

**PENNINGTON BOROUGH  
PLANNING BOARD MEETING MINUTES  
APRIL 13, 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, Joshua Levy, William B. Meytrott, Thomas Ogren, Mayor's Designee, Katherine O'Neill, James Reilly, Winn Thompson. Absent: Anthony Persichilli, Mayor. Alternates 1 & 2 vacant.

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

**OPEN TIME FOR PUBLIC ADDRESS** – Mr. Thompson announced that the Historic Preservation Element would be discussed around 10:30 p.m. Anyone who could not remain until then they could address the Board at this time, but they were requested to keep their comments to approximately three minutes.

Mrs. Emily Schwab, 38 S. Main Street stated that she would like to make a few comments regarding the Historic Ordinance. Mrs. Schwab strongly suggested that the Board recommend to Council that the Ordinance include the entire town and that it be limited to advisory rather than mandatory. She stated that she is the third generation to own the home she lives in and felt that there were not many people who appreciate the history of Pennington as much as she does, but she is dead set against the ordinance. She feels it is unfair that the Ordinance only includes a small section of the town and it is financially unfair to them. Mrs. Schwab felt that it would be useful to have an advisory commission. Mrs. Schwab stated that she is a realtor and has sold over 100 homes in Pennington including ones that have been torn down and feels that all of the homes that have replaced them look very nice. She felt that the Planning Board has done a good job in reviewing the replacement homes and adding another layer of bureaucracy is not necessary.

Ms. Carol Olivieri, 1 East Franklin Avenue, stated that she would like guidance on replacing an existing six foot stockade fence that goes along her property line along N. Main Street. Ms. Olivieri stated that the fence has been there since approximately 1985 and has been told that it replaced another six foot high fence. She feels that the fence is grandfathered, however, she would like to move the fence to include two feet of property that they cannot access. Mr. Flemming stated that he had informed Ms. Olivieri that if there is a record in the files regarding the fence it would be grandfathered for replacement in its present location. If she wished to move the section of the fence that violates the front yard setback she would need to apply for a front yard variance. He stated that he also presented the option of reducing the fence to three feet for the first forty feet or the fence could zigzag so that the section that is not in violation could be six feet. Mr. Flemming stated that he gave Ms. Olivieri the option to appeal his interpretation and he feels that he covered all the options available. Mr. Thompson stated that he felt that Mr. Flemming had fairly stated the Board's policies regarding the fence and the options that could be taken. The fence would need a variance if it was moved closer to the road to notify neighbors of the proposed change. Ms. Olivieri thanked the Board for their assistance.

Ms. Molly McDonough, 111 N Main Street, stated that she could not stay until 10:30 p.m., but wanted to speak about the Historic Ordinance. Ms. McDonough had copies of a proposal that she had sent to Council in March. She stated that there were benefits to a

Historic Ordinance such as receiving waivers from some of the N.J. building codes if you are located in the district. Ms. McDonough did not feel that the commission should have regulatory powers and does not think another layer of bureaucracy is needed as the Planning Board does a wonderful job. She stated that she would highly recommend that the Planning Board consider instituting a historic district with an advisory commission. Ms. McDonough also requested the opportunity to bring in an expert witness in historic restoration, Jerry Ford, architect, who is opposed to historic districts for residential properties. Mr. Thompson suggested that this would be appropriate at the Council meeting when the ordinance is up for adoption and there would be a public hearing. There being no further public comments, the public comment period of the meeting was closed.

