

BOROUGH OF PEAPACK & GLADSTONE
LAND USE BOARD
February 21, 2018

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 5, 2018 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 5, 2018.

Salute to the Flag

Roll Call:

Present:

Greg Yannaccone, Chairman
Mark Corigliano, Councilman
Susan Rubright
Joan Dill, Class IV
David DiSabato
Chris Downing
Judy Silacci
Kingsley Hill
Peter Sorge, Alternate # 1
James Heck, Alternate # 2
Matt Sutte, Alternate # 4

Absent:

Lisa Saunders, Alternate # 3
Mayor William Muller

Also Present:

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

Meeting convened at 7:10

Application 2017-004 – 230 Main PG – LLC

It was pointed out that two garage parking spaces will be used for businesses and is to be added as one of the conditions.

Joan Dill moved to adopt the resolution with the addition; Greg Yannaccone seconded the motion which was passed by the following roll call vote:

AYES: Yannaccone; Corigliano; Rubright; Hill; Dill; Heck; Silacci; Sutte; Downing and DiSabato

NAYS: None

- **PUBLIC HEARING/APPLICATIONS:**

BOROUGH OF PEAPACK & GLADSTONE

LAND USE BOARD

February 21, 2018

Application 2018-001 – 66 Main PG, LL

Block 28, Lots 13&18.01 – Use variance and several bulk variances. – Application deemed complete January 24, 2018 – Time for decision 120 days – **May 14, 2018.**

Robert Mullen, Esq. introduced himself and his witnesses for this evening. He advised that he did provide legal notice to all and sent the proofs to Ms. Noll. He stated that two buildings on the property need to be renovated; there are existing variances. William Ryden advised that this is not a site plan; only variances. The owner of 190 Main Street is Anthony Melillo.

Robert Moschello, engineer was accepted as an expert witness. He was sworn in and testified using the following exhibits as documentary evidence.

- Kingsley Hill came in to the meeting.

A-1 – Aerial of site 28/13, dated 2-21-18 – 2 residential structures. A portion of lot 18.01 in Block 28, has been deeded to a Land Trust.

Mr. Melillo was sworn in and then testified to the events of the permits that he applied for. He testified that the property was purchased in October of 2017. The intent was to rehabilitate the two (2) structures located on Lot 13. The structure closest to Main Street is a two-family residence. The single-family residence is located to the rear and to the north of the two-family residence. The Applicant had sought to rehabilitate both residences. As part of the renovation, it became apparent that the foundation of the single-family residence was deteriorating. They were advised by the building official that the building was unsafe and were authorized to demolish the building. Subsequently, they were informed that they needed to come to the Land Use Board to obtain variance approval since the demolition of the building foundation removed any preexisting nonconforming status. Mr. Melillo indicated that they had received Building and Zoning Permits on November 15, 2017. On November 30, 2017 the building official determined that the building was unsafe. On December 4, 2017 the building was demolished. Thereafter a Stop Work Order was issued.

Upon questioning; he did acknowledge that he had photos of the foundation before it was removed. He did not have them at the meeting. Susan Rubright asked if there was a demolition permit taken out. There was none. The original intention was to renovate the structure; not increase the size or change the interior layout. There was no intent to enlarge the structure. It was the intent to modernize it with the same architectural theme. Mr. Downing asked if there will be any testimony on the existing two-family dwelling.

Public Portion – The public portion was opened for the questioning of this witness and closed to questioning since no one wished to question the witness.

Mr. Moschello then testified and continued to discuss Exhibit A-1. The property is in the R-18 Zone. Lot 18.01 only contains the access.

Exhibit A-2 – site dimension and grading plan rendering. Front and upper cottage. The upper cottage was completely removed and taken down. There is an existing non-conforming setback of 2.5' from the corner. That is a requested variance. He noted that

BOROUGH OF PEAPACK & GLADSTONE

LAND USE BOARD

February 21, 2018

the upper cottage had a proposed height of 23 feet, nine (9) inches. The lower cottage had a height of 29 feet. He noted further that the upper parking lot provided for three (3) cars and the lower parking lot provided for four (4) cars which satisfied the parking requirements pursuant to the Ordinance. The gravel parking area is to remain. The front cottage will be renovated by pulling back the front of the cottage.

They are applying for a use variance because there are two dwellings on one lot. The adjacent lot will contain the parking with no principal structure. There is a side yard of 2.5' where 15' is required. The County of Somerset is requesting a dedication. There is a front yard and two side yard setback variances. Retaining walls will require a variance as accessory structures. There will be landscaping when finished. The height of the upper cottage is 23'9" where 35' is the limit; the front cottage height is 29' from ground to peak; also, in conformance with the 35' limit. William Ryden advised that he needs some information so as to determine if guard rails are necessary on the retaining walls. Mr. Melillo advised that the dumpster driver can go up and back up and come back down without any problems. Mr. Hill questioned accessibility by fire trucks. Mr. Thomas said that it could be referred to the fire department for review. 4 parking spaces are needed for the front house. They do comply with the requirements.

