

**BOROUGH OF PEAPACK & GLADSTONE  
LAND USE BOARD**

**April 20, 2022**

**7 p.m.**

**Location: Via GoToMeeting conferencing system**

Greg Yannaccone commenced the meeting at 7:04 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 March 3, 2022. 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](mailto:jinoll@peapackgladstone.org) or 201-400-9043.

**Flag Salute**

**Roll Call:**

**Present:**

Mayor Greg Skinner  
John Sweeney  
Gregory Yannaccone, Chairman  
Joan Dill  
Judy Silacci  
David DiSabato  
Chris Downing  
Robert Riedel, Alternate # 2  
Craig Darvin, Alternate # 4

**Absent:**

Paul Norbury, Alternate # 3  
Peter Sorge  
Matt Sutte, Alternate # 1

**Also Present:**

Roger Thomas, LUB Attorney  
William Ryden, Borough Engineer  
John Szabo, Borough Planner  
Sarah Jane Noll, Clerk/Administrator

**Minutes:** March 16, 2022 – By motion of Joan Dill and seconded by Judy Silacci, the minutes of March 16, 2022, were approved as read.

John Sweeney: Craig Darvin, and Greg Skinner abstained.

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### For Discussion:

**2022 Housing Element and Fair Share Plan Amendment** – John Szabo briefly reviewed the proposed amendment. All the obligations of the Borough will be met. FinPro is being rezoned to allow for 5 affordable units and a storage facility. The entire presentation of the amendment will be heard at a public hearing on May 4<sup>th</sup>. This is not a major change on how we are complying with the Borough's obligation.

**Public Portion** – Andrew Pfitzenmayer living on Brook Street, Peapack questioned the uses. Cort Corbin – of 241 A Main Street in Gladstone asked about the Smith property which is located next to him. There will be affordable group homes with a total of 8 bedrooms. Each bedroom counts as a unit. The Smith property will have 20 affordable multiple units. There is no site plan submitted. When the site plans are submitted, there will be a public hearing at which time the public will have an opportunity to review the documents and speak.

The public portion was closed since there were no other questions. This amendment will be heard on May 4<sup>th</sup>.

**Greg Skinner and John Sweeney left the meeting since the next application is a use variance.**

### Public Hearing:

**Application # 2021-007 - Manjit Singh Bajwa – Block 14, Lot 5** – 7 Pottersville Road Application. The application was carried from The March 16<sup>th</sup> meeting of the Land Use Board. The application is incomplete until the Board acts on the request for check list items.

Robert Simon, Esq. was present representing the applicant Manjit Singh Bajwa. Mr. Simon advised that there was a corruption of the recording of the January public hearing which has resulted in the need to conduct the Public Hearing again this evening at which time, the entire presentation will be put on the record. There are seven (7) members present and Greg Skinner and John Sweeney left the meeting.

**Completeness issue was addressed.** The Board engineer William Ryden recommended that checklist items #13, 15 & 18 which the applicant has requested waivers of, can be granted.

Joan Dill moved to grant the requested waivers and deem the application complete; Judy Silacci seconded the motion which was passed unanimously by following roll call vote

**AYES:** Greg Yannaccone; Judy Silacci; Joan Dill; Chris Downing; David DiSabato; Craig Darvin; Robert Riedel

**NAYS:** none

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Mr. Simon reviewed the application and the reasons that a use variance is required. The two-bay garage and office will be converted into a general store to sell cheese, milk, fresh vegetables, soda, cigarettes, etc. He advised that some of the comments in the Board Professionals reports have been addressed. They have amended the site plan addressing these issues. There are two bulk variances which are for the proposed fence which is in the front yard and one parking space shown in the front of the proposed store.

The following exhibits was entered into evidence.

### **Exhibit A-1 amended Site Plan**

**Witnesses who will testifying are during this hearing are:** The applicant Manjit Bajwa; Gary Dean, Traffic Expert; William Byrne, Architect; Paul Ricci, Planner; Tyler VanderValk, Engineer.

**Manjit Bajwa** – was sworn in and testified that he has operated the present business of the sale of gasoline and the repair of automobiles since 2015. He explained that smaller repair facilities such as this one is no longer getting the business because it is now being handled by dealerships. The vehicles waiting for repair are parked on the site. There are frequent deliveries to the site. The proposed use would eliminate the storage of vehicles waiting to be repaired and the site will be much neater and the noise from the equipment would be eliminated. There will be fresh produce provided by local farmers. The proposed hours of operation are from 6 a.m. to 9 p.m. Monday thru Friday and from 7 a.m. to 9 p.m. on Saturday and 8 a.m. to 9 p.m. on Sundays. Deliveries of fuel will not be during the hours that they are open and there will be no deliveries on Saturdays. Grocery items are usually delivered on Thursdays. The grocery deliveries usually take 15 – 20 minutes.

