

**PENNINGTON BOROUGH  
PLANNING BOARD MEETING MINUTES  
MARCH 9, 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, Katherine O'Neill, James Reilly, Winn Thompson. Absent: Joshua M. Levy, Anthony Persichilli. Alternates 1 & 2 vacant.

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

**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.

**APPLICATIONS**

**Julia Crislip**, Block 505, Lot 10, 104 & 106 S. Main Street, R-80 Zone, Application P11-001 – requested to carry the application to the April 13, 2011 meeting. Mr. Blackwell made a motion, seconded by Ms. Donlon to carry the application to the April 13<sup>th</sup> meeting and the Board agreed by voice vote.

**Michael Daciek**, 302 North Main Street, Block 103, Lot 5, R-80 Zone, Application No. P10-007.

Mr. Schmierer announced that Proof of Publication and Proof of Notice were in order and the Board could take jurisdiction. Mr. Michael Daciek was sworn in and stated that he is requesting a waiver for a condition of approval that was received for a minor subdivision in 1993. At that time, a variance was also approved for the existing house on the lot. Mr. Daciek stated that the condition was to demolish two existing accessory buildings on the property. One building has been demolished, but Mr. Daciek is requesting to keep the remaining wagon shed which is approximately 150 years old and is conforming. Mr. Daciek explained that the Zoning Officer gave him permission to use the building for storage while the house on the new lot was being constructed. Mr. Daciek wanted to replace the shed with a reconstructed timber frame two-story barn that he has stored on the property, but he has not been able to because of the economy. Mr. Daciek explained that he would now like to repair the shed and keep it for storage. Ms. Donlon asked if he could clear the property of debris and place the piles of lumber in the shed. Mr. Daciek replied that they were two dismantled barns which are for sale.

Mr. Daciek took the opportunity to ask the Planning Board if something could be done with the landscaping to help hide the garbage trucks and lights that were on all night across the street at the Pennington Public Works building. He stated that when the Public Works building was approved the woods was to remain to help buffer the building. Mr. Ogren pointed out that White Pine trees have been planted to help buffer the garbage trucks, but need a little time to grow. Mr. Thompson asked Mr. Daciek what time frame would he need to remove the lumber and clean up the property. Mr. Daciek asked if he could have a year and the Board agreed to give Mr. Daciek a year to clear the

property of debris and wood and he agreed to repair the wagon shed. Mr. Ogren made a motion, seconded by Mr. Blackwell to approve the waiver with conditions. Voting yes: Blackwell, Donlon, Heinzl, Meytrott, O'Neill, Ogren, Reilly, Thompson. Absent: Levy, Persichilli. The hearing ended 8:05 p.m.

## **WORK SESSION**

**ORDINANCE AMENDMENTS** – Mr. Reilly explained that Ms. O'Neill had contacted Ms. Anne Sax, an architect in Pennington, who agreed to look over the proposed amendments. Ms. O'Neill reviewed the suggestions made by Ms. Sax to help clarify some of the terminology. There was discussion regarding the definition of front yards on corner lots and it was agreed that this could be discussed with the next round of amendments. Mr. Reilly explained that Mr. Flemming had raised an issue regarding air conditioning condensers and the Board agreed to add the following: "A variance shall be required for placement of an air-conditioning compressor within a non-conforming setback only if the placement increases the existing nonconformity." Mr. Reilly reviewed the remaining changes to the proposed amendments with the Board, which were indicated on the list of amendments. Mr. Reilly explained that the review committee recommended that the requirement for site plan approval for home occupations should be removed. Mr. Schmierer agreed as there is usually not an impact to the exterior of the building, but it may be impacted by the amount of cars parked or coming and going. Mr. Flemming suggested a tiered ordinance and the Board agreed that he should look into an ordinance with a gradation that he would prefer and submit it for the next round of ordinance amendments. Mr. Schmierer suggested that Mr. Flemming look at the Montgomery Township Ordinance. The Board agreed to the suggested amendments and recommended that Ms. Coppola review them before they are forwarded to Council for their adoption. .

**HISTORIC PRESERVATION ORDINANCE** – Ms. Heinzl reported that there was a presentation at the March Council meeting reviewing the ordinance and the changes that were made in response to the meetings that have been held. Ms. Gretchen Overhiser discussed the survey that she had conducted which will be concluded on Monday, March 14<sup>th</sup>. Ms. Heinzl stated that it was her understanding that it should be on the Council agenda for introduction in April. Mr. Thompson stated that section 5 on page 15, of the Ordinance states that the Commission will pick out an appraiser and he felt that this could be a potential problem. Ms. Heinzl asked Mr. Schmierer if he thought this was fair and he stated that it was a little unusual for the town to pick the appraiser. Ms. Heinzl stated that the Historic Preservation Ordinance would be on the April 4<sup>th</sup> Council agenda.

**MINUTES – February 9, 2011** – Ms. O'Neill made a motion, seconded by Mr. Reilly to approve the February 9, 2011 minutes.

There being no further business, the meeting was adjourned at 9:15 p.m.

Respectfully submitted,

---

Mary W. Mistretta