

Borough of Peapack & Gladstone
Land Use Board
January 12, 2022 – Reorganization Meeting
Agenda

Reorganization meeting.

Attorney Roger Thomas assumed the chair for this portion of the meeting commencing the meeting at 7:00 p.m.

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 16, 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 January 16, 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 sinoll@peapackgladstone.org or 201-400-9043.

Flag Salute

Swearing in of members.

Judy Silacci – Class IV – 12-31-2025
Gregory Yannaccone – Class IV – 12-31-2025
Matt Sutte – Alternate # 1 – 12-31-24
Robert Riedel – Alternate # 2 – 12-31-22
Paul Norbury – Alternate # 3 – 12-31-22
Craig Darwin – Alternate # 4 – 12-31-24
John Sweeney – Class III – 12-31-2022

Roll Call:

Present:

Mayor Greg Skinner
John Sweeney
Gregory Yannaccone
Joan Dill
Judy Silacci
David DiSabato
Peter Sorge
Matt Sutte, Alternate # 1
Robert Riedel, Alternate # 2
Paul Norbury, Alternate # 3
Craig Darwin, Alternate # 4

Absent:

Chris Downing

Also Present:

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

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Election of Chairman for 2022:

Judy Silacci nominated Greg Yannaccone for the position of Chairman for 2022; Joan Dill seconded the nomination and since there were no other nominations for this position, the ballot was closed, and the motion was approved by the following roll call vote:

AYES: Greg Skinner; Joan Dill; David DiSabato; Peter Sorge; Matte Sutte; Paul Norbury; Robert Riedel; Judy Silacci; John Sweeney; and Craig Darvin.

NAYS: None

Mr. Thomas turned the meeting over to newly elected Chairman Yannaccone.

Election of Vice-Chairman for 2022

Peter Sorge nominated David DiSabato as Vice-Chairman for the year 2022; Greg Yannaccone seconded the motion which was approved by the following roll call vote:

AYES: Greg Yannaccone; Greg Skinner; Joan Dill; Matte Sutte; Robert Riedel; Judy Silacci; Craig Darvin; Paul Norbury; John Sweeney and Peter Sorge.

NAYS: None

Nominations for Clerk/Secretary:

Greg Yannaccone nominated Sarah Jane Noll as the Clerk/Secretary for the year 2022; David DiSabato seconded the motion which was approved by the following roll call vote:

AYES: Greg Yannaccone; Greg Skinner; Joan Dill; David DiSabato; Chris Downing; Peter Sorge; Matte Sutte; Robert Riedel; Judy Silacci; Craig Darvin and Paul Norbury.

NAYS: None

APPOINTMENT OF PROFESSIONALS:

Greg Yannaccone moved to adopt the resolution appointing the Attorney Roger Thomas, Planner John Szabo, and Engineer William Ryden for the year 2022; Judy Silacci seconded the motion which was passed by the following roll call vote:

AYES: Greg Skinner; Greg Yannaccone; John Sweeney; Joan Dill; David DiSabato; Peter Sorge; Craig Darvin; Matte Sutte; Robert Riedel; Judy Silacci and Paul Norbury.

NAYS: None

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APPOINTMENT OF THE BOARD SECRETARY OF THE BOARD FOR 2022.

Greg Yannaccone moved to appoint Judy Silacci as the Secretary of the Board for 2022; Joan Dill seconded the motion which was passed by the following roll call vote:

AYES: Greg Skinner; John Sweeney; Joan Dill; David DiSabato; Peter Sorge; Greg Yannaccone; Matte Sutte; Robert Riedel; Craig Darvin and Paul Norbury.

NAYS: None

OFFICIAL NEWSPAPERS and MEETING DATES for 2022 & January, 2023

Joan Dill moved to adopt the resolution designating the Official newspapers which are the Courier News and Bernardsville News; location for posting of notices and the fee to be paid by any person requesting individual notice of meetings and the meeting dates for 2022 and January 2023; Judy Silacci seconded the motion which was passed unanimously by the Board.

There being no further reorganization business, the meeting was adjourned at 7:15 p.m. by the motion of Greg Yannaccone and Joan Dill.

Roger Thomas, Board Attorney left the meeting. Clifford Gibbons, Esq. was present for the remainder of the meeting.

January 12, 2022

REGULAR MEETING

Clifford Gibbons, Esq. was present representing Board Attorney Roger Thomas, Esq. who left the meeting.

The regular meeting of the board commenced at 7:16 P.M.

Chairman Yannaccone read the 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 16, 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 January 16, 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 jinoll@peapackgladstone.org or 201-400-9043.