## **APPLICATIONS**

**Julia Crislip**, Block 505, Lot 10, 104 & 106 S. Main Street, R-80 Zone,  
Present; Julia Crislip, Eric Holtermann, Architect

The application is continued from the February 9, 2011 Planning Board meeting. Ms. Donlon and Mr. Levy have listened to the recording of the February 9<sup>th</sup> meeting and are qualified to vote on the application. The applicant is requesting approval to construct a 3-bay detached garage/barn in the rear yard area behind an existing 2-family dwelling on a 15,323 sq. ft. lot. Mr. Schmierer reminded the applicants that they were still under oath. Eric Holtermann, architect for the applicant, stated that they have submitted revised plans, dated March 31, 2011 (Exhibit A-1). Mr. Holtermann explained that the oversize garage for the SUV had been removed and the garage was now a smaller scale. The original application was for a 1,305 sq. ft. garage/barn and the revised plans are for a 944 sq. ft. structure. The proposed structure has three bays. The third bay is architecturally separated from the other two bays to help reduce the visual scale of the building. The main part of the garage is a little deeper than a normal garage to provide storage space. Mr. Holtermann explained that the code allows 750 sq. ft. for garages and would allow a separate building of 200 sq. ft. and this structure would be smaller than the two combined buildings allowed. The lot coverage has been improved with the revised structure and the driveway width has been reduced. Mr. Holtermann pointed out that the garage will be used by two families with four adults. Belgium block is proposed at the end of the driveway to keep the gravel out of the roadway and two trees would have to be removed. Entered into evidence were Exhibit A-2 Elevations and Exhibit A-3 Photographs of the Streetscape on Academy Avenue. Mr. Holtermann stated that the garage was designed to look like a barn as historically there was a barn behind the house. The third bay is designed to look like a shed that has been added on and is lower than the main two-bay section of the garage. The doors on the main two-bays would look like barn doors with glass on the top on the main doors. The doors on the third bay would be plank doors.

Ms. Crislip asked the Board if her previous variance approvals stayed with the property and the Board responded that they did. The variance for lot width had been addressed previously and it was agreed that the variances needed for this application are as follows: exceeding 750 sq. ft. area for garages, lot coverage permitted 5,464.6 sq. ft., where 5,841 sq. ft. is proposed; garage not matching the colors and material of the main structure. Mr. Holtermann pointed out that the survey submitted was the same as the one submitted for the previous submission and the Board accepted it. Mr. Holtermann stated that they would stain the structure to look like a barn and to blend in with the landscape. There was discussion regarding the existing parking areas and the circular driveway. Ms. Coppola stated that the reduction of impervious coverage would be very minimal if the circular

driveway was eliminated and it would provide more off-street parking when it was needed. Mr. Holtermann stated the roof would be asphalt, textured shingles and there will not be a staircase to the storage area. The interior will have basic lighting and the exterior lighting would include a fixture over each bay and by the doorway which will be a barn-style and shielded. The garage will not have any plumbing.

Ms. Donlon asked about the existing air conditioner condensers located on the Academy Avenue side of the house. Mr. Ned Crislip was sworn in and stated that he had planted shrubs around the condensers, but with the water restrictions they did not grow. Mr. Holtermann suggested that screening with open lattice and some plantings would provide screening with air circulation. Mr. Ogren asked for justification for the 28 ft. length of the garage and Mr. Holtermann stated that it was for extra storage to accommodate a lawn mower, snow blower and various things, since there would not be much room at the sides of the garage.

Mr. Thompson asked the public if they had any comments or questions, there being none the public portion of the meeting was closed. Ms. Coppola suggested that the applicant provide a grading plan including the location of downspouts or dry wells subject to engineering review to insure that there were no off site drainage issues. Ms. Coppola had concerns about gravel going into the street and asked how far the Belgium block would be placed at the end of the driveway. Mr. Holtermann stated that some blacktop existed at the curb cuts of the driveway and he agreed that the Belgium block would end 10-12 ft. from the curb line. Ms. Heinzel asked if there was a sidewalk along Academy Avenue and the applicant responded that there was not, but there was not much room for a sidewalk. Mr. Ogren asked if the applicant would consider squaring off the garage in the rear. There was discussion regarding this and Mr. Thompson suggested that the applicant keep the size of the garage and agree to limit two accessory buildings on the property and the applicants agreed. Ms. Heinzel felt that the difference in the length of the two areas of the garage made the design more interesting.

