silacci and Lisa Saunders.

NAYS: None

**Chris Downing recused himself and left the meeting.**

**AN ORDINANCE TO AMEND SECTION 23-39.2 OF THE LAND DEVELOPMENT ORDINANCE CONCERNING CONDITIONAL USES, TO INCLUDE RECREATIONAL FACILITIES OWNED AND/OR OPERATED BY A SCHOOL AS A CONDITIONAL USE IN THE RR-3 ZONE**

John Szabo reviewed the ordinance with the board. He explained the reasoning for the ordinance and advised that it is not inconsistent with the master plan.

Roger Thomas also added his comments regarding the ordinance which is relative to the Gill School and added that it is not inconsistent with the 2015 review of the Master Plan.

The Gill School would still have to appear before the land use board. Permitted accessory uses associated with the permitted uses. The second reading of the Council is May 7<sup>th</sup>.

Greg Yannaccone moved to recommend to the Council the adoption of the ordinance in that it is not inconsistent with the 2015 review of the Master Plan; Judy Silacci seconded the motion which was passed by the following roll call vote:

AYES: David DiSabato; Greg Yannaccone; Kingsley Hill; Judy Silacci and Lisa Saunders

NAYS: Susan Rubright

Minutes: The minutes of the March 27, 2019 minutes were approved as corrected.

Greg Yannaccone may have a conflict for May 15<sup>th</sup> meeting. He will advise.

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**Adjourn**

A motion to adjourn was made and seconded and the meeting was closed at 9:30 p.m.

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Sarah Jane Noll  
Administrator/Secretary