

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

May 15, 2019

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 17, 2019 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 17, 2019.

Salute to the Flag

Roll Call:

Present:

Judy Silacci

Susan Rubright

Chris Downing

David DiSabato

Mayor Greg Skinner

Mark Corigliano, Councilman

Matte Sutte, Alternate # 4

Lisa Saunders, Alternate # 3

Peter Sorge, Alternate # 1

Absent:

Kingsley Hill

Joan Dill

James Heck, Alternate # 2

Greg Yannaccone, Chairman

William Ryden, Borough Engineer

Also Present:

Roger Thomas, Esq. Board attorney

John Szabo, Planner

The meeting commenced at 7:03 p.m.

PUBLIC HEARING:

Block 4, Lot 22.04 – 5 Patriot Road, Gladstone – Complete application – Tolling time 6-10-19.

Pam Schluter, 5 Patriot Road was sworn in and testified explaining why they are proposing a new detached 2 car garage. She testified that the property slopes down toward the pool at about a 5% slope.

*Peter Sorge came into the meeting.

Mrs. Schluter reviewed several photos which had not been part of the application submission. Entered into evidence were the following exhibits:

Exhibit A-1-4 – consisting of 4 photos of the property showing the rear and side where the proposed garage is to be located. Marked from top left to bottom right. Mrs. Schluter will submit the photos to the Board Secretary for the record. She estimated that the grade from the rear of the house to the rear of the property to be about 20%; a 10' difference from the house to the pool and another 10' drop from the pool to the rear of the property;

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the total being a 20' grade difference. The proposed building will be used for vehicle storage and lawn equipment. Only electricity is being put in.

The Board members questioned the witness. Chris Downing advised that he had driven by the property and he is concerned about the 8' side setback being variance being requested. He suggested that the structure could be moved closer to the house. The subject of the height variance was discussed. John Szabo, Borough Planner advised that there is a limitation of 15' in the ordinance but the board can grant a variance up to 20'.

Mrs. Schluter made a power point presentation and the following exhibits were entered into evidence:

Exhibit A-5 – the survey showing the lot 22.03(the adjoining property). The board members estimated that there is a distance greater than 100' from the property line of the Schluters property to the neighboring house. Mr. Szabo asked about the configuration of the property and pointed out that it is not square. The closest point is 8' from the proposed structure.

Exhibit A-6 was the survey with a red box showing where the structure would be in relationship to the house if it conformed to the ordinance. 25' is the required setback in the zone. Mr. Szabo had no further comments. Mr. Downing expressed his concern for the requested setback. Mrs. Schluter then showed the barn drawings and specifically the side elevation #7 showing the cupola.

Entered into evidence were:

A-7 showing 4 photos

A-8 – a photo showing a similar detached garage at 1 Patriot Road.

Mrs. Schluter advised that she has spoken with all of the neighbors and her next door neighbor is present this evening.

The public portion of the meeting for questions of the witness was opened to the public. Since no one in the public wished to question the witness, the public portion was closed.

The public portion of the meeting for comments from the public was opened to the public.

Cameron McCoy, owner of 7 Patriot Road introduced himself advising that he is the neighbor to the right of the Schluters' property on the side where the variance is being requested. He advised the board that he and his family support the variance request. They have no plans on developing their property at all and definitely no plans for the development of the area near the Schluters property.

Since there were no other comments from the public, the public portion was closed.

Roger Thomas, Esq. commented on the positive and negative criteria. John Szabo then advised and discussed a c-1 variance and what it was and then the c-2 variance which advances purposes of the land use law. He reviewed the purposes of the Land Use Ordinance; and reviewed the negative criteria. The law allows some impact but the word is 'substantial impact'. It has to be a substantial detriment.

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Chris Downing discussed the application.

Mr. Thomas than reviewed the c-2 variance and its hardship. The burden is on the applicant to show that the benefits out way any detriment. Referring to Exhibit A-6, Susan Rubright asked what the applicant would have to do to make the structure conforming. Ms. Rubright advised that she has issues with this type of variance but it appears that this is the best place to put it. There is a hardship. She was not happy with the cupola. The board discussed the cupola. It was suggested that the size could be reduced. Mark Corigliano favored the variance as did Judy Silacci. The report dated 4-26-19 prepared by William Ryden was discussed and it was found that there are no engineering issues.

It was decided to put the height of the cupola in the findings of fact of the resolution but not make it a condition of approval.

Judy Silacci moved to approve the request for the variance; Lisa Saunders seconded the motion which was approved unanimously by the following roll call Vote:

AYES: Greg Skinner; Mark Corigliano; Susan Rubright; Judy Silacci; Lisa Saunders; Chris Downing; David DiSabato; Matt Sutte; Peter Sorge

NAYS: None

Mayor Skinner; Mark Corigliano and Matt Sutte left the meeting.

Resolutions:

- **AN ORDINANCE TO AMEND SECTION 23-39.2 OF THE LAND DEVELOPMENT ORDINANCE CONCERNING CONDITIONAL USES, TO INCLUDE RECREATIONAL FACILITIES OWNED AND/OR OPERATED BY A SCHOOL AS A CONDITIONAL USE IN THE RR-3 ZONE**

Judy Silacci moved to recommend the adoption of the ordinance amending Section 23-39.2 stating that it is not inconsistent with the Master Plan; Lisa Saunders seconded the motion which was approved by the following roll call vote:

AYES: David DiSabato; Judy Silacci and Lisa Saunders

NAYS: Susan Rubright

- **Block 33, Lot 15 – 145 Route 206 # 2018-0007**

Roger Thomas, Esq. advised that Mr. Simon had commented on the resolution. Peter Sorge asked for some stronger language regarding the investigation and remediation in condition # 5 on page 12. The changes will be made and sent to the Administrative/Secretary.

Lisa Saunders moved to adopt the corrected resolution; Chris Downing seconded the motion which was approved unanimously by the following roll call vote:

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AYES: Susan Rubright; David DiSabato; Chris Downing; Lisa Saunders and Judy Silacci.

NAYS: None

Minutes: April 30, 2019 minutes were approved as corrected.

Public Portion

Kenneth Tiger from St. John's Road questioned the approval of the gas station on Pottersville Road and now this gas station on Route 206. He was advised that the applicant is the owner of both gas stations. He was not aware of that and thanked the board.

Adjourn

A motion to adjourn was made and seconded and the meeting was closed at 8:05 p.m.

Sarah Jane Noll
Administrator/Secretary