

BOROUGH OF PEAPACK & GLADSTONE

LAND USE BOARD

July 18, 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 10, 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 10, 2018.

**Salute to the Flag**

**Roll Call:**

**Present:**

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

**Absent:**

Lisa Saunders, Alternate # 3  
William Ryden, Borough Engineer  
David DiSabato

**Also Present:**

John Szabo, Borough Planner  
Roger Thomas, Esq. Board attorney

**Meeting convened at 7:20 p.m.**

**Ordinance 1059-2018** – Mark Corigliano explained the ordinance which is a modification of the ordinance which was originally introduced last year. There are two changes that have been made; on page 2 and 3 – items 1-6 have been added as per the judge. Roger Thomas explained the changes. This must be abided by as per Fair Share Housing. The developer is required to build 14 units on the lot or **adjacent to the site.** The developer is aware of all of the changes. The board discussed the ordinance. This ordinance comes out of the regulations and must be consistent with the Master Plan. This ordinance furthers the intent of the Master Plan and is not inconsistent with the plan, purposes and goals of the Master plan.

Susan Rubright moved to send the ordinance to the council stating that it furthers the intent of the Master Plan and is consistent with the purposes and goals of the Master Plan; Joan Dill seconded the motion which was passed unanimously by the following roll call vote:

BOROUGH OF PEAPACK & GLADSTONE

LAND USE BOARD

July 18, 2018

AYES: Greg Yannaccone; Mayor Muller; Councilman Corigliano; Susan Rubright; Chris Downing; Judy Silacci; Kingsley Hill; Joan Dill; Peter Sorge; James Heck and Matt Sutte.

NAYS: None

**Kingsley Hill stepped down from the dais.**

• **PUBLIC HEARING/APPLICATIONS:**

**Application # 2018 -005 – Kingsley Hill Variance, Block 2.02, Lot 13 – 13 Brookside Drive**

Bulk variance to allow the reconstruction of the rear deck which is 38.3' from the rear property line rather than the required 50'. Application was deemed complete July 5<sup>th</sup>. Tolling time is August 19, 2018 – A report from William Ryden, Engineer had been forwarded to the Board members prior to the hearing.

Mr. Hill was sworn in and testified explaining his proposal to replace the decrept deck on the rear of his house. He was born and raised in Peapack and Gladston; moved away and returned to raise his family here. The following exhibits were entered into evidence:

**Exhibit A-1 – Slide show presentation.**

The presentation contained photos of the family; the surrounding area; and the existing deck which is proposed to be replaced. A slide showed the proposed new deck. The existing deck is 7'x14' consisting of 98 s.f. The proposed deck will be 17' x 25'. A paver patio and existing deck will be removed; the plan shows the new deck in green. The existing deck is 48.2' from the property line whereas the ordinance requires a minimum of 50'. There are no steps. The new deck will be 38.4' from the rear property line. His property backs up to a detention basin. The board questioned the distance from the proposed deck to the detention basin. It was explained that the detention basin was created because there are wetlands there. This appears not to be an issue. His lot is non-conforming in size; there is no change to the existing setbacks. He referred to schedule I which is part of the application. He will be reducing the total max. lot coverage. He personally did the design and measurements. He is requesting a C-1 variance. He went through the positive and negative criteria.

Mayor Muller questioned the name on the application and pointed out that Mr. Hill's wife is not on it. Mr. Thomas advised that this is not an issue that the wife is not named on the application. Mayor Muller also questioned if the children's' cabin is located on the drainage easement. Mr. Thomas advised that these facts are not in front of the board at this time.

**Public Portion-** The public portion was opened and closed to the public since no one wised to question the witness.

Joan Dill made a motion to approve the variance application with no conditions; Susan Rubright seconded the motion which was passed unanimously by the following roll call vote:

BOROUGH OF PEAPACK & GLADSTONE

LAND USE BOARD

July 18, 2018

**AYES:** Greg Yannaccone; Susan Rubright; Judy Silacci; William Muller; Mark Corigliano; Joan Dill; Chris Downing; Peter Sorge and James Heck.