**Questions by the Board** – The Board members questioned the frequency of the delivery of eggs which is once a week. David DiSabato asked the frequency of deliveries of chips – usually once a week. The change of use of a mechanical repair shop to a general store was questioned along with whether an environmental study is needed. The State Agencies would make that determination. He was asked if the items to be sold at this location could be sold on Route 206 where the applicant is currently building a general store and gas station. The applicant did advise that there will be pre-made sandwiches for sale in the store, but he is not going to operate a deli. The store operation is a permitted use in this zone.

**Public Portion** – Alex Gabler, owner of a vacant lot at 1 Bodine questioned the number of people who will be accessing the site other than people in vehicles and if there is going to be the sale of tobacco and vaping products. Mr. Bajwa testified that he will sell tobacco products but not vaping. There will not be signage in the window other than what the State requires. There will be no lighted signage. Liz Taran, owner of the Gladstone Deli asked about traffic and if the delivery of products can be limited to hours other than during rush hours. She questioned how bread can be fresh when delivered only once a week. He explained the difference between fresh hard rolls and bagels and wrapped bread.

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Ms. Taran questioned the freshness of the pre-made sandwiches. Ms. Taran also questioned the number of employees on the site which is one employee inside. Georgianna Dente - 8 Bodine – asked the difference between a general store and a convenience store. Mr. Bajwa advised that what is proposed is a general store.

There being no further questions of this witness, the public portion was close.

**Tyler VanderValk, P.E.** was sworn in. He is employed by House Engineering in Ringwood, NJ. His license is current and in good standing. He had testified on this same property back in 2016. He prepared the plans for this applicant. He reviewed the current use and the proposed new use. The ordinance requires 14 parking stalls, and the applicant is proposing 9 in the rear and 4 on the paved area. The new building mounted sign is shown on the plan with the calculations. He reviewed the landscaping proposed along the river side of the property. Mr. Szabo, Borough Planner suggested planting Norway Spruce and giant Arborvitae in place of the proposed white pine in his February 23, 2022, report. Mr. Szabo also agreed to the proposed 4' high white vinyl fence which could help to keep trash from blowing from the property into the river. The applicant stipulated to this. Wheel stops have been provided along the rear property line and two 'no parking' signs. They are proposing a refuse enclosure beyond the parking area. There is a loading zone on the west side of the building. Exhibit A-1 includes sheets 1 and 2; sheet 2 shows the turning plan for the fuel delivery. The engineer had no further testimony.

**Questions of the Board** -Chris Downing – questioned the location of the proposed fence in a flood plan. The engineer explained the 'Permit by Rule' which the DEP allows. David DiSabato asked if the applicant would be amenable to providing curbing? After some discussion, the fence was the best option. The reasoning for this by the engineer was explained. Robert Riedel questioned Mr. Szabo's reference to the conditions of the prior approval mentioned in his report. This had to do with the approved landscaping. There is molding on the canopy which is hanging down and should be addressed now. Mr. Simon discussed some of the plantings that were a requirement of the prior approval and that the proposed landscape plantings will be increased.

**Public Portion**– Alex Gabler, owner of a vacant lot at 1 Bodine asked if there was any consideration of Somerset County's proposed replacement of the bridge which they were notified of 2 years ago. Mr. VanderValk advised that an easement was requested by the County, and that they did not ask for anything else. Mr. Gabler questioned the number of parking spaces and when were they approved. The answer was 2017. The height of the proposed refuse container is 6'. When questioned about additional traffic into the site, Mr. VanderValk advised that there will not be an increase however he does not have those statistics. His answer to the question about the maximum height of vehicle lights was they are between 2' and 3' above the ground.

There being no further questions of this witness, the public portion was close.

**Gary Dean, Traffic Expert** was sworn in. His business location is 181 W. High Street, Somerville N.J. His license is current and in good standing.

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Mr. Dean testified to the circulation and parking on the site. This is known as a bay conversion and is common and allows the owner to stay on site rather than demolish the building. This conversion will provide a clean operation. He explained that when a vehicle comes in for repair, it requires two vehicles to come in and go out. He reviewed the plan and parking and finds that the overall circulation will remain consistent. This allows the owner to keep pace with what is wanted by the public. The plan provides for aesthetic appearance and a plan for pedestrian and bicyclist's traffic. The site can accommodate the vehicle and pedestrian traffic and provides more parking than is needed.

**Board Questions** – Judy Silacci asked where the handicap parking is located and is it conforming. Mr. Dean explained where it is and that only one space is required. David DiSabato questioned if the site can accommodate groups of kids on bikes. Mr. Dean advised that he is very familiar with this site and that the bikes will be kept close to the front of the store. He does not recommend bike racks because they are seldom used.