Ms. Donlon made a motion, seconded by Mr. Blackwell to approve the application with the conditions that were suggested. Voting yes: Blackwell, Donlon, Heinzel, Levy, Meytrott, Ogren, O'Neill, Reilly, Thompson. Absent: Persichilli.

**Richard & Kelly Dec**, Block 701, Lot 17, 324 Hale Street, R-80 Zone.

Present: Richard & Kelly Dec, Eric Holtermann, Architect, Ronald Meier, Builder

The application proposes to demolish a small existing dwelling and construct a new 2-story dwelling. A variance is requested for the existing lot width of 60 feet where 80 feet is required. A detached 2-car garage is proposed 6 feet from the rear property line and 5 feet from the side property line and will be built in the future. A deck was included on the original plans submitted, but has been eliminated. Richard & Kelly Dec were sworn in and Mr. Schmierer stated that Eric Holtermann was still under oath.

Mr. Holtermann stated that the existing house is a small Cape Cod and does not conform to the front yard and side yard setbacks, slope variance and minimum floor area. The proposed house has been designed to fit within the required zoning except for the lot width. The overall area of the proposed house is 2,688 sq. ft. Mr. Holtermann stated that revised plans were submitted to the Board with modifications to the windows including the removal of a bay window. Mr. Holtermann stated that they were also requesting a 1 ft. setback on the north side for the air conditioner condensers, although he was not sure if it would be

needed. Mrs. Dec stated that there was a large oak tree that would have to be removed, but a tree specialist determined that it had a disease and probably would not live longer than five years. Mr. Holtermann stated that the Holly tree in the front and several other trees would remain. Mr. Holtermann stated that in response to Ms. Coppola's memorandum of March 9<sup>th</sup>, the side yard setbacks have been recalculated on the revised plan to include the roof overhang.

Mr. Holtermann stated that the streetscape on Hale has a variety of homes and the lots in the area are all 60 feet wide. The height of the existing house is 22 feet and the height of the proposed house is 28.6 feet, where 35 feet is allowed. Entered into evidence, Exhibit A-1 Revised Site Plan, Page 1 and Exhibit A-2 Streetscape, Page 2. Ms. Coppola pointed out that there was a hardship regarding the variance for the lot width and the air conditioner condensers since there is no available land to purchase on either side of the property. She stated that there was an alternate location in the rear for the air conditioner compressors and after discussion the applicants agreed to place the air conditioner condenser in the rear of the house.

Mr. Flemming was sworn in and suggested a condition limiting the height of the foundation and engineer's approval regarding the drainage. Mr. Holtermann responded that the plan shows that the foundation is proposed on the plan as 2 ft. 7 inches above grade and that this would have to be adhered to otherwise they would need a slope variance. Mr. Thompson also noted that this is measured from the existing grade. Ms. Donlon stated that she thought it was wonderful that the proposed dwelling conforms to the setbacks, but her only concern was that the coverage was more than existed and there have been problems with other homes on infill lots causing water problems to the neighbors. Ms. Coppola stated that it would be important to have a professional licensed engineer draw up a grading plan with Borough Engineer approval to determine what is necessary to ensure that there would be no drainage impact on the neighboring properties. Mr. Holtermann stated that all the exterior lighting will be in soffits and the exterior will be clap board. Mr. Holtermann stated that they may move the existing garage back and if this is done the coverage would still be within the allowed coverage. Ms. Donlon asked what material would be used on the chimney and Mr. Holtermann stated that they were looking at stucco.

Mr. Thompson asked if there was anyone in the public who had comments or questions regarding the application. Mr. Joel Cermele, 322 Hale Street, was sworn in. He stated that his only concerns were how the house would affect his light and privacy and drainage. He stated that when the house at 326 Hale was built there was an approved drainage plan, but the neighboring house and the Senior Center have water problems since it was built and a three foot moat was put in at the Senior Center to help alleviate the water problem. Mr. Cermele noted that the siding on the Cape Cod was asbestos and would need proper handling. Mr. Cermele asked if he could get a copy of the plan and Ms. Donlon gave him her copy. Mr. Ronald Meier, applicant's contractor, stated that they would remove the asbestos shingles by hand following NJDEP requirements. Mr. Meyer also felt that the placement of the downspouts will be effective in eliminating drainage from going onto 322 Hale Street. Mr. Thompson reminded the contractor not to trespass on neighboring properties and to adhere to the noise ordinance.