**NAYS:** None

Councilman Corigliano asked if the lattice work which is on the bottom of the existing deck is going to be reinstalled on the new deck. Mr. Hill advised that he will cover the bottom of the new deck so that the look is similar to the existing deck.

Kingsley Hill came back up to the dais.

Mayor Muller and councilman Corigliano left the meeting.

**Application # 2018-004 – Kerner Variance, Block 33, Lot 13.15 – 22 Brady Drive West**

**Application was deemed complete 6-11-18. Tolling time is September 29, 2018.** FAR variance – 12% proposed vs. 6% max. permitted and Lot Coverage – 25.6% proposed vs. 12% max. permitted.

The applicants are proposing various interior and exterior alterations to the existing residence, including a finished attic and basement, new dormer, swimming pool and cabana. The property is in the RR-5 Zone.

Nicole M. Magdziak, Esq. introduced herself and reviewed the present RR-5 zone and the previous R-2A zoning. The lot consists of 1.3 acres and the new zoning requires 3 acres. Two variances are being requested; 25.8% lot coverage and FAR.

Architect Ezio Columbro, 53 Main Street; Knowlton, NJ – reviewed his licenses and was accepted as an expert witness by the Board. Mr. Columbro was sworn in and testified.

Entered into evidence was exhibit:

**A-1 dated 7-18-18 Aerial map from Google Maps**

This is a single family residence and is surrounded by other residential properties and a golf course. The attic was part of the unfinished second floor; it did have some electrical when originally constructed. The applicant wants to finish it as a Princess Suite for his 15-year-old daughter.

Charles Kerner, applicant was sworn in and testified. He resides at 21 South End Ave., New York, New York. They live in NY City; this property is not their primary residence. His age is 66 years. Roger explained the age restriction ordinance which limits the age of the owner not the age of the children. Susan Rubright suggested that children must be over 18 years of age. Susan Rubright suggested that the children are allowed but not living there full time. Mr. Thomas felt that the board can proceed to hear the application tonight. This is a gated community and board members are unable to access the property to view it. Ms. Magdziak agreed to continue the hearing tonight and discuss an inspection date later if needed.

BOROUGH OF PEAPACK & GLADSTONE

LAND USE BOARD

July 18, 2018

Mr. Columbro continued his testimony. He reviewed the proposed floor area. The proposed bedroom will have a three-fixture bathroom. Most of the bedroom is housed under the super structure which is currently a gable roof. They have made architectural improvements. The second portion of the project which includes a cabana and lap pool bounded by a privacy wall providing a visual buffer and a safety barrier was then discussed. The cabana will house the pool equipment. It is constructed of field stone and buried into the ground. The cabana is 14.5' off of the terrace and 10' is visible.

The following exhibits were also entered into evidence:

**A-2 and A-3 - colored rendering**

Mr. Columbro continued his testimony and testified that there is no impact on the adjacent neighbors. The board questioned the witness. He testified that the cabana is for storage in the winter and in the summer season it is a sitting area with glass doors with electric but no water. This property backs up to the 6<sup>th</sup> hole on the golf course. The stone veneer will match the stone on the house. There is a pizza oven proposed. It is at the basement level off of terrace # 2.

**Public Portion** – The public portion to question this witness was opened and closed since there was no one in the public wishing to question the witness.

Ronald Kennedy of Gladstone Design located at 265 Main Street, Gladstone was the next witness. He has been qualified previously by this board. He was sworn in and testified. He explained that Hamilton Farms was developed between 1999 and 2000 with a 18 hole golf course and included 18 cottages. He gave a history of the development of this area. The zoning at that time was R2-A which has been removed and rezoned RR-5(3-acre zone) in the late 2000's. The subdivision is built out now. 4 of the 18 lots were restricted and not allowed to be built on. 14 are built on and have been sold. It was known as Hamilton Golf Club. Some of the lots back up to the golf course and some do not. Lot 13.15 is the lot in question. All of the improvements are off of the rear of the house. The lot size is 1.3 acres but RR-5 is 3 acres. All setbacks are 50'. All of the proposed improvements conform. The variances are for the FAR and lot coverage. None of the current houses would conform to the current zoning. The proposed structures all comply with the RR-5 zone.

