

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

March 16, 2106

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 13, 2016.

Salute to the Flag

Roll Call:

Present:

Mayor William Muller
Stephen Neville, Vice-Chairman
Joan Dill, Class IV
Kingsley Hill
Mark Corigliano, Councilman
David DiSabato
Judy Silacci, Alternate # 1
Peter Sorge, Alternate # 2
Lisa Saunders, Alternate # 4

Absent:

Susan Rubright
Greg Yannaccone, Chairman
John Szabo, Borough Planner
Chris Downing
James Heck, Alternate # 3

Also Present:

Roger Thomas, Esq. Board attorney
William Ryden, Borough Engineer
Joe Burgis standing in for John Szabo, Planner

In the absence of Chairman Greg Yannaccone, the vice-chairman Stephen Neville chaired the meeting.

Public Hearing/Applications:

Stephen Neville advised the board that he knows the applicant and he does live close by but he feels that he can hear the case without prejudice.

Levinn - Minor Subdivision – Block 4.01 Lot(s) 2 & 3, 3 & 5 Sheephill Drive

Application No. 2016-001- Reconfigure two (2) adjacent lots via lot line adjustment – Engineering Report dated – 02/10/2016, Planning Comments dated – 02/14/2016.

David Penella, Esq. 1201 Sussex Tpk. Randolph was present. The notice of service was given to Mr. Thomas. Mr. Penella explained to the board that no changes are being made to the properties; everything remains the same with the exception of the property lines. Mr. Thomas addressed the waivers listed in Mr. Ryden's report and suggested to the board that they could be waived. Mark Corigliano moved to approve the waiver requests;

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Joan Dill seconded the motion which was passed unanimously by the following roll call vote:

AYES: Neville; Muller; Mark; Dill, Silacci; Hill; David; Saunders and Sorge.

NAYS: None

The application was presented by Mr. Penella who explained that this is a lot line adjustment. Mr. Levinn was sworn in and testified. He explained that he is the owner of the property and is swapping land with his neighbor Gonales and Revis. Lot 3 does not have frontage along the road and the swap of land will give this property frontage. A variance is needed since the frontage being given does not meet the requirements of the ordinance. The house on this lot is at the top of the hill via a driveway. The request is for the minor subdivision and variance. There is an adjoining neighbor who has an easement to access the house behind the residence on lot 3. Mr. Thomas advised that any action that the board takes will not have any affect on any property rights. The easement will be restated in the deed. The deed will also include the right for utilities to go to the Levinn property. There will not be any easements on lot 2. Mr. Thomas assured the Mayor and both he and Mr. Ryden to make sure that the deeds reflect the easements and rights of the property rights.

After questioning by the Board the meeting was opened to the public.

Public Portion:

Mr. Ebrahim Versi of 11 Sheephill Drive questioned Mr. Ryden's comments in his reports. He wanted verification that the deed will stipulate that the rights of the easement will remain to the other lot owners. He explained that he is the owner of Lot 25.08 that goes to Sheephill Drive and also owns lot 25.04. Again Mr. Thomas assured him that both he and Mr. Ryden will make sure that the easements are protected. It was noted that the Key Map is incorrect. The map will be corrected.

The public portion was closed.

Joan Dill moved to approve the lot line adjustment and variance with the conditions set forth in Mr. Ryden's report; Judy Silacci seconded the motion which was passed by the following roll call vote:

AYES: Silacci; Muller; Hill; Neville; Corigliano; DiSabato; Saunders and Sorge.

