

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

***September 18, 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:**

Mark Corigliano, Councilman  
Mayor Greg Skinner  
Judy Silacci  
Chris Downing  
Kingsley Hill  
Joan Dill  
David DiSabato  
James Heck, Alternate # 2  
Matt Sutte, Alternate # 4

**Absent:**

Greg Yannaccone, Chairman  
Susan Rubright  
Peter Sorge, Alternate # 1

**Also Present:**

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

The meeting commenced at 7:02 p.m. Mark Corigliano chaired the meeting due to the absence of both the Chairman Greg Yannaccone and Vice-chairperson Susan Rubright.

Joan Dill moved to adopt the following resolution # 2019-002; Judy Silacci seconded the motion which was conditioned on a minor change brought forward by Kingsley Hill. The motion was passed by the following roll call vote:

**AYES:** Judy Silacci; James Heck; Chris Downing; Kingsley Hill; Joan Dill; Peter Sorge and Matt Sutte.

**NAYS:** None

The Secretary Sarah Jane Noll made the minor correction to the resolution prior to it being sent to the applicant.

Mayor Greg Skinner and Mark Corigliano had not participated in the hearing of this application since it was a use variance and therefore did not vote on the resolution.

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

• **RESOLUTION:**  
**# 2019- 002 – Block 17, Lot 16 – 13 Valley View Ave. – Tansey**

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

**Approved: September 4, 2019  
Memorialized: September 18, 2019**

**IN THE MATTER OF  
MICHAEL TANSEY  
BLOCK 17, LOT 16  
VARIANCE APPLICATION  
APPLICATION NO. 2019-002**

**WHEREAS**, Michael Tansey, (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 April 11, 2019, and

**WHEREAS**, the matter was deemed complete on June 25, 2019, and

**WHEREAS**, public hearing was held on September 4, 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 16, Block 17 on the Tax Map of the Borough of Peapack and Gladstone. The property is otherwise known as 13 Valley View Avenue, Gladstone, New Jersey, 07934. The Applicant seeks to upgrade his house. The lot is undersized in the zone in question, which is the R-18 zone. The minimum lot area for the zone is 18,000 square feet. The lot in question is 7,950 square feet. There are a series of preexisting nonconformities involving lot width, front yard, side yard and combined side yards. The rear yard setback is conforming and will continue to conform. There is a requirement for building coverage. The Ordinance authorizes a maximum of ten (10%) percent building coverage. The current building coverage is 11.3 percent. The proposal will increase building coverage to 13.3. The height of the building will conform. The lot coverage maximum is 27.5 percent pursuant to the Ordinance. The current lot coverage is 34.5 percent. However, this will be reduced to 31.8 percent. Finally, the FAR will require a variance. The maximum authorized is 0.175. Currently the FAR is 0.131 and will be increased to 0.247. Mr. Tansey indicated that the house is a 1.5 story cape. He is seeking to remain in the neighborhood and improve the livability of the house by creating additional living space.

The Applicant’s architect, Mr. Daniel Incin, testified that the attempt was to improve the living space without intensifying the setbacks. He indicated that while there is an increase in the building coverage from 11.3 percent to 13.5 percent that is only an increase of 175 square feet. This is due to the reduced size of the lot. He also noted that the lot coverage will actually be reduced by approximately 215 square feet. He finally noted that the increase in FAR which appears to be dramatic was really a function of the design of the existing house. Mr. Incin testified that the existing second floor was really a half story with one (1) existing bedroom and only headroom in the middle with sloping roofs on either side. Therefore, it was not counted in the existing FAR. The new second floor will include a master bedroom suite which includes a bath together with two (2) bedrooms, closets and a bath. While this

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

is not dramatically increasing the building coverage due to the inclusion of the second floor in its entirety, it does substantially increase the FAR.

He also noted that the first floor would be redesigned to include a living room/dining room combined with a kitchen along with a bedroom and full bath. He also pointed out that the exterior design of the house was intended to maintain its existing 1.5 story look which is in keeping with the neighborhood. He noted that this is not a McMansion proposal but rather it is an attempt to take the existing house and expand it reasonably to meet the neighborhood needs.

One of the Board members noted that there was a discrepancy in the plans. The plans showed that there was a window in the rear bedroom. It was agreed that that was a drafting error and would be removed.

The Board took into account the reports of its Consultants, Mr. Ryden, the Board Engineer, dated June 25, 2019 and its Planner, Mr. Szabo, dated July 31, 2019. Mr. Szabo indicated in his testimony that he believed that there was a public benefit by the expansion of an older home in the character of the neighborhood rather than tearing it down and adding a McMansion to the lot. He also did not find that there was any substantial detriment to the intent and purpose of the Zone Plan or the Zoning Ordinance in that the FAR variance is not subject to the rigid standards of the Medici case but rather the Coventry Square standards. He also noted that the focus of the variance is whether or not the deviation can be accommodated on the lot. He noted in his report that the lot is substantially undersized and that therefore the deficiencies tend to inflate the degree of nonconformity. He further noted in his report that a conforming condition would only allow an additional 350 square feet of living space. Finally, he did not find that there was any substantial detriment to the public good nor was there any substantial impediment to the intent and purpose of the Zone Plan or the Zoning Ordinance.