Mr. Kennedy continued his testimony and addressed the requested variances. D-4 variance for floor area. The site will accommodate the additional floor area of 741 s.f. Also deviating from 6% or 11%. Only 14 lots and is unique; no substantial change to the footprint of the residence. Currently 25.6% lot coverage; the RR-5 zone is 12%. An 8' wide cart path traverses this property. This cart path represents 1,650 s.f. of the coverage. Without the cart path, the coverage would be 22%. This is the only developed lot that has a cart path on it. The other lot is not buildable. This development does have a Homeowners' Association which has high standards according to Mr. Kennedy. The proposal has gone through the approval process of the Homeowners' Association and received approval. The property is not visible from a public road.

BOROUGH OF PEAPACK & GLADSTONE

LAND USE BOARD

July 18, 2018

John Szabo is satisfied with the building coverage and takes no exception to the testimony presented.

Public – opened to the public and since there was no one in the public who wished to question the applicant; the public portion was closed.

Susan Rubright asked if the Homeowners' Association had reviewed the age restriction. Mr. Kerner, owner then advised that the age restriction is 55 and over and that minors cannot live full time in the house. The application did not contain information concerning the age restriction. He testified that the room is for his daughter's use when they are there on vacation and holidays. There is a recorded deed restriction. Susan Rubright asked who enforces these deed restrictions; the homeowners' association or the Borough? Mr. Downing advised that he has issues continuing this hearing until this information is known. The board questioned who has the obligation to enforce this. Roger Thomas advised that the board should not take action this evening. James Heck questioned if Mr. Kerner advised the Homeowners' Association of the age of his daughter.

Nicole M. Magdziak, applicant's attorney asked that a resolution be drafted and to be addressed at the next meeting. Mr. Thomas is willing to draft the resolution. No one wished to do a site inspection. A copy of the deed restriction was not submitted with the application. Mr. Thomas explained that the change in zoning does not eliminate the deed restriction. John Szabo looked up the ordinance 23-39.1 b-4 in section 39.9. E regarding age restriction. Children under the age of 18 are permitted no more than 8 weeks during a 12-month period. This is an enforcement issue by the Zoning Official.

Mr. Thomas will draft the resolution citing compliance with the ordinance 23-39.9E and obtaining a grading plan approval by the Borough Engineer. It was suggested that the deed be referenced in the resolution; the board decided against this. A member of a household can be a visitor.

Joan Dill made a motion to authorize the Board Attorney to draft a resolution for consideration at the next meeting of the board and to reference the aforementioned conditions; Kingsley Hill seconded the motion which was passed by the following roll call vote:

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

NAYS: None

**Resolution to be adopted:**

**Michael J. Virzi – Block 26, Lot 6 – 16 Tainter Street -Members eligible to vote:**  
Yannaccone; Rubright; Silacci; DiSabato; Downing; Kingsley Hill; Sorge; Heck;

Roger Thomas reviewed the resolution and apologized for the delay in getting the resolution to the board this evening; the secretary also explained that she had not sent it to the members via email during the day.

Judy Silacci moved to adopt the resolution; Susan Rubright seconded the motion which was passed unanimously by the board by the following roll call vote:

BOROUGH OF PEAPACK & GLADSTONE  
LAND USE BOARD

July 18, 2018

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

NAYS: None

**Minutes** - The June 20, 2018 minutes were approved as read.

A motion to adjourn was made and seconded and the meeting was closed at 8:00 p.m.

---

Sarah Jane Noll  
Secretary/Administrator