Ms. Victoria Myers was sworn in and stated that she lives on Reading Street behind the applicant's property and next door to the Senior Center. Ms. Myers stated that it has taken nine years to eliminate water next to her property which smelled and drew mosquitoes. She has concerns that this project will cause new drainage problems. Ms. Myers did not have

any issues with the project, but asked if special care could be taken regarding the drainage since it is a real problem in the area. Ms. Coppola suggested that the applicant work with the engineer to see what stormwater practices could be applied to this area.

There being no further comments, the public portion of the hearing was closed. Mr. Thompson asked if the Board had any further questions. Mr. Schmierer reviewed the conditions that were discussed: grading plan prepared by a licensed professional engineer submitted at the time a building application is submitted, subject to the Borough Engineer's review and approval to verify grades and to ensure that there is no water drainage problems caused by the proposed dwelling; proposed downspouts and dry wells should also be provided to the Borough Engineer for review and approval; the proposed height of the building 28.5 ft. from grade should not be exceeded nor should the basement foundation be raised above that shown on the plan (2 ft. 7 inches from existing grade) without subsequent Board approval; the approval is being granted for the revised plans (with the exception of the air conditioner condensers which will be placed in the rear); one oak tree is being removed; one variance for lot width is being granted. A partial full basement and crawl space are shown on the plans, but the Board agreed that this was not a zoning issue and a full basement in the entire area would be permitted if the applicants change their mind.

Mr. Blackwell made a motion, seconded by Mr. Ogren to approve the application with conditions. Voting yes: Blackwell, Donlon, Heinzl, Levy, Meytrott, Ogren, O'Neill, Reilly, Thompson. Absent: Persichilli. The hearing ended at 9:15 p.m.

**John & Karen Cappello**, Block 101, Lot 3, 145 W. Franklin Avenue, R-100 Zone.  
Present: John Cappello, David Kenny, Attorney, Hartsough Kenny Chase & Sullivan Law Offices, Flavio G. Riva, Adamson Riva & Lepley Architects, AIA.

The application is requesting variances for lot area, width, front and side yard setbacks to construct a one-story, 512 sq. ft. addition, deck and handicapped ramp to the rear of the existing two-story house. John Cappello and Flavio G. Riva were sworn in and Mr. Kenny questioned Mr. Riva about his qualifications. Mr. Riva stated that the addition was designed to accommodate Mr. Cappello's parents. The addition will consist of one bedroom, a sitting area and will include modifications to the existing house. The existing house has several non-conforming issues with regards to setbacks and they have been maintained without encroaching further. Mr. Riva addressed Ms. Coppola's request for a grading plan in her review memo of April 7<sup>th</sup>. He stated that the house is located on the high point of the property and the addition will be in the rear on a slightly lower portion and he does not anticipate that there will be any new grading around the house and feels that the natural contours will allow for the drainage. Mr. Riva agreed that downspout locations will be provided to be approved by the Borough Engineer. The proposed lot coverage is 27.7 which includes the wood deck and ramp. Mr. Thompson asked if the materials would be consistent with the existing house and Mr. Riva replied that the intent was to maintain the existing appearance, but they are not sure if the budget will accommodate wood siding around the whole addition. Mr. Riva stated that there are alternatives that they will look into. Ms. O'Neill had questions concerning the kitchen area and exterior lighting. Mr. Cappello stated that they are modifying the kitchen so that it will be on the same level as the addition. The Board agreed that the exterior lighting fixtures could be approved administratively. Ms. Coppola asked the applicant to verify that the addition is not a separate living area and does not include a separate kitchen and the applicant agreed that it will only be used as part of the family residence and will not include a separate kitchen. Ms. Coppola felt that the benefits to the application outweighed the detriments which are minimal and stated that with the trees

on both sides of the lot there would be minimal impact to the neighboring properties. Ms. O'Neill agreed with Ms. Coppola and stated that she felt there were a lot of benefits from the addition.

