

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

February 19, 2020

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 16, 2020 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 19, 2018.

Salute to the Flag

Roll Call:

Present:

Susan Rubright
Joan Dill
Chris Downing
Judy Silacci
Matte Sutte, Alternate # 2
Robert Riedel, Alternate # 3
Paul Norbury, Alternate # 4

Absent:

Mayor Greg Skinner
Mark Corigliano, Councilman
Kingsley Hill
David DiSabato
Peter Sorge
James Heck

Also Present:

Roger Thomas, Esq. Board attorney
Sarah Jane Noll, Clerk/Administrator
John Szabo, Borough Planner
William Ryden, Borough Engineer

Public Hearing: # 2019-007- Musso Associates, LLC -Application for variance to allow mixed use of residential and office. Applicant has requested 9 waivers of the checklist. Until approval of the waivers, the application is incomplete. A report was submitted by W. Ryden, P.E. The applicant has requested waivers from the checklist which were addressed by Mr. Ryden in his report.

Kevin Shelly of Manasquan, NJ was sworn in and testified and proceeded to address the checklist items. He went through the checklist waivers. The majority of the improvements on the site are in the center of the property which consists of 11 acres. Waivers from the following checklist items are being requested:

9 – trees can be waived

#10 – existing light fixtures are on the plan and the applicant feels it is sufficient for the proposed residential and office use. There will be no light spillage onto any residential properties. Chairwoman Susan Rubright suggested granting the waiver with the condition that a lighting analysis be submitted during the hearing. Mr. Ryden responded and

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suggested that they submit a coverage chart and that lumens are important. They agree to provide the information. Mr. Thomas agreed that the board and the professionals should see the information and advised only to waive for completeness and the board can seek the additional information during the hearing process.

#12 – existing topography – Mr. Ryden advised that the town has no idea what is out there and that topography is important for parking; driveway and pedestrian access. Mr. Szabo pointed out that there are no grade changes to be made around the building. Mr. Ryden wants topography in the core developed area. Joan Dill suggested seeing it in the Komline property area. The board wants to see.

#13 – stormwater controls. The applicant advised that they are not proposing disturbance that would create storm water increase; no new impervious. Mr. Ryden needs to know if the facilities that are there are adequate. This needs to be addressed and that it meets the residential standards.

#14 – goes with # 9. Mr. Ryden advised that this can be waived.

#18 – abutting road cross sections not shown. Mr. Ryden is alright with this waiver.

#22 – Env. Impact Assessment. Mr. Ryden wants a summary report on what can or cannot be done. Chairwoman Rubright agreed to require this. Mr. Thomas suggested some kind of a release from the DEP. John Szabo said that it speaks to the heart of the residential use. Executive summary will be required.

The board concluded that Checklist items 9, 14 and 18 can be waived but 10, 12, 13 and 22 need additional information but can be waived for completeness.

Joan Dill moved to grant the waiver for the checklist items which would deem the application complete; Judy Silacci seconded the motion which was approved by the following roll call vote:

AYES: Susan Rubright; Joan Dill; Chris Downing; Judy Silacci; Matte Sutte; Robert Riedel; and Paul Norbury.

NAYS: None

The application is now complete, and the tolling time ends June 18, 2020.

Chairwoman Rubright suggested that the hearing should commence.

John Mauro, Esq. introduced himself and listed the witnesses who he will be calling to testify this evening. He handed out hard copies of the presentation.

Donald Musso was sworn and testified as the owner of 158 Route 206 North, Gladstone, NJ.

The following exhibit was marked into evidence:

Exhibit A-1, dated 2-19-20 – Power Point Presentation.

Mr. Musso advised that they will be granting an easement which will give access to the downtown of Peapack and Gladstone. The walking path is up on a hill. They are proposing 28 total residential units and that he had been approached by a Borough official to discuss the possibility of rezoning for this type of mixed use. They have not

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heard back from the town. They do not want to be entirely residential. Page 7 of the Power Point presentation contains the letter dated August 1, 2019 which was sent to the Mayor and Council. Page 11 talks about the leasing of the space for office. There has been no activity since June 2019.

Mr. Musso advised that it is a 4-story building and he proceeded to advise the board of the uses of the different floor areas. Only 3 floors are above grade. Knowledge Solutions has moved to the first floor. They have reduced the size of Knowledge Solutions. Page 13 of the Power Point presentation shows the tax assessment and the need for market rate apartments are shown on page 14. FinPro is headquartered in Gladstone and would like to stay and use the 1st floor and level below it. They would like to turn floors 2 and 3 into apartment units. Their proposal is on page 17 showing 28 market rate and 6 Affordable.

He reviewed the 4 phases of the changes proposed.

Phase 1– build out the 2nd and 3rd floors;

Phase 2– 2 story addition over the eastern annex of the building

Phase 3 – Potentially relocate FinPro, Inc. and build out existing 1st floor

Phase 4 – Potentially complete build out of LA Level.

He testified that of the 40,000 s.f. building FinPro is using just under 8,000 s.f. Musso Assoc. is a different entity than FinPro. The application is not bifurcated. They are here for preliminary and final site plan approval and use variance approval. John Szabo asked that the amenities be put on the architectural plans. He pointed out that the walking trail goes right up to Komline Park. Mr. Musso advised that the contamination is less than he has in his farm soils. They would be against taking any of the parking area out. That would trigger DEP review. Boswell Engineering will have all of the reports. Page 20 showed photos of the building and Page 21 shows aerial views. The property has not flooded over the last several years when there have been flooding issues elsewhere.

Exhibit A-2 -Signage – Photo of FinPro sign existing and Gladstone Apartments Sign.

