

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

July 19, 2017

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 23, 2017 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.

Salute to the Flag

Roll Call:

Present:

Greg Yannaccone, Chairman
Susan Rubright
Joan Dill
Chris Downing
David DiSabato
Kingsley Hill
Judy Silacci, Alternate # 1
James Heck, Alternate #3
Lisa Saunders, Alternate # 4
Stephen Neville, Vice-Chairman
Peter Sorge, Alternate # 2
Mayor William Muller
Mark Corigliano, Councilman

Absent:

None

Also Present:

Roger Thomas, Esq. Board attorney.
William Ryden, Borough Engineer
John Szabo, Borough Planner

Review of Proposed Land Use Ordinance Revision

Borough Council Ordinance No. 1044-2017 amending portions of Chapter XXIII, article IV, titled "Land Development Ordinance" of the revised general ordinances of the Borough permitting a residential housing community on certain lands in the ORL and RR-5 zoning districts. Introduced during Borough Council Meeting 7/11/17; Second Reading scheduled during the 8/15/17 Borough Council Meeting

Roger Thomas explained the process and what is expected of the members this evening. There will be a second reading of the ordinance by the Council in August.

Public Portion opened and closed since no one wished to comment or question.

Joan Dill moved to approve the proposed Land Use Ordinance and forward it to the Council; Susan Rubright seconded the motion which was approved unanimously by the following roll call vote:

AYES: Greg Yannaccone; Susan Rubright; Joan Dill; Chris Downing; David DiSabato; Kingsley Hill; Judy Silacci; James Heck; Lisa Saunders; Stephen Neville; Peter Sorge

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NAYS: None

ABSTAIN: William Muller and Mark Corigliano

Minutes- The July 5, 2107 minutes were approved as corrected.

Mayor William Muller; and Councilman Mark Corigliano recused themselves from hearing the Delta Gas Station application and left the meeting.

Public Hearing: Delta Gas Station - Block 14, Lot(s) 5 – Carried from the July 5, 2017 meeting. 7 Pottersville Road, Minor Site Plan & Use and bulk variances Application-Expansion of Pre- Existing Non- conforming gasoline service station on Lot 5, Block 14 in the VN, Village Neighborhood Zone.

Robert Simon, Esq. of Herold Law Firm, Warren, NJ was present representing the applicant.

Tyler VanderValk. PE. of Houser Engineering, LLC was called back as a witness and was reminded that he had been previously sworn. He reviewed the prior and current site plans for the Board. The updated plans were dated 7-10-17. The members had these plans. The following exhibits were entered into evidence:

Exhibit A-1 consisting of sheets 1 thru 3 of the site plan. These were updated in compliance with the comments from the board at the previous meeting. The size of the canopy was reduced to 24' x 60' and the four pumps have been replaced by 3 pumps. The clearance under the canopy remains the same at 15' but the height of the canopy has been reduced to 22'7". The price sign lettering was reduced from 18" to 16" and the sign has been dressed up with stone and timber. The height of the sign remains the same. Service center sign was reduced from 15' x 3' to 13' x 3'. The 32.5 s.f. wooden sign on the canopy will have no interior or exterior lighting. Canopy sign follows the same design as the price sign.

Exhibit A-2 - architectural rendering of the site dated 7-10-17 revised 7-14-17. There will be only one sign on the canopy and the fascia will be blue with white lettering the size will be 2' x 6'.

The **Parking** was addressed by the removal of the spaces closest to the road way and provided 5 spaces at the rear of the sight. Repaired vehicles ready to be picked up will also be parked in the rear. The Air pump is in the northwest corner.

Underground Tank – The revised plan shows the existing tanks which are beneath the concrete. The proposed tank has been revised to show it at 16,000 gallons. The limit of impervious has not been changed.

Landscaping – sheet 3 of A-1. They provided a more diverse planting plan and provided additional screening. Lighting has been changed slightly from the original 12.5-foot candles under the canopy. The site lighting has been decreased drastically. The board questioned the light pole and how it fits into the character of the area. John Szabo suggested that the applicant look at other fixtures. They will consider this. The board

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would like to see other options. The board agreed to have John Szabo and Bill Ryden review and approve the fixture. This will be a condition of approval. The masonry shed is entirely on the applicant's property and will remain.

Soil movement - 220 yds. will leave the site; the soil plan is approved along with the site plan.

James Heck discussed the price numbers and the use of LED lighting. The price sign will be turned off after the garage closes. Referring to exhibit A-2 -Rendering, the engineer explained the height of the price sign. Even though the stone base and roof on the sign have been added, the sign structure remains at 8' in height however the sign itself is smaller. The numbers have been reduced in size. The applicant will reduce the numbers to 12" leaving the base and the plantings. Susan Rubright was concerned about reducing the numbers which could become a safety issue. John Szabo explained that the size is related to speed. The board had a lengthy discussion about the sign location and the exit from the site and the safety for pedestrians or persons on bicycles. All three professionals agreed that the sight distance meets code. Mr. Sorge feels that it is not safe. The board was satisfied with the color change of the logo on the canopy.

