

BOROUGH OF PEAPACK & GLADSTONE  
LAND USE BOARD  
October 17, 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  
Chris Downing  
Kingsley Hill  
Joan Dill  
David DiSabato  
Peter Sorge, Alternate # 1  
James Heck, Alternate # 2  
Lisa Saunders, Alternate # 3  
Matt Sutte, Alternate # 4

**Absent:**

Susan Rubright  
Judy Silacci

**Also Present:**

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

**Meeting convened at 7:06**

**Public Hearing:**

**Block 26, Lot 16.08 – 44 Willow Ave. – Minor subdivision and variances – Nicholas and Marta Villa. RR-5 Zone** Report prepared by William Ryden, P.E.

Subdivision of 11 acres of land to be subdivided into two lots 16.08 at 6 acres and lot 16.11 at 5 acres. The house is located on lot 16.08 and the barns and shed are on proposed lot 16.11.

Variances needed:

**Side setbacks**

Barn (side)	27.9' proposed vs. 50' min. req'd.
Barn (rear)	44.4' proposed vs. 50' min. req'd.
Shed (east)	3.0' proposed vs. 50' min. req'd.
Shed (west)	38.3' proposed vs. 50' min. req'd.

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Mr. Villa was sworn in and testified to the application that he had submitted.

- Peter Sorge came into the meeting.

Mr. Villa explained that he had been before this board several years ago for a lot line adjustment. His lender would not lend money on a farm. He went to 3 lenders and was told the same thing that because there is farming activity on the property they would not lend money. He did go to a Farm lender who would not lend the money because the farm does not generate enough money to warrant the amount of money requested. For this reason, he wishes to subdivide the property into two lots; one consisting of the house on 6 acres and the second lot with 5 acres and the barns. He explained the reasons for the lot configuration is that the septic for the house is down near the barns. The proposed lot would have the house, septic and infiltration system. Later they would like to build another dwelling on the proposed lot 16.11 with the barns. The key map in the upper right-hand corner of the map shows the proximity of the neighbors. There will be a metes and bounds description for each lot. He was asked about possibly moving the shed; Mr. Villa explained that they are portable but they are in the fence area which prevents moving them. The lot proposed does not have frontage on a public road. The Board attorney Roger Thomas explained that the Municipal Land Use Law requires that all properties have frontage on a public road. A variance will be needed. Mr. Thomas explained that it is not the same as a regular variance. Proof that there is adequate access for emergency vehicles must be provided. The Statutory basis for this type of variance is different than a c-1 variance. The septic is closer than 10' from the property line. Needs 50' road frontage. Mayor Muller made some suggestions that would potentially eliminate the need for variances for the barn and sheds. The proposed dwelling on 16.11 would use the existing driveway. Mr. Thomas explained a concern that both John Szabo and he have. Mr. Downing pointed out to Mr. Thomas that in farming, one is allowed to have farm buildings without a principal dwelling according to Section 23-29.31 b. The board agreed to allow the barns without a principal structure. Mr. Villa explained that when the family subdivided the property; a lot was created with only barns. This would not set precedent in the other zones. It is not a variance; it is a principal use, i.e. farming. Mr. Downing argued that the board has done it for one; why not this one. Each variance is looked at on its own merits. 5 acres qualifies as a farm. This is the only zone where agriculture is permitted. Stables are permitted in the other zones but you need a principal structure in those zones. This zone permits agriculture/farming. John Szabo is comfortable with this interpretation. The principal use is 'farming'. If he sells it to a developer to build a house then he no longer has farm land assessment. The ordinance can be amended to clear up this question. The board discussed the conditions of this approval as follows:

- Subject to 20' driveway easement.
- Affirm that the acreage is adequate for farmland assessment from the Tax Assessor.
- Variance for lack of frontage on a public road.
- Deed restriction for the septic system.
- A finding of fact will state that proposed lot 16.11's principal use is a farm and the structures are lawfully existing.
- Approval for the shed variance.
- Lot numbers must be approved by the Tax Assessor.

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**Public Portion** was opened to the public.

Ann Vandenberg of 4 Todd Ave. commented positively on the board's action on the farming decision.

There being no further comments, the public portion was closed to the public.

Joan Dill questioned the septic on the plan. Mr. Villa explained that a perc test was done so that the Board knows that it is a buildable lot.

Greg Yannaccone moved to approve the application with variances and with the conditions set forth by the board; Joan Dill seconded the motion which was approved unanimously by the following roll call vote:

AYES: Greg Yannaccone; Mayor William Muller; Mark Corigliano; Chris Downing; Kingsley Hill; Joan Dill; David DiSabato; Peter Sorge; James Heck; Lisa Saunders; Matt Sutte

NAYS: None

**For Board Information at this time – no action needed**

**Block 28, Lot 24.02**

Resolution authorizing the Borough of Peapack and Gladstone Land Use Board to undertake a Preliminary Investigation to decide as to whether the proposed study area should be declared an area in need of redevelopment pursuant to N.J.S.A. 40A:12A-1 ET SEQ.

Mark Corigliano explained that Natirar 90 acres has approval for a banquet room; restaurant; swimming pool and the construction of 24 town house units and a hotel spa. They are looking to get it done. They were looking into a Pilot program '**payment in lieu of taxes**'. This would allow development and get them some assistance. Went with plan 'b' to declare the upper floors as an 'area in need or redevelopment'. They came to the council with resolution to ask the land use board to initiate a study. This gives them an opportunity to go to the state for money. They still have plans to put hotel rooms in the mansion. The hotel would have had 66 rooms. They were willing to put up escrow for the study. They decided against the idea when they went to the State. No action is to be taken at this time.

**Minutes – September 5, 2018**

James Heck questioned the minutes about the discussion by Roger Thomas who suggested that each board member have a separate email account having to do with Peapack and Gladstone information. The minutes were approved with several minor changes.

The Secretary advised that there will not be the first Wednesday meeting in January, 2019 because it falls before the Mayor and Council reorganize. There will only be one meeting in January and that will be the 3<sup>rd</sup> Wednesday at which time the Board will reorganize.

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She also advised that there will a public hearing on the Master Plan on November 7<sup>th</sup>; the Board's first meeting in November.

Mayor Mueller advised the board of the appointment of Sarah Jane Noll as the Zoning Official which included the Maintenance Ordinance which she has been enforcing.

A motion to adjourn was made and seconded and the meeting was closed at 8:10 p.m.

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Sarah Jane Noll  
Secretary/Administrator