

# Memorandum

To: Bedminster Township Land Use Board  
From: Francis J. Banisch III, PP/AICP  
Date: April 4, 2024  
Re: Interpretation of Ordinance  
Applicant: Dolan, Lisa  
11 Pottersville Road  
Block 7, Lot 1, Block 2, Lot 4, Block 1, Lot 9  
Zoning: VN-3 – Pottersville Village Neighborhood

## 1. MATERIALS REVIEWED

a. Interpretation application with attachments and “Operations Statement” at right.

Dolan  
11 Pottersville Road  
Operations Statement in connection with application  
made pursuant to N.J.S.A. 40:55D-70b

The operations on the first floor shall include a bakery, bread shop/café, retail space and workshop area for group classes related to same. The second floor shall remain as a two-bedroom apartment.

Goods for sale shall include breads, dips, sandwiches, soups, salads, coffee, and other small bites; as well as prepackaged foods, handmade accessories, and gifts for sale in the retail portion of the shop. Seating shall provide for about 20 people inside and benches/picnic table outside for seasonal outdoor activity.

Tentative hours of operations:

Daily: 7am-6pm  
Occasional Workshops (group classes): 5pm-10pm

Employees:

Cafe: 3-5  
Retail/Workshop: 1-2

## 2. NATURE OF APPLICATION

a. The request relates to the 2-story frame building at the



intersection of Black River Road and Pottersville Road that housed the Peapack Gladstone Bank, which has been permanently closed at this location.



b. The bank portion of the first floor is now vacant, while the rear portion of the first floor is a dental office. The second floor is a rental dwelling unit.



## 3. INTERPRETATION DISCUSSION

a. The applicant seeks an interpretation of ordinance section 13-405B.1 to determine whether the proposed bakery and cafe/retail space with cooking classes is permitted in the VN-3 district.

b. In accordance with N.J.S.A. 40:55D-70.b., the Board of Adjustment has the power to:

“Hear and decide requests for interpretation of the zoning map or ordinance or for decisions upon other special questions upon which such board is authorized to pass by any zoning or official map ordinance, in accordance with this act.”

c. Section 13-405B.1, identifies the Principal Permitted Uses for the VN-3 district. The principal tenant oriented uses include the following:

§ 13-405B.1 Principal Permitted Uses on the Land and in Buildings.

- a. ***Detached dwelling units.***
- b. Grocery stores, meat markets, delicatessens, packaged liquor stores not to exceed 1,200 square feet.
- c. Local retail activities such as seafood markets, ***bakeries***, drug stores, furniture stores, sporting goods shops, gift shops, hobby shops, book stores, clothing stores, shoe stores, hardware stores, stationery stores, fabric stores and florists stores ***not to exceed 1,200 square feet.***
- d. Local service activities such as barber and beauty shops, tailors, dry cleaning and laundering operations, appliance repair shops, shoe repair shops and upholsterers store not to exceed 1,200 square feet.
- e. Banks, except the drive-through facilities shall be conditional uses (See Section 13-601 for additional standards).
- f. Professional offices limited to doctors, ***dentists***, architects, engineers, lawyers, real estate agents, insurance brokers or similar professional uses stores ***not to exceed 1,200 square feet.***
- g. ***Mixed uses of any of the above, providing there is no more than one dwelling unit per lot.***
- h. Restaurants, stores not to exceed 1,200 square feet.
- i. Houses of worship.
- j. Public playgrounds, conservation areas, parks and public purpose uses.

d. The building has been occupied by mixed uses (dwelling unit, dental office, bank) that were all permitted according to 13-405B.1g (Mixed uses of any of the above, providing there is no more than one dwelling unit per lot).

e. The proposal would replace the bank with a bakery and cafe/retail space with cooking classes. The café, which would be considered a restaurant, is not among the listed uses that can be mixed according to Section 13-405B.1g.

f. Restaurants are defined in 13-201 as, “... any establishment where the food is served at tables by the establishment's wait staff and where food is sold primarily for consumption on the premises...”. The proposed bakery/café would involve on-premises consumption of some products, while bread and other products would be sold as take out items.

d. The Board should consider whether the nature of the use is permitted and whether the square footage of the proposed use conforms to the maximum store size requirement.

e. The applicant does not propose any exterior alterations to the building and the operations statement provided with the application packet indicates the primary use will be for the café, with secondary uses for retail space and space to host baking classes. Seasonal outdoor dining is also proposed.



f. The site is substantially covered with expansive pavement. The lack of striping or other pavement markings makes for a potentially confusing pattern of traffic and parking as the site becomes more active. The parking requirements of the multiple uses on the property should be verified and the applicant should indicate whether striping, wheel stops or other elements are proposed.

g. The applicant should provide testimony as to whether prior approvals were received for the existing uses. Prior approvals may have included a resolution regarding any conditions affecting the permitted uses of the site, including permitted an apartment which is not explicitly permitted I the VN-3 ordinance. If prior approvals have been received by the property, an amended use variance application may be required.



h. Typically, limitations on store size in village areas is intended to address new construction or to prevent uses out of character with the existing development pattern. In this particular case, the existing structure appears to be roughly 1,500 sf on the first floor. The applicant should identify the area of the first floor and how it is apportioned between the proposed bakery/cafe space and the dental office.

i. Restaurants are not among the list of permitted uses that can be mixed in the VN-3 Zone. Since a bakery up to 1,200 square feet is a permitted use, the Zoning Board must determine whether or not the proposed café is a restaurant as defined by Bedminster.

j. Given the typically higher turnover rate for café versus drive up country bank branch, the board should weigh whether the intensification of the use, in combination with the other uses, may impact the overall use of the site, such as traffic demand, parking, and other use considerations.

i. Any approval by the Land Use Board is conditional on approval by any other agency having jurisdiction.

cc: Janine DeLeon, Secretary, Land Use Board via email  
Land Use Board members and professionals via email  
Lisa Dolan, applicant  
Lawrence Calli, Esq.