

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

August 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 July 22, 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 July 22, 2020. The meeting is a web-based platform providing remote access as the meeting will be open to the public remotely. In the event any member of the public cannot access the public file documents or exhibits, and/or cannot access the Zoom web-based virtual meeting room, they may contact the Board Secretary at snoll@peapackgladstone.org or 201-400-9043.

Meeting started at 7:04

Salute to the Flag

Roll Call:

Present:

Susan Rubright
Mayor Greg Skinner, Mayor
Mark Corigliano, Councilman
Kingsley Hill
Joan Dill
Chris Downing
Judy Silacci
David DiSabato
Peter Sorge
Matte Sutte, Alternate # 2
Paul Norbury, Alternate # 4

Absent:

William Ryden, Borough Engineer
Robert Riedel, Alternate # 3
James Heck, Alternate #1

Also Present:

Roger Thomas, Esq. Board attorney
Sarah Jane Noll, Clerk/Administrator
John Szabo, Borough Planner
John Sweeney, Councilman

- **Minutes:** July 1, 2020 – Joan and Judy - Mark and Greg; Kingsley.
- **Resolution for adoption: # 2019-007- Musso Associates, LLC – resolution of memorialization - members eligible to vote:** Susan Rubright; Joan Dill; Chris Downing; Judy Silacci; David DiSabato; Peter Sorge; and Matte Sutte

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Roger Thomas advised the board of comments from Mr. Musso and John Mauro, Esq. and minor changes that will be made. Peter Sorge suggested some clarification on the attempted marketing of the site.

Joan Dill moved to adopt the resolution; Peter Sorge seconded the motion, which was approved by the follow roll call vote:

AYES: Susan Rubright; Joan Dill; Chris Downing; Judy Silacci; David DiSabato; Peter Sorge and Matte Sutte

NAYS: None

PUBLIC HEARING: Chairperson Susan Rubright turned this portion of the meeting over to the Planner John Szabo. Roger Thomas advised that the hearing has been properly noticed. Roger advised the members that there are two issues that will require two separate votes.

John Szabo then explained the purpose of the meeting. The borough is now protected once the court orders compliance. A slide presentation was displayed on the screen.

1. Review and Adoption of Housing Element and Fair Share Plan dated October 26, 2018 as amended to August 7, 2020 and referring same to the Mayor and Council for endorsement.

Mr. Szabo reviewed the history of the affordable housing. The numbers come from census information and are broken down into regions. Peapack is in Region 3 which consists of Hunterdon, Middlesex and Somerset Co. He talked about what goes into a housing number. Coah was taken over by the Court. The Mt. Laurel 4 decision is quite different from what was before. This is a much different process. Fair Share Housing is a key player in the suite. The courts are very favorable to the Fair Share Housing. He went over the need in the community. The borough settled for 1 rehab unit; no prior round; 104 was the settlement. In 2018 the Borough did adopt a Housing Plan. 2 things happened – The Elks Club and American Legion properties were zoned for Affordable Housing and then the board approved the gas station and the Matheny group housing. This required that the Borough had to identify other areas to make up for the differences that were lost. The highlights of the housing plan are that 79 units must be constructed. We have to make up the 10 beds that were lost with the Matheny group home. 133 total rentals elsewhere at a 15% rental set aside in order to yield 20 units.

Questions by the board.

David DiSabato questioned what the obligation in the 4th round in 2025 may be. Mr. Szabo answered that no one has any idea. It took 5 years to get to this point. He hopes that the governor's office can come up with some methodology and not have to go through this again and that it is impossible to project what will happen. John Szabo advised that there are still towns who have not settled round 3. The best course of action is to get a plan that is best for this municipality and adopt it. David DiSabato asked what is being done now to plan for 2025. Mr. Szabo answered that he felt they got a fair settlement with Fair Share Housing and that anything under this plan carried over. A Vacant land adjustment can be taken in the future. They look for overlay zones all over the town thus creating pockets of AH throughout the town. Fair Share Housing was looking at large estates and farmland and looking all over the Borough. He did advise

