

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

May 5, 2021

David DiSabato called the meeting to order at 7:26 P.M. with the opening statement.

Opening Statement: Adequate notice of this meeting of the Land Use Board of the Borough of Peapack & Gladstone was given to the Daily Courier News on December 28, 2020 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 December 28, 2020. The meeting is a web-based platform providing remote access as the meeting will be open to the public remotely. In the event any member of the public cannot access the public file documents or exhibits, and/or cannot access the Zoom web-based virtual meeting room, they may contact the Board Secretary at snoll@peapackgladstone.org or 201-400-9043.

Difficulty in recording the hearing. Recorded on the iPhone of Sarah Jane Noll.

Salute to the Flag

Roll Call:

Present:

Susan Rubright
Peter Sorge
David DiSabato
Kingsley Hill
Joan Dill
Chris Downing
Judy Silacci
Matt Sutte, Alternate #1
Robert Riedel, Alternate # 2
Paul Norbury, Alternate # 3
Craig Darvin, Alternate # 4

Absent:

Greg Skinner, Mayor
Mark Corigliano, Councilman

Also Present:

Roger Thomas, Esq. Board attorney
William Ryden, Borough Engineer
John Szabo, Borough Planner
Sarah Jane Noll, Clerk/Administrator

Minutes: The minutes of April 7, 2021 were approved as corrected.

Susan Rubright and Peter Sorge recused themselves from hearing the application.

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David DiSabato chaired the meeting.

Public Hearing:

Application # 2020-002 – Block 23, Lot 3 – Red Horse Motoring Club of Peapack, LLC – 165 Main Street.

Roger Thomas advised that this is a 'd' variance, and the council member and mayor cannot hear the application. Also with a conflict is Susan Rubright and Peter Sorge and they muted themselves.

Mr. Thomas gave an overview of the previous meeting of April 7th and the witnesses heard at that meeting.

The meeting was turned over to Sean Monaghan, Esq. who reviewed the application for the use variance. The applicants are Rob Francis Sports Cars and Red Horse Motoring club, which is a private club for classic car owners. There are minimal changes to the structure. The applicant is open to all recommendations made by the Board and advised that it is a private club for members but not open to public. The liquor license will be amended so that no alcohol will be served in the Rob Francis Car Dealership area.

Chairman DiSabato noted that a condition of approval be the amendment to the license issued by the Mayor and Council of the Borough. The Chairman and several members questioned the statements made by Sean Monaghan, attorney for the applicant and asked if it would be considered testimony. Mr. Monaghan advised that he only attempted to summarize the previous meeting and it is not testimony. Board attorney Roger Thomas addressed the proposed outdoor service of alcohol and suggested that the applicant provide more information on this. Mr. Downing felt that Mr. Monaghan's summarization should not be testimony.

Mr. Monaghan introduced his first witness Thomas Bryer who was sworn in by Roger Thomas, Esq. Mr. Bryer is the owner of Country Club Services from Milburn, New Jersey and testified that it is a parking and transportation company. He is vice-president of the company which is a direct shuttle operation and will be used by the Red Horse Motoring Club for events at the facility. He explained the proposed parking at the Gladstone Bank property by persons attending the event. They will have their automobile parked and they will then be shuttled to the Club. A shuttle will be called for persons leaving the Club. There were no further questions of the witness.

Roger Thomas questioned the witness. Mr. Bryer testified that there are between 140-150 parking spaces available at the Gladstone Bank property and that he has inspected the property and feels that there are no impediments. There is a building on the property which requires the use of 2-4 of the parking spaces.

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John Szabo questioned Mr. Byer on the 2-3 vehicles that will be used to shuttle the patrons and the number of trips anticipated. The mini buses will be parked at the bank and called up.

Board questions of the witness included the number of passengers can will be picked up and left off; if there is an area where the buses can turn around and if the use is allowable on the Bank property. The applicant does not feel that there is an issue with the use and the residential use in the area. The buses hold between 13-14 passengers. Mr. Thomas advised that the use does not require a separate notice. The adequacy of the lighting at the bank was questioned, and the witness felt that there is no need for additional lighting. Board member Joan Dill reminded everyone that there is an ATM machine there with lighting. The board suggested that the lighting should be explored. **The secretary advised that there were no questions from the public.**

