

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

September 4, 2019

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 17, 2019 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 17, 2019.

Salute to the Flag

Roll Call:

Present:

Greg Yannaccone, Chairman

Judy Silacci

Susan Rubright

Chris Downing

Mayor Greg Skinner

Kingsley Hill

Joan Dill

James Heck, Alternate # 2

Mark Corigliano, Councilman

Matte Sutte, Alternate # 4

Peter Sorge, Alternate # 1

Absent:

David DiSabato

William Ryden, Borough Engineer

Also Present:

Roger Thomas, Esq. Board attorney

John Szabo, Planner

The meeting commenced at 7:04 p.m.

• **RESOLUTION:**

2019- 003 – Block 28, Lot 20.19 – 4 Oratam Drive – Danette Lewis

Joan Dill moved to adopt the following resolution; Kingsley Hill seconded the motion which was passed unanimously by the following roll call vote:

AYES: Greg Yannaccone; Mayor Skinner; Councilman Corigliano; Judy Silacci; James Heck; Chris Downing; Kingsley Hill; Joan Dill

NAYS: None

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

**Approved: June 5, 2019
Memorialized: September 4 2019**

**IN THE MATTER OF
DANETTE LEWIS
BLOCK 28, LOT 20.19
VARIANCE APPLICATION
APPLICATION NO. 2019-003**

BOROUGH OF PEAPACK & GLADSTONE
LAND USE BOARD
September 4, 2109

WHEREAS, Danette Lewis, (hereinafter known as the “Applicant”) filed an application for variance approval with the Borough of Peapack and Gladstone Land Use Board (hereinafter known as the “Land Use Board”) on May 1, 2019, and

WHEREAS, the matter was deemed complete on May 7, 2019, and

WHEREAS, public hearing was held on June 5, 2019 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

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 is the owner of property known as Lot 20.19, Block 28 on the Tax Map of the Borough of Peapack and Gladstone. The property is otherwise designated as 4 Oratam Drive, Peapack, New Jersey, 07977. The property is located in the RR-2 zone. It currently contains a one-story framed dwelling with an inground pool, playground and shed. The Applicant proposes to construct a two-story addition to the property which would consist of a third garage which will be attached to the structure as well as a second floor living space which will include a bedroom, bath, laundry and family area. The first floor will consist of a garage. There will be renovations in the existing house that will include a new mudroom together with a new breakfast area, kitchen, office, bathroom and elevator will be installed to access the new second floor living space. The Board Engineer, Mr. Ryden, rendered a report dated May 7, 2019 in which he indicated that the addition would be 556 square feet requiring variances for building coverage and lot coverage.

Ms. Lewis, the Applicant, testified that she intended to expand the garage so that she would have a three (3) car garage. The living space would be utilized for her parents. A question arose in terms of the living space as to whether or not she had any intentions of utilizing the living space for any use other than having her parents occupy the space. She indicated that her intention was to limit the use to her parents. She testified that the living space would not be utilized as a separate rental property or separate dwelling unit.

When questioned about the surrounding properties, Ms. Lewis indicated that the addition was 97.83 feet from the westerly property line. She further indicated that there was a treed buffer between her property and the house to the west which was an additional 45 to 50 feet. She indicated that the treed buffer would prevent the neighbor from seeing the new addition. It was also noted from the plans that the addition would be essentially in the rear yard of the property, although it is acknowledged that the house is located in a 45 degree angle on the lot which is a corner lot established by Oratam Drive and Lenape Trail. Ms. Lewis also confirmed that all other bulk standards regarding lot area, lot width, front, side, rear and side yard combination setbacks are all being maintained without variance.

Mr. Szabo, the Board Planner, testified that in his opinion the project had no substantial detriment to the public good since it was going to be screened by the existing tree line and was a substantial distance from the existing house to the west. He also noted that in his opinion there was no substantial detriment to the intent and purpose of the Zone Plan or the Zoning Ordinance. He opined that while there is a lot coverage and building coverage variance, all other bulk standards are met. The location of the addition mitigates the impact both on surrounding properties as well as the streetscape. The Applicant has also presented architectural plans that produce a compatible and aesthetically appropriate addition that not only is consistent with the lot in question but compatible with the neighborhood.