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 Applicant must establish the standards for “d” variance regarding the FAR. In the case of Randolph Town Square vs. Randolph 324 NJ Super 412 (App. Div. 1999), the Courts held that the standards established in the Coventry Square case (Coventry Square vs. Westwood Board of Education, 138 NJ 285 (1994)) are appropriate for FAR variances. Therefore, the Applicant is not required to establish the strict proofs of the Medici decision and is not required to find that the use is particularly well-suited or that the enhanced criteria reconciling the approval with the Master Plan. The Applicant does, however, have to establish the negative criteria indicating that there is no substantial detriment to the public good and no substantial impairment to the intent and purpose of the Zone Plan or the Zoning Ordinance.

Based upon the testimony of the Applicant and the Applicant’s architect together with the testimony of the Board Planner, the Board finds that the FAR increase can be accommodated on the lot in a reasonable manner in keeping with the neighborhood. The Applicant took into account the photos that were a part of the application and finds that the proposed house is in keeping with the neighborhood as shown in those photos.

The Board also finds that there is no substantial detriment to the public good and no substantial impairment to the intent and purpose of the Zone Plan or the Zoning Ordinance. The Board bases this on the fact that the Applicant is attempting to improve an existing older home within the character of the neighborhood. The Board also noted that there were no objections raised during the course of the hearing by abutting property owners. While the Board is not bound by that fact, the Board does take that into account

BOROUGH OF PEAPACK & GLADSTONE

LAND USE BOARD

September 4, 2109

given the testimony in this case. With regard to the Zone Plan, the Board takes into account the fact that what appear to be significant deviations are a function of the undersized lot rather than the substantial increase in development.

With regard to the “c” variances, the Board finds that the “c (2)” criteria for building coverage and lot coverage apply. The Applicant is creating a visual improvement to the house which will not only enhance the property but the neighborhood in general. That satisfies criteria (i) of the Purposes of Zoning. The Board also finds that the Applicant is utilizing creative techniques to improve the existing housing stock of the Borough. The Board applies the same reasoning with regard to the negative criteria.

**NOW, THEREFORE, BE IT RESOLVED** that the Land Use Board of the Borough of Peapack and Gladstone does hereby approve the variances as requested as more particularly described in the maps entitled “Site Plan” prepared by Mendham Design Architects of Mendham, New Jersey consisting of four (4) sheets.

This approval is subject to the following terms and conditions:

1. The Applicant shall revise the plan to remove the window shown on the architectural plans in the rear bedroom.
2. This approval is subject to the payment of all appropriate fees and taxes

- **Public Hearing:**

**#2019-004 – Block 26, Lot 16.02 – Willow Ave. – RR-5 Zone**

The applicant is proposing to subdivide an existing 24.3 acre lot into two new lots; i.e. Lot 16.12 to become 4 acres and remaining lot 16.02 to become 20.3 acres.

The Board had received the report prepared by William Ryden, Borough Engineer dated August 30, 2019 in which he listed 2 completeness waiver requests for: 1) key map and 2) map scale. Joan Dill moved to approve the 2 waiver requests; Judy Silacci seconded the motion which was approved unanimously by the board. The application was deemed complete based on the action taken by the board.

Mr. Villa, representing both himself as the applicant and the owner of the property Vernon Associates LLC addressed the board and advised them that the owner of Lot 16.02 in Block 26 wishes to subdivide the existing 24.3 acre lot into two (2) new lots. Lot 16.12 will consist of four (4) acres and the remainder of Lot 16.02 will consist of 20.3 acres. Lot 16.12 will be provided an access easement onto Willow Ave. that will cross over Lots 16.08 and 16.11 both of which are owned by the applicant. Mr. Ryden’s report of August 30, 2019 noted that an access easement currently exists for remainder Lot 16.02 to Willow Avenue. No new development is being proposed on the properties. No variances are being requested. Mr. Villa will submit to the Borough Engineer and Board attorney an access easement providing access to proposed lot 16.12 to Willow Ave. for their review and approval. New deed descriptions will be sent to Mr. Ryden for his review of the metes and bounds.

There being no further testimony by the applicant, the meeting was open to the public for questioning of the witness. Since there was no one in the public and no one wishing to question the witness, the public portion was closed.

Judy Silacci moved to approve the request for the minor subdivision; Joan Dill seconded the motion which was approved by the following roll call vote:

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

**AYES:** Mark Corigliano; Greg Skinner; David DiSabato; James Heck; Christopher Downing; Kingsley Hill; Joan Dill; Judy Silacci; Matte Sutte.

**NAYS:** None

**Minutes:** The September 4, 2019 minutes were approved.

The Secretary advised that there are no applications to be reviewed at this time.

**Adjourn**

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

---

Sarah Jane Noll  
Administrator/Secretary