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Roll Call:

Mayor Greg Skinner
Chairman Greg Yannaccone
Councilman John Sweeney
Joan Dill
David DiSabato
Peter Sorge
Judy Silacci
Matte Sutte, Alternate # 1
Robert Riedel, Alternate # 2
Paul Norbury, Alternate # 3
Craig Darwin, Alternate # 4

Absent:

Roger Thomas, Esq.
Chris Downing

Also Present:

William Ryden, Borough Engineer
Clifford Gibbons, Esq. Acting Board attorney
John Szabo, Borough Planner
Sarah Jane Noll, Clerk/Secretary

Minutes: The minutes of the December 15, 2021, meeting, were approved as corrected by motion of Joan Dill, and seconded by Judy Silacci.
Abstain: John Sweeney

New Business:

Public Hearing:

Application # 2021-007 - Manjit Singh Bajwa – Block 14, Lot 5 – 7 Pottersville Road Application is deemed incomplete until the board acts on the following waiver requests of the application checklist:

Item #13 - Water courses, floodplains, wetlands, etc. within the 200 feet of the site.

Item #15 - Wooded areas and specimen trees.

Item #18 - Location of existing utilities and storm drains.

Robert Simon, Esq. was present representing the applicant. Greg Skinner and John Sweeney recused themselves since the application is for a use variance. Mayor Skinner left the meeting and John Sweeney moved into the audience.

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Mr. Simon advised that the property known as Block 14, Lot 5 is in the VN, (Village Neighborhood) zone, consists of 0.646 acre and is developed as a Delta gasoline service station comprised of a single pump island with 2 pumps and a two (2) bay auto service building containing approximately 484 square feet. The service station was before the Land Use Board in 2017 for site plan review to permit the construction of a canopy over the existing gasoline service station pumps. Multiple uses are permitted in the VN zone. The applicant is requesting minor site plan approval and a D-2 variance to allow the expansion of a non-conforming use. The applicant proposes the repurposing of the 2-bay garage into a general store serving the public. The automobile service bay use is not permitted and what is propose is a general store which is in character with the VN zone as set forth in Sect. 23-69a of the Zoning Ordinance.

Reports had been submitted by the LUB professionals William Ryden, Engineer and John Szabo, Planner.

The applicant advised that the following witnesses will be heard:

- Manjit Singh Bajwa, owner
- Tyler VanderValk, P.E
- William Byrne, Architect
- Paul Ricci, Planner

Mr. Gibbons, Acting Board Attorney swore in Manjit Singh Bajwa.

The requested Checklist Waivers were addressed by the Board. Mr. Ryden advised the Board that he has no problem with the request:

Item #13 - Water courses, floodplains, wetlands, etc. within the 200 feet of the site.

Item #15 - Wooded areas and specimen trees.

Item #18 - Location of existing utilities and storm drains.

Joan Dill moved to waive the three (3) requested waivers; Judy Silacci seconded the motion which was approved by the following roll call vote:

AYES: Joan Dill; David DiSabato; Peter Sorge; Judy Silacci; Greg Yannaccone; Matte Sutte; Robert Riedel; Craig Darvin and Paul Norbury.

NAYS: None

The application is deemed complete. May 12, 2022 is the tolling time.

Manjit Singh Bajwa testified to the list of products to be sold in the store and advised that he presently operates several other Gas Station facilities in the general area with markets. Mr. Bajwa explained that because he has had several different mechanics operating the repair service and that the new technology for

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cars makes it difficult for local garages to compete and stay in business, he feels that the site will be kept neater with the removal of the storage of cars waiting for repair and the noise of the mechanical equipment will be eliminated. The proposed use will provide a convenience to the residents. He is constructing a general store in Chester. He proposes to partner with local farms by selling their produce, cheese, milk, and eggs in addition to other products. He has contacted Stoney Hill Farms in Chester to supply organic products to the store. He received approval in 2017 for the gas pumps and canopy. He does not anticipate any additional traffic on Pottersville Road. There will be opportunities for people to park in the front and rear of the property. The employees will park in the rear. He anticipates that the customers will be by residents and businesses in the area. The proposed operation and the gas station will be open Monday thru Friday from 6 a.m. to 9 p.m., Saturdays from on 7 a.m. to 9 p.m., and Sundays from 8 a.m. to 9 p.m.

Board members questioned – Board members questioned if he would be duplicating the products sold by the Corner Deli. The landscaping required in the 2017 approval will be addressed by the applicant's engineer. Mr. Bajwa advised that he is amiable to providing any landscaping that the board desires. Mr. Szabo clarified that he did not mean to say landscaping was not there, he wants what is there to be shown on the plans. Mr. Bajwa confirmed that tobacco products will be sold along with other convenience items including lottery tickets. There will be no food prepared on site. Mr. Bajwa said that his hours are the same as at his other facilities and that he believes that these hours work for everyone.