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that there is no available land. There was discussion regarding SJP property and if they do or do not go ahead with their development. The borough cannot control this. The Borough can only create the opportunity. There will be an accounting in 2025. The Borough must report to FSH (Fair Share Housing) on what is going on in town. If FSH is not happy with what the Borough is doing, they can take it back into court. Roger Thomas advised that the plan must be into the court by September 11th. FSH can then file suite and our number of 104 is gone. Mr. Thomas advised the Board of the process that was taken when the two properties on Route 206 were gone. The court and FHS were advised in February 2019 according to Mark Corigliano. David DiSabato questioned why the SJP property is not looked at for more density. It could produce 300 town houses with affordable housing; is this what the town wants to see? The property is already zones for Affordable Housing. Chairman Rubright stopped the discussion reminding everyone that this has been rehashed before and that now something must be done and perhaps if we start the planning for 2025, something can be done for then. There is an Affordable Housing Committee which should now start looking at this. Roger Thomas commented that he agrees that the process needs to be on going and that the committee continues working with the options that are available.

Chris Downing questioned the parking and commented on the number of parking spaces that are proposed and what is needed. It was agreed that this will be looked at if and when the applicant comes into the board for site plan review. It can also be looked at during the ordinance review. Mr. Downing asked that when Melillo Equities comes in with the plan that they do not reduce the parking spaces. Mrs. Rubright explained that this is in the agreement. Mr. Thomas advised that Melillo has already engaged a traffic professional and they have a traffic plan.

There were no further questions from the Board and Mr. Szabo had completed his presentation.

The public portion was opened and closed since on one from the public had any questions.

David DiSabato asked if there are any standards on voting on this plan. Mr. Thomas explained that this is a planning document prepared by the Land Use Board to satisfy the Affordable Housing Obligation; there is no standards.

There were no questions in the Chat box.

Judy Silacci moved to adopt the Housing Element Fair Share Plan Amendment superseding the 2018 plan/Joan Dill seconded the motion which was approved by the following roll call vote:

AYES: Susan Rubright; Mayor Greg Skinner; Mark Corigliano; Kingsley Hill; Joan Dill; Chris Downing; Judy Silacci; Peter Sorge; Matte Sutte; and Paul Norbury

NAYS: David DiSabato

2. Review and Adoption of a Master Plan Land Use Element to implement the 2020 Housing Element and Fair Share Plan dated August 7, 2020.

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John Szabo explained the land use Master Plan with various elements to the plan – back to on December 18, 1996; land use element was subsequently amended on February 3, 1999 and by Reexamination reports adopted on February 16, 2005 and January 29, 2015.

He explained that because of the recommendations of the Housing Plan it is necessary to also amend the Land Use Plan so that the documents are consistent. There are specific land use amendments recognizing the Smith property as a 100% affordable housing site as intended when the Borough purchased the property. The amendments generally are consistent with the goals of the Borough's Master Plan documents as expressed over the years.

Roger Thomas did not wish to add anything to Mr. Szabo's presentation.

There were questions from the board which included the reason for the rezoning of the American Legion and the Elks Club property. Mr. Szabo explained that it should have been rezoned previously but was not. Mark Corigliano explained the loss of the Matheny property group homes and the number of beds that were lost. The court and FHS requested a form to be signed by Matheny stating their willingness to build the group homes. Representatives from the Borough met with representatives of Matheny who then explained that the group homes could not be built on an institutional property. That occurred well into 2019.

The meeting was opened and closed to the public since on one in the public had any questions.

Judy Silacci moved to adopt the Amendment to the Master Plan; Susan Rubright seconded the motion which was approved by the following roll call vote:

AYES: Susan Rubright; Mayor Greg Skinner; Mark Corigliano; Kingsley Hill; Joan Dill; Chris Downing; Judy Silacci; Peter Sorge; Matte Sutte; and Paul Norbury

NAYS: David DiSabato

- **Ordinance – Amendment to the AH Zone**

There was then discussion on the proposed ordinance. There would be no vote this evening, but a vote will be taken at the September 2, 2020 meeting.