John Harter, Traffic Engineer was sworn in by Mr. Thomas and advised that his office is in Warren, New Jersey. Mr. Harter stated his qualifications and was accepted as an expert witness. Mr. Harter testified that he had visited the site and had prepared an analysis of the traffic and parking and has concluded that the uses can operate without creating a traffic issue. He summarized this in his report dated 4-20-21. He reviewed the county route and noted that there is street parking along the south side of Main Street allowing for 2-hour parking and some allowing for 20 minutes. He noted that there is off-site parking within 750' of the property which can accommodate 55 parking spaces and a small parking area between main Street and Willow Ave. There is a total of 77 spaces available. He reviewed the report and the traffic counts. He testified that there are 33 on-site spaces which exceeds the required 29 spaces. He testified that they propose one monthly meeting and these meetings do not pose a problem assuming that there are 2-3 passengers to a car resulting in 20 vehicles and 4 employees which can be accommodated by using the 33 parking stalls. The property is located 1,350' from the Bank parking lot. Any large event would have the use of the bank parking lot to accommodate the attendees. The Bank is located at 190 Main Street. He reviewed the circulation plan for the parking. An event for 150 attendees could be accommodated by 12 trips. He testified that he had participated in a call with Anthony Melillo owner of the Bank property who has agreed to allow the parking for the events. They will be able to adjust the hours to accommodate the hours of lighting on the site.

Board questions of the witness included confirmation that there would be one (1) club meeting per month; that small events would be limited to 1-2 per month and would not exceed 40 persons and; the Bank property would not be used for these small events. The larger events would be the only events utilizing the Bank property. The bank property would be used if there are 5-6 events on weekends and nights. The witness testified that the character of the parking lot does not change.

John Szabo asked that 'small events' be defined, and he questioned the number of spaces needed since there are 33 spaces on the site. Mr. Harter stated that the

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employees would be using the site and the applicant would prefer to keep all parking of visitors at the bank. There would be a valet at the entrance to the Club directing people to the Bank. John Szabo commented on the total number of people attending an event which is 2 persons per vehicle. Mr. Harter testified that not all of the people would be there at the same time since it would be during the daytime. Mr. Szabo felt this is a negative impact on the neighborhood. Mr. Harter testified that there is plenty of capacity on the road for parking of vehicles. Mr. Ryden questioned if there has been an assessment of the parking on the site. This will be addressed by Mr. Hansen. Some of the parking spaces on site will be striped. The area behind the dwelling is asphalt which will be striped. Mr. Ryden suggested delineators being provided. Mr. Ryden felt the site is fragmented and he is concerned with 33 parking spaces that are not marked. Mr. Ryden also questioned parking up against the garage doors of the building. John Hansen will address these issues during his testimony. Mr. Szabo pointed out that a variance is required since they cannot strip the parking spaces. This was addressed in Mr. Szabo's February report with other items needing relief. Mr. Riedel questioned the business relationship between the Bank property and this applicant. Roger Thomas advised that the Board has the right to state restrictions or conditions which would include the need for a contract. Mr. Monaghan advised that there will be a written agreement between Red Horse Motoring Club and Melillo Equities which is a year-to-year arrangement. Roger Thomas advised that the off-site parking component is part of the approval. Failure of the contract would be revocation of the approval. Mr. Kingsley questioned the operation of the parking lot across from the site. It was pointed out that the removal of the residential dwelling will improve the site distance. Mr. Kingsley advised that there is an annual car show held on the site which he believes is hosted by Rob Francis. Mr. DiSabato advised that the car show is run by the Fire Department and that Rob Francis has had events, but the board is not familiar with what kind of events these were. Chris Downing advised that the clients attending the restaurants in the area do occupy the street parking.

Public Portion of questions of the witness – John Kappler questioned the 33 spaces on the site and the stall width and the parking on gravel. Mr. Downing questioned the safety of the outside seating area and if this has been addressed. Mr. Harter advised that he has only looked at the site line and the removal of the building. Mr. Harter sees no issue with people moving within the parking area or food service crossing the parking area to the garden.

John Hansen, P.E. was sworn in and testified that he is Vice President of E&LP located at W. Main St. Highbridge, NJ. He was accepted as an expert witness. He testified that he was hired to design the site plan.

Entered into evidence was the following exhibit:

Exhibit A-2 -Report prepared by John Harter dated 4-20-21.

John Hansen displayed sheet 2 of the plans submitted as part of the application. The property consists of 1.37 acres to the road right of way. They will be dedicating the area to the center line of the road. Mr. Hansen identified the surrounding properties and pointed out the structures on the property and noted that the

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storage garage is considered an accessory structure by ordinance. He described the drainage on the property and advised the site is constrained by a Flood Plan and a 300' Riparian zone. There is one access with two-way traffic. He addressed the pre-existing non-conforming setback for the various structures and the coverage and floor area ratio. He pointed out the nonexistence of landscaping and the existing lighting which consists of only building lights which will be upgraded. The existing dumpster which is presently in the floodway will be relocated. He addressed the signage on the primary and accessory buildings noting that the sign on the accessory structure may have been removed. There were no questions on the existing site conditions.

