

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

April 5, 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
Mark Corigliano, Councilman
Chris Downing
Kingsley Hill
Mayor William Muller
Joan Dill
David DiSabato
Judy Silacci, Alternate # 1
Peter Sorge, Alternate # 2
Lisa Saunders, Alternate # 4

Absent:

John Szabo, Borough Planner
Stephen Neville, Vice-Chairman
James Heck, Alternate #3 - late

Also Present:

Roger Thomas, Esq. Board attorney
William Ryden, Borough Engineer
David Novak, standing in for John Szabo

Public Hearings:

Greg Yannaccone recused himself from hearing this application since he is a neighbor.
Susan Rubright chaired the meeting

Connolly – Bulk Variance, Side Yard, Lot Coverage & Expansion of Non-conforming Use

Block 9, Lot 17.01 - 34 Mendham Road Application No. AP-2016-011. Seeking relief to construct a patio and expand gravel-parking area. R-11 Residence Zone. The applicant is seeking a variance for exceedance. Proposed 36.9% where in 35% is allowed.

Michael Connolly was sworn in and advised the board of the purpose of the application. He testified that he lives at 34 Mendham Road since 1997 and for the past 20+ years he has been using his neighbor's driveway as access into his property. He wishes to increase the parking; put in a 6' high fence.

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Edward Clark Licensed Landscape Architect was sworn in and testified that he is located in Flanders NJ since 1997. He was accepted as an expert witness. He is not a professional planner and will not be presenting planning testimony. Sheet L-1- the Cover Plan which was part of the application and was prepared by Edward Clark did not have to be entered into evidence. It showed the existing conditions and is dated 12-9-16. Entered into evidence is A-1 which is sheet L-2. It is a colored Landscape plan showing the proposed patio and landscaping; existing gravel area – 751 sf; and proposed patio. They are seeking an increase in lot coverage which is proposed at 36.9% which represents a 151 s.f. increase over the allowable 35%. A 325 s.f. patio is proposed. The improvements will benefit the property along with the proposed 4' high picket fence and a 6' fence on the side and landscaping treatments as well. The board questioned the witness. The applicant was asked if they have a filed easement with the neighbor Mr. Yannaccone. There is filed metes and bounds but no easement document. The trees are on the applicants' property.

Greg Yannaccone was sworn in and testified that he purchased the property in 1985 with both houses on one property and then he had it subdivided. No metes and bounds were ever recorded. The subdivision map clearly shows the ingress and egress. It does show on the map submitted. The subdivision was perfected by deed. Entered into evidence was exhibit A-2-Subdivision of Lot 9, Block 17. This copy of the subdivision was offered by Mr. Yannaccone and entered as an exhibit. The added parking area will be gravel and the existing will remain gravel. The proposed gravel turnaround is so that they no longer will back onto Mr. Yannaccone's property in order to turn around. They will be able to turn around on their property. Both a C-1 and C-2 variance is needed. The property consists of .18 acres rather than the required 2 acres. The proposed patio is to be dry laid blue stone.

Mr. Novak representing John Szabo in his absence addressed the comments of William Ryden in his report about the possible variances: setbacks are required in order to preserve light, air and open space. Mr. Thomas felt that the fence is a structure if following the Municipal Land Use Law definition. He felt it was not affecting the light, air and is an enhancement to the area and has no negative impact and recommends that it can be a waiver rather than a variance. The fence will be a waiver. Two other variances are being sought: 6' high board fence is closer to the front property line than the rear building line (Section 23-46.8b).

A variance is needed for the patio as an accessory structure because the setback is proposed at 6' rather than the required 10' side yard.

Public Portion was opened for questions of the witnesses; however it was then closed since no one from the public wished to question.

Joan Dill moved to approve the variance for the lot coverage and the patio and the waiver for the fence; Mark Corigliano seconded the motion which was passed by the following roll call vote:

AYES: Rubright; Muller; Corigliano; Dill; Hill; Downing; DiSabato

NAYS: None

Mr. Yannaccone then assumed the chair.

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Informal Conceptual Hearing

Mr. Allan Goldman of SJP Properties - Block 33, Lot(s) 11, 11.01 & 13 Route 206, In the vicinity of Holland Ave. and Rt. 206.

Existing Use – Vacant Residential, Proposed Use – Residential Units - Proposal to amended existing approval; remove age restriction, reduce minimum unit size, add clubhouse & Swimming Pool, build 14 affordable housing units on or offsite.