Mr. Schmierer reviewed the conditions: prepare plan that includes the location of the downspouts and dry well if included for review by Borough Engineer, ask Borough Engineer if any recommendations are needed to regulate and control runoff from the property so as not to affect neighboring properties, particularly the one to the west, get administrative approval from the Borough Planner on exterior lighting.

Ms. Donlon pointed out that the adjacent driveway was taken over by the County and is known as Tree Farm Road. Mr. Cappello stated that he had assumed it was Stony Brook Assisted Living's driveway as they still cut the grass and take care of the trees right up to his property. Mr. Meytrott stated that there is still a disagreement over who is responsible for the maintenance of that area.

Mr. Meytrott made a motion, seconded by Mr. Reilly to approve the application with conditions. Voting yes: Blackwell, Donlon, Heinzl, Levy, Meytrott, Ogren, O'Neill, Reilly, Thompson. Absent: Persichilli. The hearing ended at 9:40 p.m.

## **MEMORIALIZATION OF RESOLUTIONS**

**Michael Daciek**, Block 103, Lot 5, 302 N. Main Street

Ms. Donlon moved to approve the resolution with a change from "major subdivision" to "minor subdivision" seconded by Ms. O'Neill. Voting yes: Blackwell, Donlon, Heinzl, Meytrott, O'Neill, Ogren, Reilly, Thompson. Not voting: Levy. Absent: Persichilli.

## **ZONING OFFICER'S REPORT**

Mr. Flemming stated that he had received a letter from Al Kettell, Esq. regarding a former real estate office used by Henderson Realty on S. Main Street. The owner would like to convert the office on the first floor to a residential apartment. The building would then have residential apartments on the first and second floor. Mr. Flemming stated that he did not see the need for Board approval since the property would then be more conforming, but wanted to check with the Board to make sure they were in agreement. Mr. Schmierer stated that even though the property would be closer to conforming, it would not be conforming and would have to come to the Board for approval.

Mr. Flemming stated that St. James Nursery School would like to hang a sign below the church sign on E. Delaware Avenue. The Board had given approval for the nursery school, but he does not believe that they requested signage approval at that time. The proposed sign is 16" x 48" and the overall area of the church and nursery school signs would be 36" x 48". The Board agreed that if Mr. Flemming determined that the overall size would be conforming he could approve it. Ms. Coppola stated that the limit for churches is 10 sq. ft. in total.

Mr. Flemming stated that he had a request about keeping chickens in the Borough. He informed them that chickens are considered livestock which are prohibited in the Borough and they would have to apply to the Planning Board for a variance, appeal or interpretation. Mr. Flemming stated that Mr. Lorenzetti owner of Shoppes of Pennington came in with a proposed use that falls under educational uses. The proposed use is included in the Board's

recommended change to Council to allow educational uses, but the Ordinance amendment was not yet in place. Mr. Thompson stated that he had to recuse himself from this discussion as he worked with Mr. Lorenzetti on the lease. Ms. Donlon stated that the amendment was introduced by Council on April 4<sup>th</sup> and Mr. Ogren added that it will be on Council's May 2<sup>nd</sup> agenda for second reading. The Board agreed that Mr. Flemming may sign off on the zoning permit since it was their intent to allow this use and the Ordinance has been introduced by Council. Mr. Meytrott informed the Board that Barone's Restaurant in the Shoppes of Pennington has been temporarily closed by the Sheriff's Department pending civil action.

