

**PENNINGTON BOROUGH
PLANNING BOARD MEETING MINUTES
OCTOBER 12, 2011**

Chairman Thompson called the meeting to order at 7:30 p.m. and compliance with the provisions of the Open Public Meetings Act was announced.

Board Members Present: Mark Blackwell, Jeanne Donlon, Eileen Heinzl, William B. Meytrott, Thomas Ogren, Mayor's Designee, Winn Thompson, Chairman, Keelan Evanini, Alternate #1, Mary Anne Heino, Alternate #2. Absent: Josh Levy, Katherine O'Neill, James Reilly, Anthony Persichilli, Mayor.

Also Present: Edwin W. Schmierer, Board Attorney, Mason, Griffin & Pierson, John Flemming, Zoning Officer, Mary W. Mistretta, Planning Board Secretary.
Absent: Cindy Coppola, Coppola & Coppola Associates, Borough Planner.

OPEN TIME FOR PUBLIC ADDRESS – Mr. Thompson asked if there was anything that the public would like to address that was not on the agenda. There being no comments, the public portion of the meeting was closed.

ZONING OFFICER

Mr. Flemming asked the Board if it was their impression that signs and awnings in the Town Center did not need review by Historic Commission. The Board responded that they were aware that the Historic Commission was not reviewing signs and awnings. Mr. Flemming noted that Dos Gringos on N. Main Street was replacing the awning.

Mr. Flemming stated that he has a request for an office use at the Harbat property, 226 N. Main Street. A karate studio and construction office with storage is presently located at the property. Mr. Flemming stated that there is ample parking and the property has had previous offices, but office use is not a permitted use in the Ordinance. Ms. Donlon stated that the property has had a history of uses that do not conform to the present Ordinance and she suggested that the Ordinance should be amended to allow more flexibility. Mr. Schmierer agreed and suggested that if the Ordinance was immediately amended to allow office uses Mr. Flemming could sign off to allow the office use. The Board agreed that the Ordinance should be amended. It was suggested that the Application Review Committee review the Ordinance at their meeting and Mr. Ogren will introduce it at the November Council meeting. Mr. Flemming stated that the office was a real estate office.

APPLICATION

Joseph D. & Carol L. Olivieri – Block 104, Lot 1, 1 East Franklin Avenue, R-80 Zone, Variance Application P11-008.

This hearing is continued from the September 14, 2011 Planning Board meeting. Mr. Schmierer reminded the applicants, Joseph & Carol Olivieri, that they were still under oath from the previous hearing. Mr. Mark Blackwell certified that he had listened to the recording of the September 14, 2011 hearing and was eligible to vote on the application.

The property is located on the corner of East Franklin Avenue and North Main Street. The side yard and part of the rear yard are along North Main Street and are considered front yards. The applicants have an existing 6 ft. high stockade fence which runs along the rear property line and is connected to a 6 ft. high stockade fence which runs along North Main

Street. The applicants would like to replace the fence to the rear and place it approximately 2 ft. closer to the property line. Since the fence extends into the front yard setback a variance is being requested for a 6 ft. fence as the Ordinance prohibits fences higher than 3 ft. in the front yard. The 6 ft. fence in the side yard along North Main Street is grandfathered, but nonconforming. If the rear fence is moved 2 ft. the fence along North Main Street would need an additional 2 ft. and require a variance. The Board members made several suggestions to try to make the fences more conforming at the last hearing and the applicants requested and were granted permission to continue the hearing at the October meeting to look into their options.

Mr. Olivieri stated that they had discussed their options and they were willing to compromise and replace the existing fence along N. Main Street with a shadow-box fence instead of a stockade fence which they presented at the last meeting. The shadow-box/board-on-board fence would give the appearance of being more open than the originally proposed stockade fence. He stated that they would also move the start of the fence by the front of the house along N. Main Street closer to the Spruce tree by approximately 2 feet and lengthen the fence towards the rear of the yard by 2 feet and they would not be increasing the length of the fence. Mr. Ogren stated that he felt a good compromise would be to reduce the length of the fence by 15 ft. from the front of the house and Mr. Blackwell agreed. The applicants did not feel that this would give the privacy needed to enjoy their porch and yards. Ms. Heinzl felt that there was a lot of traffic on N. Main Street and the applicants would be losing their privacy if they reduced the fence any further. Ms. Olivieri stated that presently there is approximately 70 ft. of fencing along N. Main Street. The applicant indicated that the fence in the rear would be replaced with a stockade fence. Mr. Thompson suggested that the fence should not be closer than six inches to the property line to allow room for installation. The applicants agreed and stated that the fence would only be moved 18 inches closer to the property line.

Mr. Thompson asked if anyone in the public had questions or comments. Ms. Donlon stated that she could not vote on the application, but would like to give her opinion as a member of the public. She felt that the compromise was reasonable and an improvement as the shadow-box fence would not be as solid as the stockade fence. There being no other comments the public portion of the meeting was closed.

Ms. Heinzl made a motion, seconded by Mr. Meytrott to approve the application as proposed with conditions. Voting yes: Heinzl, Meytrott, Thompson, Evanini, Heino. Voting no: Blackwell, Ogren. Not voting: Donlon. Absent: Levy, O'Neill, Reilly, Persichilli. The hearing ended at 8:00 p.m.

Ms. Heino questioned the lack of an updated plan showing the compromise that the applicant was suggesting. Mr. Thompson responded that on smaller applications like this the Board tries to accommodate the applicant and not add to the expenses. He stated that in the previous application for a shed, it would have been very expensive for the applicant to have an updated survey for the shed application. Ms. Donlon stated that the need of as-builts has been discussed and they would have been helpful in making a decision. Mr. Evanini suggested that if the survey is not current a waiver should be requested on the checklist instead of checking that a survey had been received and it would then be reviewed along with the rest of the waivers. Mr. Thompson and the Board agreed that this was a good suggestion.

MEMORIALIZATION OF RESOLUTIONS

Cathy MacMain-Cage, Block 602, Lot 13, 118 East Delaware Avenue, R-100 Zone, Variance Application P11-006

Mr. Ogren made a motion, seconded by Ms. Heinzl to adopt the resolution with a revision. Voting yes: Heino, Heinzl, Meytrott, Ogren, Thompson, Evanini; Not voting: Blackwell, Donlon; Absent: Levy, O'Neill, Persichilli, Reilly.

Paul & Anne Sobel Block 301, Lot 9, 39 North Main Street, R-80 Zone, Variance Application P11-007.

Ms. Heinzl made a motion, seconded by Mr. Ogren to adopt the resolution. Voting yes: Heinzl, Meytrott, Ogren, Thompson, Evanini. Not voting: Blackwell, Donlon, Heino. Absent: Levy, O'Neill, Persichilli, Reilly.

MINUTES – September 14, 2011 – Ms. Heino stated that her name should be spelled with an “e,” “Mary Anne.” Mr. Meytrott made a motion, seconded by Mr. Ogren to approve the minutes and the minutes were approved by voice vote.

There being no further business, the meeting was adjourned at 8:15 p.m.

Respectfully submitted,

Mary W. Mistretta
Planning Board Secretary