Greg Yannaccone explained the LUB hearing process to the public. The public will have an opportunity to question each witness and the testimony they give. Statements are held to the end of the public hearing.

Public Portion.

Sergio and Georgiana Dente - 8 Bodine questioned if alcohol will be sold. The answer was 'no'.

James Heck – 6 Pheasant Run questioned the sale of tobacco products and asked the applicant if he would consider not selling cigarettes? Mr. Bajwa advised that vape products would not be sold. Mr. Bajwa did agree to place the tobacco products behind or under the counter, so they are concealed from view.

Alex Gabler owner of property located at 1 Bodine asked if marijuana would be sold there. John Szabo, Borough Planner explained to the public that the Borough opted out of the sale of marijuana within the borders of the Borough of Peapack & Gladstone when asked by the State of N.J.

Michael Gomez – 2 Bodine asked about lighting. This will be addressed by the applicant's Engineer during his testimony.

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Public Closed – There being no further questions of the public, the public portion was closed.

Tyler VanderValk, P.E. – Employed by Houser Engineering, Ringwood, NJ – was sworn in by Mr. Gibbons. He gave the board the benefit of his experience and acknowledged that his License is current and in good standing. Mr. VanderValk was accepted as a professional engineer.

The witness displayed the site plan dated June 17, 2021, on the computer for all to see. The map showed the area map in the right corner. Mr. VanderValk testified that the site contains a 193 s.f. one story building consisting of a maintenance garage with two (2) repair bays; and a fueling station with 3 dispensers and a canopy. There are four (4) striped stalls to the west of the building with parking spaces. He described the uses on the adjoining properties. The maintenance garage will be replaced by a general store. The building is currently non-conforming. The change of use requires additional parking in the front with a required total of sixteen (16) parking stalls. There are currently seven (7) parking stalls on the paved area. Nine (9) additional stalls are required. Three (3) stalls will require a variance since parking is not permitted in the front yard. A 'General Store' sign will be on the front of the building and will conform with the ordinance. It will be lit using gooseneck fixtures.

Entered into evidence was the following exhibit:

Exhibit A-1 – Landscape Plan dated 1-12-22

Mr. VanderValk reviewed the plan which contained the landscape island to the front of the canopy. The existing plants were required in 2017 but need to be evaluated to determine their health. They propose to plant Arborvitae along parking area on the westerly side. There will be planter boxes across the front of the building along with decorative grasses.

Two changes to the plans are proposed which include an area along the side of the building for the parking of delivery trucks and a fence around the refuse area. The rear parking area was addressed. They propose to remove some of the top aggregate and replace it with a smaller aggregate gravel. It is his opinion of the witness that the proposed parking is sufficient. They will put wheel stops in the gravel area if the board feels it is necessary. There will be a small directional sign on the side of the building. The circulation of the site is being improved. There will be some improvements made as per the Somerset County Planning Board Report dated December 8, 2021.

Board members questions.

Mr. DiSabato questioned where the fueling trucks will park. It was concluded that gas delivery would have to wait for the parking stalls to be empty. There will be some stalls out of service at that time. Mr. Bajwa will testify to the number of

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deliveries and how often. The applicant will extend a cross walk to the store from the three front stalls. The number of employees will be provided. John Szabo discussed the angle of the parking stalls which will be re-evaluated by the applicant. The use of gravel in the rear will be an issue with snow and ice removal. Continuing maintenance will be required. Chairman Yannaccone suggested paving some of the rear parking stalls which may replace the front stalls. Mr. Ryden, Borough engineer favors the removal of the front parking spaces and suggested a new surface of quarry gravel. The landscape plan will be formalized. Craig Darvin questioned if any of the parking stalls will be available when the tanker trucks are fueling. Mr. Bajwa will testify on the fueling. Mr. Ryden advised that when the fueling tankers are present, the operation is usually shut down and when the tanker leaves, the facility is reopened. Peter Sorge suggested screening of the entire site and would like to hear testimony on the turning radius to see why screening cannot be provided up to the road right of way. There was discussion regarding the installation of curb stops between the paved area and the brook. The witness advised that the vegetation that is there is maintaining the water quality of the brook. It was suggested that there should be wheel stops on all parking spaces. The applicant will provide clarification on the number of parking spaces. Mr. VanderValk discussed the reasoning for the number of parking spaces being 16.

Public Portion:

Sergio Dente – 8 Bodine Ave. asked that a traffic impact study be prepared because of the commercial traffic in the area. Mr. VanderValk explained that a study will not come back as this use being a significant impact. This type of use will not fill 16 parking stalls at any one time.

Michael Gomez – 2 Bodine advised that he is concerned with the car's lights shining directly on his house. There was discussion regarding the planting of screening and Mr. Szabo advised the board that dying or dead plants within 2 years of the installation must be replaced. This is required by ordinance. It is the obligation of the owner to maintain the plants. This is enforceable by the Zoning Official. Mr. Gibbons advised the Board that this can be bonded.

