

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

February 17, 2016

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 7, 2016 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 7, 2016.

Salute to the Flag

Roll Call:

Present:

Greg Yannaccone, Chairman
Mayor William Muller
Stephen Neville, Vice-Chairman
Joan Dill, Class IV
Kingsley Hill
Chris Downing
Mark Corigliano, Councilman – late 7:20
Judy Silacci, Alternate # 1
James Heck, Alternate # 3
Lisa Saunders, Alternate # 4

Absent:

David DiSabato
Susan Rubright
Peter Sorge, Alternate # 2

Also Present:

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

Public Hearing/Applications:

Joan Dill and Judith Silacci both stepped down since they are members of the church.

St. Brigid's Church – Block 10, Lots 23, 129 Main Street – Application No. 2015-010- Request for Site Plan Waiver in connection with Proposed Alterations to Handicap Parking Spaces. Reports submitted to the board prior to the meeting and addressed by the applicant are:

- Engineering Report dated – 12/08/2015. Planning Comments dated – 01/13/2016. Michael K. Ligorano, KM General Counsel for St. Brigid's Church was present along with the engineer Robert Moschello, P.E. Mr. Moschello who was accepted as an expert witness.

The following exhibit was entered into evidence by Mr. Moschello who proceeded to explain it:

Exhibit A-1 site plan rendering. This showed an aerial overlay on the site plan. Entrance to the parking is on the south side of the church. Along that exit lane there are presently 3

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handicapped spaces which do not meet today's standards. They will be removed and the area reconfigured to provide for 5 ADA spaces which will be stripped accordingly. A 24' area behind the spaces has been provided so that a car can back out into it. Mr. Moschello agreed to comply with William Ryden's report. The property is within 300' of a Riparian Buffer. This falls under the Permit by Rule requirement and they will make the proper notifications to the DEP. This concluded the direct testimony.

William Ryden asked that his 5 items in his report be listed as conditions in the resolution.

John Szabo advised that he has no planning issues.

PUBLIC PORTION – Since no one from the public wished to comment or ask questions, the public portion was closed.

Mr. Thomas agreed to put the conditions in the resolution

Greg Yannaccone moved to approve the site plan waiver request with the conditions in the Borough Engineer's report; Mayor Muller seconded the motion which was approved by the following roll call vote:

AYES: Stephen Neville, Christopher Downing, Bill Muller, Kingsley Hill; Lisa Saunders.

NAYS: None

Joan Dill and Judith Silacci resumed their seats.

Land Use Board's 2015 Annual Report to Borough Mayor & Council - report prepared by John Szabo of variances issued in 2015.

Mr. Szabo reviewed his report explaining that these are general observations. Mr. Thomas commented that it is the purpose of the LUB to advise the Council on what variances were addressed during the year and if there is a trend to the variances being sought and to notify the Mayor and Council of this. He advised that the board should be looking at the ordinances and making suggestions for any changes. Greg Yannaccone suggested that a sub-committee be formed to look at the general language of the land development ordinances. Mr. Hill volunteered his expertise and knowledge of fire and police. He felt that the ordinances should reflect the feelings of the residency. Steve Neville suggested that if this board is passing 100% of the variances, the board is not doing something right. Mr. Thomas explained that the variances applied for are reasonable and that the applicants are showing reasons why the variances can be granted. It is a matter of policy as to how this board wishes to address these variances. John Szabo defended the variances granted this past year. He agreed to the establishment of a sub committee to look into the ordinances and look at the variances granted. The sub committee would then make its recommendations followed by the review by the board professionals. Mr. Thomas recommended that this report be adopted by the LUB and then sent to the Council. John Szabo will put a table into the report as per the suggestion of James Heck. The table would show the number of variances by zone.

Kingsley Hill moved to adopt the report with a table in it; Judy Silacci seconded the motion which was passed unanimously by a voice vote of the members present.

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Mr. Corigliano suggested that the board ask for side walks from developers. Mr. Thomas suggested that a Capitol Project Plan be created by the Borough Council so that the board would have ideas for improvements needed in the Borough that a developer could do in exchange for a variance. There is a provision in the MLUL that allows towns to impose such improvements. Joan Dill and Kingsley Hill remembered talking about this before.