NAYS: None

Resolution to be adopted:

St. Brigid's Church – Block 10, Lots 23, 129 Main Street

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

**Approved: February 17, 2016
Memorialized: March 16, 2016**

**IN THE MATTER OF
ST. BRIGID'S CHURCH
LOT 23, BLOCK 10
SITE PLAN WAIVER
Application No. AP-2015-010**

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WHEREAS, St. Brigid’s Church, (hereinafter known as the “Applicant”) filed an application for site plan waiver approval with the Borough of Peapack and Gladstone Land Use Board (hereinafter known as the “Land Use Board”) on October 30, 2015, and

WHEREAS, a public hearing was held on February 17, 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 Lot 23, Block 10 on the Tax Map of the Borough of Peapack and Gladstone. The property is occupied by a Roman Catholic Church together with parking facilities. The Applicant is seeking site plan waiver to reconfigure the existing parking facility to provide for five (5) conforming handicap parking stalls along the northerly portion of the site. The Applicant’s representatives testified that they are seeking a site plan waiver since they have three (3) noncompliant handicap stalls and are seeking to provide five (5) compliant handicap stalls. They intend to comply with all ADA rules regarding the signage for those parking stalls.

It was also represented that there are flood plain issues that affect the site. However, they have applied for and obtained a DEP Permit by Rule for the construction of the spaces.

It was also noted in Mr. William Ryden’s report, the Borough Engineer, that the Applicant is creating a new 25-ft. long by 2-ft. high retaining wall to effectuate proper grading for the new spaces. This will have a net increase of 1,257 sq. ft. of lot coverage resulting in a total lot coverage of 44.9% of coverage with a maximum allowable coverage of 65%.

Mr. Ryden in his report of December 8, 2015 indicated that if the Board grants the waiver the Applicant should be required to obtain construction permits from the Construction Office. The Applicant should also provide stormwater control facilities for the new impervious surface area to be reviewed and approved by the Borough Engineer at the time of the application for the construction permit and should obtain either a permit or waiver thereof from the Somerset County Engineer’s Office. Finally, Mr. Ryden noted that the Applicant should establish an escrow fund to cover inspection fees.

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

The Applicant submitted the following documentary evidence.

A-1 Site Plan Rendering dated February 17, 2016.

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

The Board finds that the improvements being proposed are *de minimis* and therefore only a minor site plan would be required. The Board finds that because of the nature of the improvements made a waiver can be granted subject to the conditions outlined during the hearing.

NOW, THEREFORE, BE IT RESOLVED that the Land Use Board of the Borough of Peapack and Gladstone does hereby grant the requested site plan waiver. The approval is subject to the following terms and conditions:

1. The Board incorporates the “Site Plan” prepared by Gladstone Design, Inc. dated October 23, 2015 consisting of one (1) sheet.

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2. The Applicant shall be required to obtain a construction permit from the Construction Official and submit plans for stormwater control facilities for the new impervious coverage to be reviewed and approved by the Borough Engineer. This shall be submitted prior to the application for a construction permit.
3. The Applicant shall obtain an appropriate permit from the Somerset County Engineer.
4. This approval is subject to the verification that the NJDEP has issued an appropriate Permit by Rule associated with the 300-ft. riparian buffer.
5. This approval is subject to the establishment of an escrow to cover site inspection fees.
6. This approval is subject to the payment of all appropriate fees and taxes.

Kingsley Hill moved to adopt the foregoing resolution; Lisa Saunders seconded the motion which was passed by the following roll call vote:

AYES: Stephen Neville; Christopher Downing; Mayor Muller; Kingsley Hill and Lisa Saunders.

NAYS: None

ABSTAIN: Corigliano; Dill; DiSabato; Silacci and Sorge

Masterplan Subcommittee: – Regarding Further Study of the Matheny Parcel – Mr. Thomas has no report at this time.

MINUTES:

The minutes of the February 17, 2016 meeting were approved as corrected.

Public Portion

Dr. Sprott of Matheny spoke to the board about the status of the ‘no’ report.

Mr. Thomas advised that there will be a response to the litigation. Because of litigation the process has been deferred. Mr. Thomas recommends no further action be taken by this board until there is a response. Federal litigation was filed and this board cannot ignore it so there is a level of responsibility of this board, Matheny and the Council attorney. Mr. Thomas again advised the LUB that at this moment in time no further action be taken by this board and that it defer to Mr. Kelly the Borough attorney. Some of the board members questioned the litigation. There was no further discussion

Adjourned - A motion to adjourn the meeting was made and seconded at 7:53 p.m.

Sarah Jane Noll
Assistant to Ruth Spae