Alex Gabler – 1 Bodine questioned how many projects the applicant has worked on that border a residential zone. Mr. VanderValk answered that it is probably a small % and that this property is unique because it is not surrounded by residences and that the brook acts as a buffer between the commercial uses and the residential. It is his opinion that this application is improving the situation. Mr. Gabler advised that the property line is in the middle of the brook. He questioned the hours of operation and the effect that the vehicle lights will have on the properties across the brook. He asked if Mr. VanderValk was familiar with the buffering requirements of the Borough. It is in Section 23-45.7a & b. Mr. Szabo advised that Section 23-45.7a & b is applicable to the question. Mr. Simon, applicant's attorney questioned the witness about the elimination of the two parking spaces and if it is possible to have fencing behind the wheel stops which would block the car lights? Mr. VanderValk said that it is possible. The fence is

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allowed 4' beyond the building line. Mr. Gibbons asked Mr. Gabler if there is a house on his property. Mr. Gabler advised that the lot is vacant.

John Kappler – 25 Holland Ave. and chairman of the Borough Environmental Commission asked to see where the current dumpster is located. The dumpster is moved around the site. Mr. Kappler advised that the site is in the riparian zone. The witness advised that the flood does not over top the bank and that the site is 9' above the water's edge and is not in the flood plain. According to Mr. Kappler, debris goes into the river. According to the witness, the elimination of the auto repair will help to clean up the site. Mr. Kappler wants to know how they will mitigate this. Mr. Kappler also advised that the arborvitae will be eaten by the deer.

David DiSabato asked if there is a better place for the dumpster. The grade gets steeper further to the east.

Brian Ayling – 5 Apgar Ave. spoke to the installation of a fence which he finds will be beneficial. It will help with the lights from the cars. Mr. Simon advised that they would look into a fence. Mr. Szabo advised that Section 23-46.8 limits the height to 4' which should block the headlights. 6' would be better according to John Szabo but would require a variance which he would support. Joan Dill questioned the location the fence from the building line. Mr. Szabo advised that a variance would be required. It was agreed that this would respond to the concerns of the residents.

Mr. Gibbons, Board Attorney asked that anyone commenting, or questioning must activate their video.

Alex Gabler asked if the fence would be in the Riparian Buffer. Mr. VanderValk answered that it could be installed under a 'Permit by Rule'.

Since there were no further questions of the witness, the public portion was closed.

William Byrne, Architect was sworn in. He presented the Board with his expertise and was accepted as an expert witness. His License is in good order. His business is located at 1 Main Street, Chester, NJ.

Mr. Byrne prepared the elevations and design and is familiar with the property and the site. He is a resident of Gladstone and visits the site frequently. **'Proposed Renovations 1 Pottersville Road'** dated June 28, 2021, consisting of two (2) sheets were displayed on the screen. Sheet # 1 shows the elimination of the bay doors. The current entry door and waiting area will have new doors and windows and will be the access into the store. The veneer currently covering the facade will be uncovered revealing the natural stone underneath. The proposed sign is in compliance with the ordinance. The lighting that will illuminate

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the sign is a gooseneck fixture. A planting bed is proposed in front of the building. The building was constructed in the 1930's and is more cohesive with the architecture of the surrounding buildings. Sheet # 2 shows the layout of the proposed store.

Board questions – Craig Darvin asked if there will be a lot of light coming out of the store. Mr. Byrne advised that the glass will be tinted. Joan Dill asked about security lighting which according to Mr. Byrne will be a very low light level. David DiSabato questioned window signage which they testified to not having any. There was discussion regarding the stone veneer and any replacement will match the existing.

Public Portion

Sergio Dente – 8 Bodine Ave. asked what the timing of the renovation will be. The answer was 90 days or less.

Alex Gabler – 1 Bodine questioned the sale of lottery tickets and was told by the witness that there will be no signage in the windows.

Since there were no further questions of the witness, the public portion was closed.

Mr. Gibbons advised that the hearing is carried without further notice to the March 2, 2022, LUB meeting at 7 p.m.

Notes on Conditions of approval discussed during hearing:

- tobacco products concealed behind counter
- Hours of operation
- Determine condition of plantings per review of John Szabo or William Ryden.
- Somerset Co. Planning Board Approval
- Signage to control traffic flow
- Screening to be provided and reviewed by LUB Professionals.
- Bonding of plants
- Enforcement of Zoning Official
- No Signage in the front windows

Adjourn

There being no further business, the meeting was adjourned at 10:15 p.m. by a motion of Judy Silacci; seconded by Joan Dill and approved unanimously by the Board.

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Sarah Jane Noll
Clerk/Administrator