Public Portion – Kathleen Dempsey 12 Highland Ave. asked what is proposed towards the rear of the property. There will be no development of lot 18.01 because it is being deeded to a land trust.

Nina Calabrese – 60 Main Street questioned the retaining wall which is currently being built.

Since there were no further questions of this witness, the public portion was closed.

Kinin Hughes, Planner from Hoboken NJ, was accepted as an expert witness and sworn in.

Mr. Hughes reviewed the surrounding land uses. Lots 14 and 15 have 2 principal uses. He concurred with John Szabo's report that there are two principal dwellings on one lot. The parking area on lot 18.01 is not allowed because it is not the principal use. He noted that they are not exceeding coverage or FAR. The use is compatible with the surrounding area which includes Hamilton Court which is a multi-family development. The renovation will bring the properties up to code. It is in keeping with the residential development of the surrounding area. He felt that it will not create any substantial detriment to the area. He addressed the pre-existing non-conforming setbacks. John Szabo weighed in on the application. The Health and safety and negative criteria has been addressed and the preservation of the lot 18.01 is a positive factor.

Public Portion was opened to questions for this witness and any comments by the public.

Joseph Sililia 1370 Miners Drive, Basking Ridge advised that he owns the property across the street which was previously owned by his parents and grandparents before them. He commented on the negative condition of the property and commends anyone who wishes to fix it up.

The public portion was closed since no one else wished to speak.

BOROUGH OF PEAPACK & GLADSTONE
LAND USE BOARD
February 21, 2018

Mr. Mullen addressed the board and asked for permission of the Land Use Board to replace the foundation on the front cottage if it is deemed unsafe. Mr. Thomas commented on this request. It is clear that this is an improvement which addresses health, safety and welfare. He advised that this has not been asked for in the notice but that they have asked for **‘any other variances’**. He does not think that this is so terribly unusual but the decision is up to the board. If the Zoning and construction office finds that the foundation needs to be replaced; it could be their decision. It would save judicial time. John Szabo would be comfortable if the construction official says this is the case and that it has to be removed. The board members questioned and discussed the application. Mr. Mullen asked if the board could authorize the lifting of the stop work order; Mr. Ryden said that was the construction official’s decision. Mr. Ryden has asked for additional information on the grading; he will have to have this before recommending that the stop work order be lifted. In the past the board has informed the construction office which has allowed the applicant to proceed at their own risk. Mr. Ryden wants conditions which include Somerset Co. approval; grading plan and perfect the conditions of approval which includes a grading plan.

Greg Yannaccone moved to approve the application with the following conditions incorporated into the resolution; Joan Dill seconded the motion which was passed by the following roll call vote:

AYES: Yannaccone; Dill; Rubright; Silacci; Hill; Downing; DiSabato
NAYS: None

1. Grading Plan for the drive access to Lot 13 through Lot 14 in a manner to improve safety within the easement confines and to be reviewed and approved by the Borough Engineer and the Board Attorney.
2. The Applicant has the right to investigate the lower cottage (two-family structure) and to seek demolition of same only if there is a written report by the Building Official and the Zoning Officer that the structure is unsafe and cannot be renovated in a safe matter.
3. The Applicant shall submit a copy of the Conservation Deed to the Land Trust for the balance of Lot 18.01 to the Board attorney for review.
4. This approval is subject to Somerset County Planning Board approval.
5. The access easement across Lot 14 shall be established and/or recorded in the Somerset County Clerk’s Office and approved first by the Board attorney and Engineer.
6. Comply with the Board Engineer William Ryden and Board Planner John Szabo’s reports.
7. Removal of the gravel driveway on Lot 18.01 and removal of the 2nd gravel driveway near the road.
8. A grading plan needs to be prepared and approved by the Borough Engineer.

Mr. Downing made a statement for the record regarding the request and the dedication of some of lot 18.01 in a land trust.

BOROUGH OF PEAPACK & GLADSTONE

LAND USE BOARD

February 21, 2018

Hearing carried to the March 21, 2018 Meeting without further notices:

Block 33, Lot 15 – 145 Route 206 – ORL Zone – Use Variance to allow communication tower and gas station with convenience store. Application is bifurcated; no site plan submitted. – Deemed complete 11-27-18; Time for decision 120 days – **March 27, 2018. Carried from the January 17, 2018 meeting.**

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

Sarah Jane Noll
Secretary/Administrator