## **ORDINANCES REFERRED BY TOWN COUNCIL**

### **AN ORDINANCE IMPLEMENTING THE HISTORIC PRESERVATION ELEMENT OF THE MASTER PLAN AND AMENDING THE CODE OF THE BOROUGH OF PENNINGTON.**

Mr. Thompson pointed out that there was an attachment listing changes that have been made to the Ordinance. The changes were made prior to its introduction at the April 4<sup>th</sup> Council meeting. A mandatory review of the Ordinance after a period of three years has been added. Under "Demolitions and Relocations," the period a home owner shall make bona fide and diligent efforts to sell the structure has been changed from one year to six months and the home owner can engage their own appraiser in the procedure regarding applications for demolition or relocation that have been turned down. Mr. Ogren pointed out that fair market value may now be used and comparable sales data can be used to determine this. Ms. Heinzl stated that the requirements for Class C members were also changed. Class C members will be Borough residents and one must live in the Historic District. Ms. Heinzl stated that members of the Commission will be appointed by the Mayor with Council's advice and consent. Mr. Ogren pointed out that the boundaries of the Historic District have been reduced to eliminate the area where there is a gap of historic houses on N. Main Street.

Mr. Blackwell felt that the wording should be changed regarding purpose and objectives. The ordinance states that the purpose to implement the Historic Element was to provide guidance and he felt that the ordinance was not offering guidance, but was telling people what to do. Mr. Ogren stated that the Commission will also offer guidance and stated that the Planning Board had advised the committee to look into advisory versus non-advisory. Mr. Thompson asked if there was anyone in the public who had comments or questions regarding the ordinance.

Mr. Brent Stratton, 138 S. Main Street, stated that he and his wife Gail have owned their house for 24 years and it is located in the proposed Historic District. Mr. Stratton stated that they are opposed to the ordinance and encouraged the Board to recommend to Borough Council that it not be implemented. He feels that changes that have been done previously are in most part respectful of the historic nature of the structures and felt that it would be inappropriate to impose another layer of regulations which would be a burden to the homeowners in the proposed district. Mr. Stratton stated that in some cases a tear down is the only practical option and felt that some of the houses that have been torn down on South Main Street were not salvageable. He feels that it is the proper function of the Planning Board to make decisions where tear downs are concerned. Mr. Stratton asked if the results of the survey have been distributed as he felt it should be a key element in making a decision. Ms. Heinzl replied that they would be presented at the Borough Council meeting. Mr. Stratton asked that the ordinance only be adopted if there is a strong majority of support.

Mr. Thompson stated that he had not seen the survey sent to the residents in the proposed district and asked how it was being conducted. Ms. Heinzl stated that it was conducted by Gretchen Overheiser for the Committee. The survey was sent out with a survey question and a self-addressed, stamped envelope to the residents in the proposed district. Ms. Heinzl stated that the results would be shared with the Planning Board. Ms. Heinzl also pointed out that the ordinance does not prohibit any demolition, but refers to contributing houses. If a house is not a contributing house in the district or if it is not structurally sound, it is not subject to review. There was discussion regarding the demolitions that have occurred in the proposed district. Mr. Ogren pointed out that there is no authority in the Land Use Law that would enable the Planning Board to tell an applicant that they cannot demolish their house. There was discussion regarding tear downs. If the Historic Commission denied a tear down it would require a six month waiting period before the structure could be torn down, but the applicant could appeal to the Planning Board who could review the application on the broader planning issues and their decision could override the commission. Mr. Ogren added that if an applicant submitted an application to the Planning Board the Historic Commission would not have jurisdiction over it and would only review it for the Board.

Mrs. Carol Oliveri, 1 East Franklin Avenue, stated that her house has been removed from the proposed district when it was reduced. Her house was built in 1875 and is an Italianate Victorian and when they purchased the house it did not look anything like the original house. They have a photograph of the original house and have been working on replacing some of the original features, but some of them will be impossible to replace. She feels that if the Ordinance had been in place her house would not have lost all its original significant features. She realizes that people do not like to be told what to do, but feels it is important to have the Ordinance in place to help prevent this situation or at least make people pause to think about the changes they are making. Mrs. Oliveri stated that based on her experience she would be in favor of having her house in the proposed historic district.