Exhibit A-3 - Sheet A-2 - Sweep Plan Analysis was explained by the witness showing the delivery of the gas into the site. Mr. Ryden said that it works but he would not want to be the driver.

Exhibit A-4 – PK report dated 7-10-17 prepared by John Peel, P.P.

Exhibit A-5 – Letter from Enviro-Tech Petroleum Services and dated July 7, 2017 and a report from MiG Consulting, LLC regarding the “The performance standards for new underground storage tank systems” **7:14B-4.1** – It was explained that because the site improvements have existed before the adoption of the Riparian Zone law; this sight is not active under this law. The applicant will provide the name and expertise of the person who wrote this letter. The board agreed that Mr. Ryden will review the writer's expertise and approve the report; this will be a condition of approval.

The board asked if there is any intention of selling soda; propane tanks; or cigarettes at the location. It will not be a convenience store.

Public Portion – Opened

Thomas Simpson who resides on Mendham Road questioned the decrease in the impervious coverage. The engineer explained the decrease. Mr. Simpson also questioned the number of employees on each shift. The applicant advised that there are 3-4 employees. Mr. Simpson stated that he objects to the canopy and that it does not fit in the neighborhood and asked the board to deny this variance application. He wants to know why the applicant feels this canopy is necessary.

Donald Lemma who resides on Mendham Road advised that he is speaking as a member of the public and not as a councilman. He made a statement against the size of the canopy

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and the size and lighting of the sign. It is his opinion that this will be the first and it will change the character of the neighborhood.

Public portion closed since there were no further questions or comments from the public.

The applicant Manjit Bakwa was called to testify and was reminded that he is still under oath. He stated that the Clothing bins will be removed. He then testified to the reasons that he has for requesting the canopy. He advised that there may be a new law allowing customers to pump their own gas and this will protect both the customers and the employees during inclement weather. He advised that he has a station in Chester Township and Washington Township; both of which have canopies.

Donald Lemma asked if the legislation has passed yet. The answer is 'no'

Public Portion Closed

Mr. Simon the applicant's attorney reviewed the application and the positive criteria and that there is no detriment to the neighborhood; it will be an improvement. He reviewed the reasons which would allow the Board to grant the variances. He pointed out similar cases. There are no negative criteria. The following was a preliminary list of items discussed.

- Revised maps
- Coloring
- Stone on canopy supports
- No repair work to be done in front of service area.
- Easterly parking eliminated
- Lighting fixture to be changed
- Lights turned off at close of business.
- Numbering on sign reduced to 12"
- Façade of canopy changed to white with red Delta; size to be 2' x 6'
- Incorporate the P.K. report as a condition
- Revision to the MIG letter about well head and inclusion of author of report
- No convenience store sales
- Clothing bins to be removed.
- Lighting on pricing sign to be turned off when business closes.
- Shed and trailer to be removed
- Revised plans in accordance with the reports of the Board's professionals William Ryden, Engineer and John Szabo, Planner.
- Allow security lighting on the building; the source of the light not to be visible by adjoining property owners.

John Szabo briefly reviewed the criteria for positive and negative and the benefit must be to the community and not the property owner. This must be weighed by the board. This is the only industry that is required by law to advertise its price prior to selling. Mr. Szabo felt that there should be security lighting inside and on the outside. Perhaps it should be

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on the building to provide security to the parked vehicles. The source of light would not be visible.

The Board members discussed the application and the proposed improvements. James Heck has an objection to the price sign LED lighting. He would like the old slide type lettering. Peter Sorge objected to the signage

Roger Thomas then advised the board as to the procedure and the motions to be made.

- Greg Yannaccone moved to approved the ‘D’ variance; Susan Rubright seconded the motion which was passed by the following roll call vote:

AYES: Yannaccone; Rubright; Dill; Downing; DiSabato; Silacci; Heck

NAYS: None

- Greg Yannaccone moved to grant the ‘c’ variances and preliminary and final site plan; Joan Dill seconded the motion which was passed by the following roll call vote:

AYES - Yannaccone; Rubright; Dill; DiSabato; Silacci; Heck;

NAY - Downing

The Public hearing was reopened.

Tyler VanderValk, engineer was recalled as a witness and advised the board of other alternatives to the LED lite sign. He discussed plastic numbers that can be put up when there is a price change however if the numbers are externally lite, the light create a glare on the plastic numbers. Wood numbers are not practical. The board proceeded to discuss the issue and came to a decision.

Donald Lemma spoke about the sign and what the board is granting and praised the Board in doing a “Good job”.

The Public Portion was Closed

- Joan Dill moved to grant a variance for the price sign height of 7’2” with 12” numbers with the left side Delta lettering made of a wood composite material with the sign being externally down lite.; Judy Silacci seconded the motion which was passed by the following roll call vote:

AYES: Yannaccone; Rubright; Dill; Silacci; and Heck

NAYS: Downing and DiSabato

A motion was made and seconded to adjourn the meeting at 10:20 p.m.

Sarah Jane Noll
Assistant to Ruth Spae