

Borough of Peapack & Gladstone

Land Use Board

September 15, 2021

Peter Sorge called the meeting to order at 7:01 P.M. with the opening statement.

Opening Statement: Adequate notice of this meeting of the Land Use Board of the Borough of Peapack & Gladstone was given to the Daily Courier News on December 28, 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 December 28, 2020. The Land Use Board will hold a regular meeting by web-based platform providing remote access as the meeting will be open to the public remotely. Details for public participation were posted on the website at PeapackGladstone.org. The Public can join the meeting from their computer, tablet, or smartphone by registering at:

<https://global.gotomeeting.com/join/548090589>

In the event any member of the public cannot access the public file documents or exhibits, and/or cannot access the Gotomeeting web-based virtual meeting room, they may contact the Board Secretary at sinoll@peapackgladstone.org or 201-400-9043.

Salute to the Flag

Present:

Greg Skinner, Mayor
Greg Yannaccone
Mark Corigliano, Councilman
Peter Sorge
David DiSabato
Joan Dill
Chris Downing
Judy Silacci
Kingsley Hill
Matt Sutte, Alternate # 1
Robert Riedel, Alternate # 2

Absent:

Paul Norbury, Alternate # 3
Craig Darwin, Alternate # 4

Also Present:

Roger Thomas, Esq. Board attorney
William Ryden, Borough Engineer
Ed Snieckus, Borough Planner in the absence of John Szabo
Sarah Jane Noll, Clerk/Administrator

Minutes – August 18, 2021 – The minutes of the August 18, 2021, meeting was approved as read by a motion made by Joan Dill and seconded by Judy Silacci. Greg Yannaccone, Matt Sutte, and Greg Skinner abstained.

September 1, 2021 - The minutes of the September 1, 2021, meeting was approved as read by a motion made by Mark Corigliano and seconded by Joan Dill. Greg Skinner, Greg Yannaccone and Matt Sutte abstained.

Resolution:

**Non-Condensation Redevelopment Area Designation Consideration –
9-35 Lackawanna Avenue, Block 20 Lot 5 - 219 Main Avenue, Block 22 Lot 13
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Joan Dill moved to adopt the memorializing resolution; Judy Silacci seconded the motion which was passed by the following roll call vote:

AYES: Mark Corigliano; Peter Sorge; Joan Dill; Judy Silacci; Chris Downing; Kingsley Hill; Matt Sutte

NAYS: None

ABSTAIN: Greg Skinner and Greg Yannaccone

Correspondence:

9-7-21 Memorandum from Somerset Co. Planning Board.

Roger Thomas explained that this was notification of a webinar to comment and review the Somerset Co. Planning Board draft preservation plan. Anyone interested can attend the four (4) virtual public meetings to be held.

Public Hearing

#2021-004 – Block 8, Lot 2 – 57 Willow – Tucker – RR-5 Zone

Applicant is proposing to add a new garage bay and a second-floor addition to an existing detached garage. A variance for the Sideyard setback is sought. 21.75' from the rear property line is proposed where 50' minimum is required. The application was deemed complete 6-24-2021. Tolling Date: October 22, 2021.

Robert Simon, Esq. of Herold, and Haines was present representing the applicant.

Also present was William P. Munday, Esq. representing Vernon Manor an adjoining property owner.

Mr. Simon explained the application being heard. They are requesting a rear setback variance. He explained that the property is a flag lot with a 60' wide staff with a length of 890' to Willow Ave. The owners are presently seeking farmland assessment for lots 2.06 and 2.11 which is also owned by them.

Ronald Kennedy was sworn in by Roger Thomas representing that his business Gladstone Design is located at 265 Main Street, Gladstone. He was accepted as an expert witness.

Mr. Riedel came into the meeting at this time.

The following exhibits were entered into evidence.

A-1 - Neighborhood Aerial – dated September 15, 2021.

Mr. Kennedy described the properties on the aerial. The subject property consists of 10.29 acres. 2.06 and 2.11 are also owned by the Tuckers and they are pursuing farmland assessment. The dashed line represents the RE zone boundary. The other side is the RR-5 zone. The property has an 890' flag staff; a house; pool and pool house and is generally wooded. The other lots are farm fields. The two (2) bay garage is the topic of the application. Lot 2.02 has a large estate house on it and just to the west lot 2.12 is owned by the DeVink family (Vernon Manor) which is represented by Mr. Munday. That property has access from Lincroft Dr. and is located to the rear of the garage.

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Exhibit A-2 – Variance Plan –Dated 9-15-21. The plan was prepared by Mr. Kennedy who explained the layout of the improvements on the property which included a pool house, pool, two (2) car garage and a single-family house built in the 1960's. The existing sweeping driveway goes to the house and the detached two (2) car garage. The insert on the plan shows the garage with the proposed 12'-8" x 21'-8" addition. The existing and proposed addition will have a second-floor addition with living quarters. The gravel drive meets the garage doors. At the rear of the garage there is a concrete enclosure where the generator is housed.

Mr. Kennedy displayed the architect plan marked A-1 – dated April 9, 2021 and prepared by Architect John Beatty. He referred to the three images on the plan showing the main floor of the proposed garage plan with proposed addition which included a door to a vestibule with stairs to the proposed upstairs living area. The proposed caretaker living quarters will consist of a small bedroom; Livingroom/kitchen and bath. Sheet A-2 of the plan dated 4-9-21 showed the front; rear; and east and west elevations of the building. The proposed height is 25.5'.