Mr. Hansen then reviewed Sheet 3 of the plans submitted and described the proposed changes. Parking spaces measuring 9' x 18' will be striped and ADA stalls included. The dumpster will be moved out of the flood way but will still be within the Flood Zone with approval of the DEP. The residence will be removed, and the foundation which has a dirt floor will be kept and planted with bushes and landscaping and protected by black aluminum fence. They will meet with the Board Planner John Szabo to determine the type and number of plantings. Mr. Hansen was questioned about the path of travel by servers and members and testified that a cross walk will be painted. This is a low traffic generated use. The striping of the gravel was explained. There is public water and sewer and there is no change in utilities. Roger Thomas questioned the route that the mini buses would use when discharging people and the proposed parking in the grassed area in the southwestern corner. Mr. Hansen testified that the 33 parking spaces are not included in this grassed area and testified that parking in the grass area would not be prudent when the area is wet. William Ryden advised that the newly revised stormwater regulations would prohibit parking in the grassed area, and he recommended that this area be a non-parking area. Mr. Hansen advised that there is no need for parking and agrees to excluding this area from use of parking. Mr. Szabo pointed out that the display vehicles in the front of the building will be within the road right of way when dedicated to the County. Mr. Hansen advised that the Co has approved the plan allowing the display area in the R.O.W. in their 10-1-2020 approval letter. Mr. Hansen read from the 10-1-20 report from the County. Mr. Ryden pointed out that the plan that they approved did not have the dedication of the R.O.W. and recommends a letter of clarification from the Co. As a result of Mr. Ryden's question about the parking in front of the garage doors, Mr. Hansen explained that that area is used for storage of members vehicles and if they wish to have their car, they must make an appointment. The ADA parking spaces will be paved and have direct access into the building which Mr. Ryden approved. WR questioned the lighting. There was agreement that the rear of the building will be enhanced with building lighting. Mr. Ryden asked that a plan reflecting this be forwarded to him. Mr. Hansen does not feel that the northern side needs enhancement. Mr. Ryden does not feel that the dirt floor of the residential dwelling is impervious. There was discussion regarding the parking of vehicles in the front yard which Mr. Szabo explained the regulation and the difference in the parking of vehicles of members or by the car dealership and is concerned because the display area is now in the road right of way which is usually frowned on by the County.

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Roger Thomas questioned Mr. Hansen about the garden area being used for cooking classes. Mr. Hansen was not aware of this and explained that here will be tables and chairs and a fire pit in the garden area. Dinner could be had in this area. Mr. Ryden questioned if any area in the serenity garden will have a structure. The only structure would be the foundation which currently exists, and fire pit is portable. Chairman DiSabato questioned the foundation as an accessory structure which Roger Thomas confirmed that it is a pre-existing residential structure going to be a recreation structure. This will be discussed by Mr. Hansen in his planning testimony. Mr. Hansen explained that the foundation will only be 3' deep and there will be fencing on the north and east side.

Public Portion questioning the witness. John Kappler questioned the dimension of the pipe in the culvert which is 24" and asked if there are any deed restrictions on that area and the culvert. Mr. Hansen does not know when it was installed and if it is sized. He did testify that it is sufficient for vehicles and garbage trucks. Mr. Hansen explained the DEP permits that are needed and advised that the property is properly graded, and Stormwater Management is not required. Mr. Kappler questioned if the formalization of the parking area is a change in use. He asked if pervious pavement has been considered. Mr. Hansen explained that that would create an underground bathtub. Chairman DiSabato asked Mr. Kappler to advise the Board if there are issues or suggestions that the Environmental Commission may have.

The next witness Wayne Harders was sworn in and testified that he resides in Philadelphia, Pa. He is the founding owner and CEO of the Red Horse Motoring Club and Steve Everett is his partner of this high-end car club for people who enjoy the hobby of motoring. It is not a men's club; many women are members. It is a private club and will remain a private club. They are not open to walk-ins and persons entering are required to have reservations. They will be open 7 days a week. The permanent staff will be 6-9 on weekends and 4-6 staff during the week. Midnight will be the closing time during the week Monday – Thursday. Hours on the weekend will be from 8 a.m. until closing and closing is when the last member leaves. He testified that there is very little action during the week but the weekend rampa up. Food and beverages are available in the dining area. There will be an advisory board of 9 members such as in Pottstown. This Board reviews and approves all applications and resolve issues and look after the members. There are standards of conduct. He testified that there will be no cooking classes in the serenity garden. There will be 3 or 4 sides blocked off and the existing sidewalks will be removed. The foundation will be filled to the walking area in the back. There is a 2-3' difference in the front.

Because of the hour, Mr. Monaghan advised that the testimony of this witness will continue at the next meeting on the 2nd of June.

The hearing was carried to June 2nd without further notice. An extension of tolling time was granted until the end of June. This will be confirmed in a letter to the Secretary.

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ADJOURNMENT – There being no further business, the meeting was adjourned at 10:40 p.m.

Sarah Jane Noll
Clerk/Administrator