The residential space will be managed by Musso Associates LLC. and will meet the Coah obligation. He discussed the surrounding area around the building. Joan Dill asked why 3-bedroom units; it was explained that this is required by Affordable housing and the Coah regulations. Mr. Szabo explained that they are showing 2 – 3 bedroom units but this number could be reduced to only one. Mr. Thomas advised that if there is affordable housing there are rules established which must be followed. If they drop to 5 affordable units, then they only need 1 3-bedroom unit but if 6 affordable units are planned, then they will need 2, 3-bedroom units. The construction of 3-bedroom units, may lead to having to provide recreational facilities. Mr. Downing asked for information on office vacancies. They will have to demonstrate that they have been actively marketing the office space for rent. The number of parking spaces needs to be corrected.

Public Portion for questions of the witness was opened and closed since there was no one in the public.

Todd L. Koenig, architect, P.C. licensed since 1981 was sworn in and was qualified as an expert witness.

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The following exhibit was explained by the witness:

Exhibit A-3 schematic Plan dated 11-15-10 revised thru 2-15-20 consisting of two sheets.

John Szabo asked the location of the affordable units which would be on the 2nd and 3rd floors. These should be labeled on the drawings. Mr. Ryden asked for clarification of the s.f. of the building and reported that if they did the 4th phase they would have to remove soil and get the DEP involved. There will be storage in the basement. Each unit will have a 6' x 8' storage area accessible by elevator. Mr. Downing questioned the storage and if there is an area for bicycles. Mr. Koenig continued his testimony advising that the elevator does not go to the 2nd and 3rd floors. The office space will be to the back and to the front left of the 1st level. There is only one elevator for the residential. The size of the elevator is to be determined by the construction office.

The present height of the building is 49' and the proposed is 51.5'. Mr. Ryden asked that this be shown on the site plan and he pointed out that 45' is the maximum and that a d-6 variance would be necessary.

John Szabo pointed out that the planner usually testifies last and the testimony is based on the testimony of the preceding witnesses and it should be deferred until the plans are revised. Chairwoman Rubright suggested that it's the applicant's application and it is up to them if Mr. Price should testify this evening.

The applicant introduced Richard Preiss, Planner from Hoboken, NJ. He was sworn in and was accepted as an expert witness. He advised the board that he had testified at the March 20, 2019 hearing on this application. He addressed the planning issues which included the D-6 height variance and the Use variance. He testified that he had reviewed the application; visited the site; reviewed the neighborhood; the master plan; the zoning ordinance; and consulted with colleagues and the applicant. His testimony included information regarding the almost 11 acres which is in the ORL Research/Laboratory Zone, a description of the mostly wooded surrounding area and the 3.5 story brick building which is the subject of the application. The property was developed in the 1980's and stood vacant for 4 years. The building is 60-70% vacant and not fulfilling its economic potential. The applicant is proposing up to 28 units with 6 affordable units. 20% of the total units would require 4 units of affordable and they are proposing 6 units. UHAC requires 2- 3 bedrooms units. The ORL zone does not permit the residential use. He discussed the reason for the D-6 variance for the height. They would be prepared to lower it to the 49' but it does not function as well. He would like feedback from the board. Because it is existing non-conforming, it will require variances. The site is particularly suited for the proposed use. He reviewed the proofs needed for the D-6 variance and the positive criteria. The property is boarded on 3 sides by residential; part of the Komline property in on one side. When it was rezoned as ORL, it was the bank building. The ORL zone does allow for age restricted communities. The surrounding area is not going to be impacted since it does contain residential uses. Even if the building is extended it will not affect the aesthetics of the building. The railroad is less than 1 mile away. He reviewed the photos in the Power Point A-1 document. He felt that there are unique conditions particularly suitable to a mixed use as proposed and it will help the

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Borough to meet its affordable number. Mr. Preiss responded to comments from Mr. Szabo regarding the fact that the Borough has met its affordable housing obligation for this round, but this would be an additional benefit. This could be beneficial in the 4th round. He reviewed the positive and negative criteria. The parking is in excess of what is needed. The Real Estate market for office development has declined and the need for residential use has increased. He feels that there is no negative impact on the zone plan.

Commented [JM1]: See Transcript, pgs. 109 to 114.

Mr. Downing questioned the lack of the need for office space. Mr. Preiss stated that the special reasons that he cited would support the variance. Mr. Szabo said that the present zoning of the property may not be suited for the current use. There was discussion between the board members and the witness. Mr. Musso advised the board that presently there are several office buildings being converted from office/retail to residential uses.

Mr. Ryden advised that there will be a need for a front and rear yard setback variance. The front yard is 147.8' and 200' is required and it appears that an addition to the rear of the building will trigger the need for a variance.

Chairwoman Rubright addressed the letter submitted from the Environmental Commission. She asked to have the site engineer address the issues in the report.

Mr. Thomas suggested that the site engineer address all of the items brought up this evening.

An Environmental Statement will be prepared; the discrepancy between the engineering plans and the architectures will be corrected. Joan Dill is concerned about the walkway to Koline which currently is mud. Mr. Musso said that he doubts that any parent will allow their children to walk to the center of town. She is suggesting that sidewalks be provided. Chairwoman Rubright said that there are people walking on Apgar. The applicant said that they would be willing to put wood chips on the path.

Because of future absences of the some of the board members, the application was carried to April 1, 2020 with no further notice.

Public Portion – There being no one in the public, the public portion was closed.

Adjourn

A motion to adjourn was made and seconded and the meeting was closed at 9:50 p.m.

Sarah Jane Noll
Administrator/Secretary