The following photos taken by Mr. Kennedy's staff in the spring/summer were marked into evidence:

Exhibit A-3 - front of existing garage showing a fence at the rear property line.

Exhibit A-4 – photo of front elevation of existing garage

Exhibit A-5 – view from primary driveway showing the gravel drive to garage

Exhibit A-6 – photo from the rear of the garage facing lot 2.12 owned by Vernon Manner (family DeVink) looking at rear property line

Mr. Kennedy testified to the removal of an existing gravel drive area which will be seeded and mulched, thus reducing lot coverage. The existing structure will provide a caretaker cottage which reuses the existing garage. The RR-5 and RE Zone both allow single housekeeping units for caretakers along with a principal residence on the property. It will not be used for guests. They have received Board of Health approval for the septic system. Earth tone colors which will fit into the wooded landscape are proposed.

Mr. Kennedy continued with planning testimony as a planner.

He reviewed the criteria for granting a C-1 and C-2 variances. His testimony was directed at supporting the need for the variances. There was discussion on windows on the rear of the structure. He addressed the purposes listed for the RE and RR-5 Zone. He testified that the proposal complies with all density criteria. There is ample buffering on this property and neighboring properties and that an accessory dwelling unit is appropriate for this zone.

The proposed addition will create a three (3) car garage. Though there are three garage doors, the area can only accommodate two (2) cars. One would only be 10 – 12' deep. He concluded that there is no substantial detriment to the neighborhood and that it would not affect the vacant property adjacent to the rear of the garage. He testified that there would be new disturbance if a new structure were to be built and that he felt this is an appropriate location to keep the existing garage with a modest addition.

There was questioning of the witness by the Board members.

Roger Thomas advised that the services will only be for this property and not the farm properties. Mr. Simon represented that the applicant agreed to stipulate this.

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Joan Dill asked if the access to the apartment is accessible for stair chairs. Mr. Kennedy responded that it would have to meet code for separation between the two floors. The width needs to be complied with for a single-family residence and the vestibule would have to be fire rated. Anything being proposed must meet construction and fire codes. Everything must come up to the current fire codes.

Mr. Kennedy advised that the woodshed is used for the storage of wood. He was asked to provide photos of the generator.

At this time, Mr. Kennedy had a problem with his computer and came back into the meeting at 8:31 p.m. Mr. Kennedy was unable to locate photos of the generator.

Mr. Munday questioned the witness. He questioned the height of the existing structure; the present use of the garage structure and why the addition to the garage could not be added to the front of the existing garage. Mr. Kennedy advised that the garage is being used for storage of maintenance equipment and patio furniture. Mr. Munday expressed that he does not feel that there is anything unique about the property to warrant the expansion of an already non-conforming structure. Mr. Kennedy estimated that there is 350'- 400' distance from the garage to an area on Mr. Munday's clients' property where a house could be built. There are slopes on that property that would prevent the construction of a new home closer to the garage. It is the opinion of Mr. Munday that a non-conforming use/structure should be abandoned. Mr. Kennedy felt that the criteria for a C-2 variance allows for this.

No further question of Mr. Kennedy

Public Portion – Roger Thomas advised that only public not represented by Mr. Munday could question Mr. Kennedy.

The public portion was closed since no one from the public wished to question the witness.

John Beattie, Architect was sworn in by Roger Thomas and certified that his architect business is in Whitehouse Station. Mr. Beattie testified that he could relocate the bathroom window. The generator is located on a concrete slab with a wooden fence around it and there are no plans to remove it. It was noted that there is only one large generator, not three (3) as shown on the plans. It was decided that the landscaping will capture any noise from the generator. It was decided that bathroom window would be relocated to the side of the building.

Mr. Munday questioned the witness and asked if the generator is allowed to be in the setback. Mr. Simon advised Mr. Munday that Mr. Munday's client had installed the generator before he sold it to the Tuckers.

Comments by the opposition: Mr. Munday advised that he did not feel that the applicant has met the burden of proof for a C-1 variance and is not sure about the criteria for the C-2 variance.

The public portion was opened for comments from the public and closed since no one from the public wished to make a comment.

Mr. Simon made his comments supporting the variance applied for.

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Mr. Thomas addressed the board and commented on the application. He suggested that the generator should be included in the request for the variances. Approval should be conditioned on meeting building and fire codes, relocation of bathroom window, using earth tone colors on the building and the permitted use of the living area by occasional overnight guests.

David DiSabato moved to approve the variances with the conditions discussed; Greg Yannaccone seconded the motion which was approved by the following roll call vote:

AYES: Mark Corigliano; Greg Skinner; Greg Yannaccone; David DiSabato; Peter Sorge; Joan Dill; Chris Downing; Judy Silacci; and Kingsley Hill

NAYS: None

Sharing files – The use of the OneDrive for sharing files with the board members was discussed and Kingsley Hill will assist anyone having difficulty.

ADJOURNMENT – There being no further business, the meeting was adjourned at 9:15

Sarah Jane Noll
Clerk/Administrator