Kingsley Hill objected to the process. He felt that it is not an ordinance but a law for the town and that it should be standards that the land use board uses when reviewing applications for site plan. Chairman Rubright asked Roger Thomas and John Szabo to explain the ordinance and the reason for it.

John Szabo respectfully disagreed with Mr. Hill and Roger Thomas explained the reason for the ordinance. The zoning needs to show the court and FSH that the borough is demonstrating that there is a realistic opportunity for land to be developed in the Borough. Mr. Szabo explained that the ordinance is the regulation and process that is to be taken. The ordinance is detailed and is the most regulated ordinance that he has prepared. Clarity is important. An applicant must comply or demonstrate to the Board why they cannot comply. The first section is the Zoning regulations which specifies the

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uses; the second part is architectural which set forth the design standards. The ordinance gives the Board the tools to say to the applicant that they do not like something. If not in the ordinance, the board cannot have the discussion. These are beneficial standards to create high value development. It is a reasonable standard. Mr. Thomas explained that it is also reasonable considering the development that is proposed. Mr. DiSabato felt that it is disconcerting. Chairman Rubright explained that the board cannot have site plan without standards in an ordinance. These standards are suggested by the board's professionals who give the board guidance. Mark Corigliano added that the ordinance gives a level of detail that reflects certain expectations as to what this will look like and what the Borough desires in its town. These exact details were in the ordinance for the SJP property. Kingsley Hill questioned the maximum density and wanted to know where the number of employees in the medical units came from. John Szabo advised that the Zoning Official Sarah Jane Noll had a concern for the definition of a 'small office' and he came up with the number of employees which would regulate the density or intensity of the office. There were questions about building height. Chairman Rubright asked the Board members to write their comments down and send them to Mr. Szabo. Trying to answer some questions about parking, Mr. Szabo explained what traffic engineers do. He advised the board that he is writing the ordinance for Bernardsville Center and most of what is in this ordinance duplicates the Bernardsville Center ordinance. Chairman Rubright feels that they are reasonable standards.

The Chairman explained for the public's knowledge that this is not a public hearing but would hear some comments from them. Chuck Kraft owner of a unit in the Gladstone House explained his concern if one of the buildings were to be built, it would block any view from the window in his unit which faces the rear of the property. Mark Corigliano explained that Mr. Kraft's concern is addressed in the proposed ordinance. He told Mr. Kraft that his concern should be addressed with the Mayor and Council at the 2nd reading. Chairman Rubright advised that the land use board will be reviewing the ordinance at the September 2nd LUB meeting for consistency with the Amendment to the Master Plan which the Board just adopted. There is a public hearing on September 8th by the Council at which time he should make his concerns known. This board does not have the ability to change an ordinance.

There were no further comments from the public nor the land use board members.

- **Contract approval – Princeton Hydro, LLC for year 2020 – Greg/Joan – everyone but Chris Downing; he had left the meeting.**

The board voted to sign the contract for 2020 with Princeton Hydro. Sarah Jane Noll advised that Princeton Hydro does review applications when William Ryden, Engineer thinks it is necessary.

The board then discussed the review of all applications by the Environmental Commission. Roger Thomas does not feel that all little applications need to be sent to the Commission however David DiSabato, who is the liaison to the commission, felt that all applications should go to the commission.

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The board agreed.

Sarah Jane Noll advised that the Red Horse Auto Club application has just come in. Mr. Ryden will review. The documents will be sent to the Environmental Commission and the Fire Department.

Susan Rubright and Peter Sorge have a conflict with the Red Horse Auto Club application.

Adjourn – A motion to adjourn was made and seconded and the meeting was closed at 9:52 p.m.

Sarah Jane Noll
Administrator/Secretary