The Board Attorney, Mr. Roger W. Thomas, suggested that in order to avoid any questions that the living space could be used for other than her parents, he recommended that a condition limiting the use of the living space be included in any approval and that a deed restriction be made a requirement of any approval.

The Board also acknowledged that in Mr. Ryden’s engineering report of May 7, 2019 he noted that there were no engineering concerns but that all stormwater grading and soil erosion control issues would be the subject of a review of the application at the time of construction permit.

The meeting was opened to the public and no public comment was received.

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

The variances requested by the Applicant are governed by N.J.S.A.40:55D-70c (1) and “c (2)”. Therefore, the Applicant must establish under the “c(1)” criteria that by reason of exceptional narrowness, shallowness or shape of a specific piece of property or by reason of exceptional topographic conditions or physical features uniquely affecting a specific piece of property or by reason of extraordinary or exception situations uniquely affecting a specific piece of property, that the strict application of the Ordinance would result in peculiar and exception practical difficulties to an exceptional and undue hardship upon the developer. Alternatively, the Applicant can establish under the “c (2)” criteria that the purposes of the act of the Municipal Land Use Law would be advanced by the deviation from the Zoning Ordinance requirements and that the benefits of the deviation would substantially outweigh the detriment.

In each case, the Applicant must establish the negative criteria which means that the Applicant must show that the relief can be granted without substantial detriment to the public good and that there will not be substantial impairment to the intent and purpose of the Zone Plan or the Zoning Ordinance.

The Board finds that the “c (2)” criteria has been met since the Applicant has designed an addition to the house that satisfies the Purposes of Zoning contained in Section 40:55D-2(e) and (i). The Board finds that the addition does establish appropriate population densities and concentrations that will contribute to the well-being of persons, neighborhoods and communities. The Board also finds that the plans promote a desirable visual environment through creative development techniques. Additionally, the Board finds that there are no substantial detriments to the public good. This is based on the fact that the addition will be screened from the property to the west by a substantial tree line as described by the Applicant which will completely obstruct the view of the addition from the abutting property. Additionally, the Board finds that there is no substantial impairment to the intent and purpose of the Zone Plan or the Zoning Ordinance since the addition does not adversely affect any of the other variances other than that which is requested by the Applicant for building coverage and lot coverage. It is further noted that the existing house and garage already exceed the lot coverage and the building coverage and the extent of increase in that is not a substantial impact to either the Zone Plan or the Zoning Ordinance.

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 and building coverage for the reasons expressed hereinbefore.

This approval is subject to the following terms and conditions:

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1. The Board incorporates the architectural plans prepared by D2 Architecture and Design, LLC consisting of three (3) sheets with a zoning table and two (2) floor plans.
2. This approval is subject to the review of stormwater grading and soil erosion at the time of application for a construction permit.
3. This approval is subject to a limitation that the living space shall not be used as independent living space from the main residence. It may be used for living space for the parents of the Applicant. This condition shall be incorporated as a deed restriction.
4. This approval is subject to the payment of all appropriate fees and taxes.

• **SPECIAL EVENT PERMIT APPROVAL:**

2019-005 – Block 23, Lot 10 – St. Brigid-St. Elizabeth – St. Brigid is participating in the Interfaith Hospitality Network of Somerset County’s Emergency Shelter Program by providing overnight accomodation and meals to approximately 10-20 individuals (primarily or exculsively women and children) – Sunday, September 22nd – Sunday, September 29th – **REQUESTS: A waiver of the application fee and Escrow.**

Councilman Corigliano explained the application for the Special Event Permit issued by the Mayor and Council. He asked that the escrow be waived. Board Attorney Roger Thomas spoke about the approval that was granted last March. Because of inclement weather, the Land Use Board meeting was cancelled and the Board did not make a recommendation to the Council, however the Council did approve the Special Event Permit. This event, according to Mr. Thomas, is low impact and no disturbance to the Borough residents. Susan Rubright questioned why it is before the Land Use Board. Mr. Thomas explained that it is a Council approval but as a courtesy, it is sent to the Land Use Board for review. Mr. Thomas noted for the record that the applicant has no representation here tonight. Usually the event is only once a year but this year is an exception. There was some discussion on who can vote and it was decided that the Parishioners of the church were excluded from voting.