Resolution of Memorialization to be adopted:

Sorrenti Minor Subdivision – Block 33, Lots 13.15 & 13.17 – Application No. 2015-009

It was pointed out the requirement about a soil removal permit on page 3 is not required and should be removed.

Joan Dill moved to approve the corrected resolution; Judy Silacci seconded the motion which was approved by the following roll call vote:

AYES: Greg Yannaccone; Stephen Neville; Joan Dill; Kingsley Hill; Chris Downing; Judy Silacci; James Heck and Lisa Saunders.

NAYS: None

ABSTAIN: William Muller and Mark Corigliano.

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RESOLUTION OF MEMORIALIZATION**

**Approved: January 20, 2016
Memorialized: February 17, 2016**

**IN THE MATTER OF
JOHN R. SORRENTI
MINOR SUBDIVISION
APPLICATION
LOTS 13.15 & 13.17, BLOCK 33
Application No. AP-2015-009**

WHEREAS, John R. Sorrenti, (hereinafter known as the “Applicant”) filed an application for minor subdivision approval with the Borough of Peapack and Gladstone Land Use Board (hereinafter known as the “Land Use Board”) on October 15, 2015, and

WHEREAS, the application was deemed complete on January 20, 2016, and

WHEREAS, a public hearing was held on January 20, 2016, without notice, 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 Lots 13.15 & 13.17, Block 33 on the Tax Map of the Borough of Peapack and Gladstone. The Applicant has a single-family two-story residence located on the lot. He proposes to acquire a triangular portion of Lot 13.15 located at the southwesterly corner of that lot. The extent of the acquisition will be 1,244 sq. ft. Original Lot 13.17 equals 32,464 sq. ft. After the acquisition the lot will be 33,708 sq. ft. Lot 13.15 prior to the subdivision equals 58,635 sq. ft. After the subdivision it will be 57,391 sq. ft. The Applicant’s Engineer, Mr. Moschello, testified that there are no variances that are being requested. The purpose is to codify a view easement benefiting Lot 13.17. The Board Planner rendered an email dated January 13, 2016 in which he did not find any planning issues. Mr. Ryden, the Board Engineer, rendered a report dated November 13, 2015. In that report he indicated that deeds for the new lots should include any and all covenants, restrictions and easements which were established when the lots were originally created.

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

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

A-1 Aerial dated January 20, 2016.

A-2 Minor subdivision rendered Exhibit dated January 20, 2016.

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

The Applicant, pursuant to the Municipal Land Use Law, must establish to obtain a minor subdivision that they meet the ordinance standards. Based upon the testimony received in the hearing, the Board finds that all of the standards of the Minor Subdivision Ordinance of the Borough of Peapack and Gladstone are met and incorporates by reference the recommendation of its Engineer to establish deeds.

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NOW, THEREFORE, BE IT RESOLVED that the Land Use Board of the Borough of Peapack and Gladstone does hereby approve the minor subdivision as more particularly described in a map entitled "Minor Subdivision Plan" prepared by Gladstone Design, Inc. Said plan is dated September 9, 2015 and consists of one (1) sheet. This approval is subject to the following terms and conditions:

1. The Applicant shall submit deeds which shall include any and all covenants, restrictions and easements which were established when the lots were originally created. Said deeds shall be reviewed and approved by the Borough Engineer and the Board Attorney.

2. This approval is subject to the payment of all appropriate fees and taxes.

MINUTES:

The following minutes were approved with the corrections suggested by the Board members.

October 21, 2015, January 6, 2016 and January 20, 2016

William Ryden; Greg Yannaccone and Judith Silacci left the meeting at 7:50 p.m.

Closed Session:

A resolution was adopted closing the meeting to the public because of Pending Litigation and the minutes to be released at the conclusion of the matter.

The meeting was reopened at 10:13 p.m.

Adjourned - A motion to adjourn the meeting was made and seconded at 10:16 p.m.

Sarah Jane Noll
Assistant to Ruth Spae