Mr. Thomas explained to the board that this is an informal presentation. Mr. Goldman is not bound by any statements that he makes nor is the board bound by any statements that they may make.

Mr. Goldman introduced himself and then introduced Ron Kennedy of Gladstone Design. Mr. Kennedy explained that in 1999 when the golf course was proposed; 18 cottages; a golf course and this 80 acre piece of land and a 3,600 s.f. office was allowed. In 2004-2005 the borough discussed a proposal for 68 Age restricted units and site plan was approved. It is on the west side of Rt. 206. Some work has started by the construction of a roadway up to the development; no clearing; some utilities have been put in. Mr. Corigliano advised the board that the Borough reached out for Mr. Goldman as part of the affordable housing responsibility. Mr. Goldman then spoke to the Board.

He proposed that he would like to reduce the size of the units and consequently the price. They would like the age restriction lifted. This is a very difficult barrier to overcome when marketing age restricted housing. They want to create an asset to the community. They are proposing to provide 14 affordable housing units on or off site; 68 units and asking for the removal of the age restriction; there will be a homeowner's association; price point \$900,000. Size a minimum of 2,400 s.f. with three bedrooms. This would be a gated community; small club house and swimming pool; no playground area or play equipment will be allowed to be built in the back yard. The lack of play equipment should eliminate children. Timing is important to them. They will work with the Planner to change the ordinances to accommodate the proposal; they would like to commence construction shortly. The affordable units could be near the clubhouse. They are looking at the Elks property consisting of 5 acres as a possible location. Mayor Muller advised that he spoke with Mr. Goldman and that the conversations have been very cordial. There was an agreement that the maximum and minimum of affordable housing will be 14 units. There is a possible opportunity to coordinate with another developer and co-develop additional affordable housing units. An affordable would usually consist of two or three floors in a brick building with an entryway with a lobby; quality products with a quality image. They do not have to look like barracks. They will submit architectural plans.

When the Borough creates a new ordinance; then they will investigate the purchase of the property. He has a time date of June 30th for full approval. The Land Use Board would offer an ordinance; present it to the council; if no changes then it would be introduced on first reading; then back to the land use board and back to council for publication and public hearing. It is preferred that the affordable units are rentals rather than for sale.

Public Portion opened and closed – no one in the public wished to ask any questions.

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Mr. Thomas suggested the board vote to authorize the professionals to work on this.

Susan Rubright moved to authorize Mr. Thomas to work with Mr. Goldman and others to work out an ordinance with the provision that the group agrees; Greg Yannaccone seconded the motion which was approved by the following roll call vote:

AYES: Yannaccone; Rubright; Muller; Corigliano; Dill; Hill; Downing; DiSabato and Silacci.

NAYS: None

Mr. Goldman was thanked and left the meeting.

The following resolution was adopted before the conceptual presentation

Joan Dill moved to approved the resolution for the HF Cottages; Kingsley Hill seconded the motion which was passed by the following roll call

AYES: Greg Yannaccone; Steve Downing; Judy Silacci; Susan Rubright; Kingsley Hill; Peter Sorge; Lisa Saunders;

NAYS: None

HF Cottages – Minor Subdivision Lot Line Adjustment with Waiver Requests

Block 33, Lot(s) 13.11 & 13.12 - 14 & 16 Brady Drive West. Application No. AP-2017-001.

**BOROUGH OF PEAPACK AND GLADSTONE LAND USE BOARD
RESOLUTION OF MEMORIALIZATION**

**Approved: March 15, 2017
Memorialized: April 5, 2017**

IN THE MATTER OF
HF COTTAGES, LLC
MINOR SUBDIVISION/LOT
LINE ADJUSTMENT WITH
VARIANCES
LOT 13.11 & 13.12, BLOCK 33
APPLICATION NO. AP-2017-001

WHEREAS, HF Cottages, LLC (hereinafter known as the “Applicant”) filed an application for minor subdivision/lot line adjustment with variance approval with the Borough of Peapack and Gladstone Land Use Board (hereinafter known as the “Land Use Board”) on February 8, 2017, and

WHEREAS, the matter was deemed complete on March 15, 2017, and

WHEREAS, a public hearing was held on March 15, 2017, with notice being required, at which time the Land Use Board rendered its decision on the application in accordance with the requirements of N.J.S.A. 40:55D-10(g), and

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WHEREAS, it has been determined that the Applicant has complied with all of the rules, regulations and requirements of the Land Use Board and that all of the required provisions of compliance have been filed with the Land Use Board, and