Greg Yannaccone moved to recommend approval of the special event permit by the Council with no resolution from the Land Use Board and waiving of the escrow fee; Kingsley Hill seconded the motion which was passed by the following roll call vote:
AYES: Chris Downing; Peter Sorge; Matt Sutte and Kingsley Hill
NAYS: None

The secretary will write to the Mayor and Council.

At this time, Mayor Skinner and Councilman Corigliano left the meeting. The Municipal Land Use Law prohibits the Mayor and Councilman on the Land Use Board from hearing applications that need use variances.

PUBLIC HEARING:

- **Application # 2019- 002 – Tansey Variance – Block 17, Lot 16 – 13 Valley View Ave.**

Application deemed complete. The applicant is seeking side yard, front yard, building coverage, lot coverage, and F.A.R. variances for a proposed 2 story addition and second floor addition to the existing house. R-18 Zone.

The following variances are requested:

- **Side yard:**

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- Left – 7.72’ prop. Vs. 15’ min. required
- Right – 11.12’ prop. Vs. 15’ min. required
- Combined – 18.84’ prop. Vs. 35’ min. required
- **Front yard:** - 39.30’ proposed vs. 50’ min. required
- **Building coverage** – 13.5% prop. Vs. 10% max. allowed
- **Lot Coverage** – 31.8% prop. Vs 27.5% max. allowed
- **F.A.R.** – 2.7% prop. Vs. 0.175 max. Allowed.

Michael Tansey was present without an attorney. He was sworn in and testified that he is seeking variances to update and enlarge his home. This will bring his home into conformance with the neighborhood. It is a 1 ½ story cape cod. He wants to keep the character of the house. He did visit the neighbors and also noticed them legally. His Architect Daniel Encin of Mendham Design was sworn in. Mr. Encin has testified before this board in the past. He was accepted as an expert witness. He then made his presentation advising the board of the zoning requirements for this property which is in the R-18 zone. The zoning requires 18,000 s.f. but this lot is ½ the size at 7,750 s.f. He reviewed the existing; required and proposed measurements and setbacks. Mr. Tansey is not asking to encroach any further into the yards than what currently exists. The current lot coverage is 34% and with the removal of some coverage, they will have a net decrease in the lot coverage. He reviewed the FAR comparing the numbers with the lot size. Using the architectural drawings, he compared the present with the proposed. The proposed improvements conform to other homes which all have 4 bedrooms with additional bathrooms. He explained the proposed small expansion to the rear of the house. He reviewed the photos that were part of the application package that the board members were sent. Using the architectural drawings that were submitted with the application, Mr. Encin reviewed the proposed design. They are proposing to remove the pavement to the garage. The garage is currently under the house with access from the rear. All of the pavement going around the house to the rear will be removed and the garage will remain but used for storage. He does not currently park his car in the garage. Kingsley Hill applauded this proposal and confirmed that he had spoken with his immediate neighbors who supported the improvements. The rear addition will replace the existing deck. That portion of the basement which is not the garage area is finished; the garage area is not. He is proposing 3 bathrooms and 4 bedrooms. The layout of the house and the additions were reviewed. Mr. Tansey has 2 vehicles at the site. He has a passenger vehicle and a truck which he uses to tow his horse which is stabled elsewhere. There is currently 40’ of driveway which allows the stacking of additional vehicles. Board Planner John Szabo commented that the house was built in 1938 and that he likes the expansion of these older homes. The proposal is not overwhelming to the neighborhood but rather it will be consistent with the neighbor. He commended the fact that the applicant is adding on to the house rather than taking it down and replacing it with a monstrosity. The Board members commented on no one being in the public which is a positive.

Public Portion The public portion was then opened and closed since there was no one in the public.

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Judy Silacci moved to approve the variance request authorizing the Board Attorney to draft a memorializing resolution; Joan Dill seconded the motion which was passed unanimously by the following roll call vote:

AYES: Greg Yannaccone; Judy Silacci; Susan Rubright; Chris Downing; Kingsley Hill; Joan Dill; James Heck; Matte Sutte and Peter Sorge

NAYS: None

Minutes: June 5, 2019 minutes were approved as corrected.

September 18th Meeting – Greg Yannaccone; James Heck and possibly Susan Rubright will be absent. One on the members will have to chair the meeting if Susan Rubright is absent.

Adjourn

A motion to adjourn was made and seconded and the meeting was closed at 7:55 p.m.

Sarah Jane Noll
Administrator/Secretary