**Public Portion** – Alex Gabler of 1 Bodine asked for statistics on the amount of traffic coming into the site other than for gas. Mr. Dean suggested that 20% is a reasonable estimate. Mr. DiSabato questioned the supporting data for this %. Mr. Dean advised that his experience with over 150 applications is his support.

There being no further questions of this witness, the public portion was close.

**William Byrne, Architect** was sworn in. His business location is 10 Main Street, Chester, N.J. His license is current and in good standing since 1994. He was accepted as an expert witness. He advised that he prepared the architectural drawings for this project. He is a resident of Gladstone and visits this site at least two times per week. Mr. Byrne testified to the stone façade; the new proposed sign to be located on the front of the building which will be 26' wide and lite by shielded Goose Neck light. The second sheet contains the floor plan of the store. He advised that he is the architect who designed the new Market on Route 24 (Main Street) in Chester, New Jersey. That market is surrounded by residential homes. He advised that there will be coffee station in the market.

**Board questions** – Judy Silacci questioned if there is a second floor which there is not. The lighting will be controlled by the hours of operation which is usually one hour after closure. Joan Dill questioned the need for the door into the cooler which is for restocking. David DiSabato questioned the plantings in the front which are detailed on the engineering plan. The concrete in the front of the building will be removed and replaced with soil which will then be planted.

**Public Portion** – Alex Gabler owner of land at 1 Bodine questioned the heights and widths of the windows on the right side of the building. They are located 14" above the floor and are 7' high which is the height of the widows currently there. Mr. Gabler questioned if light from the property will emanate over the 4' high fence and if there is any proposed screening that will shield that light. Mr. Byrne commented that most commercial businesses have some interior lighting on the inside at night. Mr. Byrne advised that the stone used on the façade will be natural to the area. He answered that he believes that the lavatory in the building will be accessible to the public.

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There being no further questions of this witness, the public portion was close.

**Paul Ricci, Planner** was sworn in and confirmed that his license is in order and in good standing. Mr. Ricci testified to the proposed use and that the zone is a permissive zone that encourages business uses. The business there has been operating since 1931. Mixed use buildings have been encouraged. This is an application of improvement. He addressed the parking in the front yard and the negative criteria. He testified that the general store could exist on the lot on its because it is a permitted use. There is no detriment to the Master Plan.

**Board questions** - David DiSabato questioned him on the height of the fence and if there is any impact on the neighbors. Mr. Ricci testified that a 48' fence will block most all vehicles. There is no difference between the 4' and 6' fence height.

John Szabo spoke to the fence issue. He stated that if the board finds it necessary to increase the height of the fence to 6', it would not be noticeable since the profile of the fence is seen. The corner property belonging to Mr. Gabler is vacant. The next property is 120' away. The elimination of the bay would make the use of the building conforming. Mr. Downing questioned the distance of the first fence post to the sidewalk which is 22'. A condition of approval would be to raise the fence up and the light spillage will be substantially improved.

**Public Portion** - Alex Gabler questioned the general store as a permitted use and allowing more than one use on a lot. It was explained that the proposal would be replacing a non-conforming use with a conforming use. The gas station would not be allowed today but the general store is.

There being no further questions of this witness, the public portion was close.

Mr. Simon advised that they have concluded their case and have no further testimony at this time.

**Public Portion – The public portion was closed since no one else had questions.**

Roger Thomas, Board Attorney advised the public that anyone with comments will be sworn in, and they will identify themselves and where they live.

The following persons commented on the application:

1. Sergio Dente was sworn in and commented on the application.
2. Georgianna Dente was sworn in and commented.
3. Alex Gabler was sworn in and advised that he is the owner of 1 Bodine which he purchased in 2011 with the anticipation of one day building a house on the property.

The public comment portion of the meeting was closed since there were no more comments.

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Robert Simon, Esq. summed up his case.

Roger Thomas addressed the Board about a motion on the requested variance and site plan approval. He reviewed any possible conditions that the board would want if it were approved. William Ryden recommended compliance with his report of December 21, 2021, if approved.

David DiSabato recommended curbing along the southerly and westerly side for the control of litter and garbage and water control. Mr. Ryden was opposed to curbing on the site and along the river side of the property.

Chairman Greg Yannaccone asked that the board deliberate. Several of the Board members suggested further testimony on the intensity of the use. Chris Downing asked if it is correct for a board to disapprove an application because of adverse competition. An application should not be denied for that reason.

After hearing the comments of the Board during the deliberation, the applicant's attorney Robert Simon, Esq. asked that the matter be carried to May 4, 2022, without further notice.

The hearing was carried to May 4, 2022 without further notice.

**ADJOURNMENT:** By motion of Joan Dill and seconded by Judy Silacci, the meeting was adjourned at 11 p.m.

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**Sarah Jane Noll**  
**Clerk/Administrator**