WHEREAS, the Land Use Board has received as part of the hearing process the following testimony and documentary evidence submitted by the Applicant and its consultants, the Land Use Board staff, and members of the public:

The Applicant has submitted an application for a minor subdivision/lot line adjustment between two (2) existing lots known as 13.11 and 13.12, Block 33 on the Tax Map of the Borough of Peapack and Gladstone. Lot 13.11 is developed with a single-family residence. Lot 13.12 is presently under construction. These lots were created when the larger subdivision was approved under the R-2A Zone. Subsequently, the property was subject to a zone change and is now listed as an RR-5 Zone. It appeared from the testimony and from the report of Mr. John Szabo, the Borough Planner, that the application was precipitated by an inspection by Borough officials in regard to a certificate of occupancy. That inspection revealed that the residence being constructed on Lot 13.11 exceeded the maximum impervious lot coverage. The proposed minor subdivision/lot line adjustment was intended to bring Lot 13.11 into conformity with the original zoning as R-2A. Both lots are nonconforming in regard to the recent zoning of RR-5.

Mr. Robert Moschello, a Professional Engineer in the State of New Jersey, testified on behalf of the Applicant. He indicated that the approval had been granted in 2001 under the R-2A Zone. He presented testimony indicating that the lots in question were part of the Hamilton Farm subdivision creating 18 lots. The reason for the subdivision/lot line adjustment was to attempt to bring Lot 13.11 into conformity with the original zoning under the R-2A Zone.

Mr. Szabo rendered a report dated March 9, 2017. He indicated that the Applicant was seeking lot coverage variances for each of the lots, building coverage variance and FAR variance, side yard variance and lot area variance.

Concern was raised by Board Members with regard to the implications of the subdivision. There was concern that future development activity particularly on Lot 13.12 which was losing 2,716 sq. ft. to be merged with Lot 13.11 would create a self-imposed hardship. It was suggested as an alternative that the subdivision be withdrawn and that Lot 13.11 simply seek a lot coverage variance which would be necessary in order to obtain a certificate of occupancy.

The Applicant reviewed that option and agreed to withdraw the minor subdivision/lot line adjustment. As a result, there was testimony from Mr. Szabo that the existing lot was in conformance with the neighborhood plan as established by the original subdivision as approved under the R-2A zoning. He further indicated that he believed that this was now nothing more than a technical variance with no negative impacts.

In addition to the testimonial evidence, the Applicant submitted the following documentary evidence:

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A-1 Aerial dated March 15, 2017;

A-2 Rendered site plan dated March 15, 2017.

WHEREAS, the Land Use Board, in reviewing the foregoing testimony and documentary evidence, makes the following findings of fact and conclusions:

The Applicant now seeks a bulk variance for lot coverage solely for Lot 13.11. In order to establish this variance, the Applicant needed to meet the criteria under N.J.S.A. 40:55D-70c (1) or “c (2)”. The Board finds that the “c(2)” criteria has been met. The Board specifically finds that a purpose of the Municipal Land Use Law would be advanced by the deviation from the zoning ordinance and that the benefits of the deviation would substantially outweigh the detriment. In particular, the Board finds that the purpose of zoning that is advanced is found under Section 40:55D-2(a). The Board finds that the grant of the lot coverage variance advances the general welfare in that it furthers the intent and purpose of the original subdivision in 2001. The Board also finds that subsection (g) of the above purposes is advanced by creating appropriate locations for a variety of residential uses. The Board acknowledges in the comments of its Planner indicating that this is a technical variance with no substantial negative impact to either the intent and purpose of the Zone Plan or the Zoning Ordinance or having a substantial detriment to the public good.

NOW, THEREFORE, BE IT RESOLVED that the Land Use Board of the Borough of Peapack and Gladstone does hereby approve the variance request for lot coverage for Lot 13.11 for the reasons expressed hereinbefore. This approval is subject to the following terms and conditions:

1. The Board acknowledges and accepts the withdrawal of the minor subdivision/lot line adjustment application.
2. This approval is subject to the payment of all appropriate fees and taxes.

The undersigned does hereby certify that the foregoing is a true copy of the action taken by the Borough of Peapack and Gladstone Land Use Board at its regular meeting on March 15, 2017.

Minutes; The March 15, 2017 minutes were approved

Adjournment of meeting- 8:30 p.m.

Sarah Jane Noll
Assistant to Ruth Spae