Mr. Thompson closed the public portion of the hearing and asked the Board members for their comments. Mr. Blackwell stated that he has heard more negative comments than positive regarding the ordinance. He feels that it started out as advisory and now people have to go in front of the commission and he is against it. Mr. Levy stated that he appreciates the concerns of property owners in the proposed district, but he is for the ordinance as it is currently proposed. He does not feel that an advisory commission would do a lot and that the proposed ordinance strikes a good balance and will help maintain the historic nature of the town which is the reason a lot of people live in the town. Ms. Donlon stated that she felt the proposed Ordinance was a bit too heavy handed, but she felt that the Board was considering whether it was consistent with the Master Plan. She agreed that the language that referred to "providing guidance" was not consistent with the intent of the ordinance. Mr. Ogren stated that he was in favor of the Ordinance. Mr. Reilly stated that he agreed with Ms. Donlon that the Board was just voting on whether it was consistent with the Master Plan and he felt that it was. Ms. O'Neill also agreed that it was consistent with the Master Plan and she would support it. Mr. Meytrott stated that he felt it should be advisory rather than mandatory. Mr. Thompson stated that he has spoken to a lot of people regarding the proposed ordinance both in and out of the district and feels that most people would like to have an advisory board rather than a mandatory board. He stated that he had concerns about the ground rules and feels that they should be absolutely clear since their interpretation will be done by the members of the commission. Mr. Thompson stated that he is a real estate agent and his company represents quite a few houses in the proposed district and Emily Schwab is his manager. He is also the co-listing agent on the vacant lot on

S. Main Street. Mr. Thompson stated that he felt that he should make full disclosure and he should abstain, but wanted to state his personal opinion. He felt that an advisory commission would be better until people started understanding what the ground rules were before full implementation.

Ms. O'Neill made a motion, seconded by Mr. Reilly to recommend the adoption of the Ordinance and to affirm that it is consistent with the Historic Element of the Master Plan. Voting yes: Donlon, Heinzl, Levy, Ogren, O'Neill, Reilly; Voting no: Blackwell, Meytrott; Abstain: Thompson; Absent: Persichilli

**AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 215 , “ZONING”, OF THE CODE OF THE BOROUGH OF PENNINGTON, COUNTY OF MERCER, STATE OF NEW JERSEY.**

**AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 163, “SITE PLAN REVIEW”, OF THE CODE OF THE BOROUGH OF PENNINGTON, COUNTY OF MERCER, STATE OF NEW JERSEY**

Mr. Thompson abstained from hearing the above ordinances for the reasons he stated before. Mr. Reilly reviewed Ms. Coppola's suggestions regarding the ordinances and felt that they were very helpful. However, he stated that the Board had previously discussed “educational uses” and agreed not to define them at this time. If the Board found it was necessary they could be clarified at a later time. There was discussion regarding a change to the amendment concerning air-conditioning compressors. This would be a substantial change and Mr. Ogren pointed out that the Ordinance would be delayed as Borough Council would have to reintroduce the Ordinance. Mr. Reilly suggested that the Ordinance could be referred back to Council and the Board could make minor modifications at a later time if they felt it was necessary and the Board had no objections to this.

Ms. Donlon made a motion, seconded by Mr. Reilly to refer the Ordinances back to Borough Council stating that they are consistent with the Master Plan and they recommend adoption of the Ordinances. Voting yes: Donlon, Heinzl, Levy, Meytrott, Ogren, O'Neill, Reilly; Voting no: Blackwell; Abstain: Thompson; Absent: Persichilli.

**MINUTES** – March 9, 2011 – Ms. Donlon made a motion to approve the minutes, seconded by Mr. Ogren and the minutes were approved.

There being no further business, the meeting was adjourned at 11:15 p.m.

Respectfully submitted,

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Mary W. Mistretta  
Planning Board Secretary