

**PENNINGTON BOROUGH
PLANNING BOARD MEETING MINUTES
SEPTEMBER 9, 2015**

Mr. Thompson, Chairman, 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; Deborah Gnat (arrived 7:40 p.m.); Eileen Heinzl, Mayor's Designee; Joshua Levy; William B. Meytrott; Katherine O'Neill; Thomas Ogren; James Reilly, Vice Chairman; Nadine Stern, Alternate 1; Winn Thompson, Chairman.
Also Present: Edwin W. Schmierer, Mason, Griffin & Pierson, Board Attorney; John Flemming, Zoning Officer; Mary W. Mistretta, Planning Board Secretary. Absent: Carmela Roberts, Borough Engineer.

OPEN TIME FOR PUBLIC ADDRESS – Mr. Thompson asked if there was anyone in the public who had comments or questions regarding items not on the agenda, there being none the open public address portion of the meeting was closed.

APPLICATION

David & Diana Butcavage, Block 1002, Lot 19, 10 East Welling Avenue, R-80 Zone.
Application P15-005

Mr. Thompson stated that he was representing the property behind the applicant's and would have to recuse himself. Mr. Reilly chaired the meeting. Diana Butcavage, applicant, and Gregory Fontaine, A & E Construction were sworn in. Mr. Reilly announced that the Application Review Committee had recommended that the Board approve the requested waivers on the checklist. Mr. Blackwell made a motion, seconded by Mr. Meytrott to approve the waivers and the Board approved them. The applicants are requesting a variance to replace a garage on the existing setback of 0.2 ft. where 5 ft. is required. The proposed garage would be 4 ft. longer than the existing garage and will measure 16 ft. 4 inches in width and 32 ft. in length. A one-car garage with garage doors in both the front and the rear is proposed. It would have a doorway in the front with a utility area towards the rear and a storage area in the attic. Mrs. Butcavage explained that their garage is in disrepair and they would like to replace it in the same location as the existing garage. If the proposed garage was moved further into the yard the shared driveway would have to be expanded and it would be awkward pulling into that garage. The garage would also be very close to the house and a mature hedgerow and mature trees would have to be cut down. Mr. Fontaine stated that the existing garage is falling off the foundation and was most likely the original garage from 1930. Exhibit A-1 Board with pictures showing existing garage and site was entered into evidence. Ms. O'Neill questioned how they could maintain the garage and the area in between since they were so close to the property line. Mrs. Butcavage stated that they have an understanding with their neighbors and since the neighbors keep their garbage cans in that area nothing grows between the garages. The neighboring garage is located further from the property line. The Board had concerns if there would be problems in the future if the properties were sold. Mr. Fontaine pointed out that with the shared driveway with 8 East Franklin Avenue the neighbors were constantly on each other's property in the driveway and it has worked out for the past 50 years.

Mr. Flemming pointed out that the overhangs should not go over the property line as the Board had no jurisdiction to approve anything on the other property. Mr. Fontaine assured the Board that they will have it surveyed and nothing will go over the property line. Mr. Reilly stated that if the application was approved there would be a condition that no rain gutters or overhang would go over the property line. Mr. Michael Bolan, Borough's Planner, was sworn in. Mr. Bolan stated that the applicant had provided rationale for both the positive and negative criteria. He noted in his review memorandum of July 1, 2015 that he had visited the site and confirmed the applicant's statements concerning the existing conditions. Mr. Bolan asked the applicant to confirm that the elevation

labeled “North Side” on the architectural plan is actually the south side of the proposed garage and the applicant agreed that this was an error and should be corrected.

Mr. Reilly asked if there was anyone in the public who had questions or comments, there being none the public portion of the meeting was closed. Mr. Blackwell made a motion, seconded by Ms. O’Neill to approve the application with the condition that no part of the building would be over the property line. Voting yes: Blackwell, Gnatt, Heinzl, Levy, Meytrott, Ogren, O’Neill, Stern, Reilly; Not voting: Thompson; Absent: none. The hearing ended at 8:10 p.m.

MEMORIALIZATION OF RESOLUTION

Paul Frank, Block 904, Lot 8, 122 West Welling Avenue, R-80 Zone. Use Variance, Application No. P15-004. Mr. Reilly made a motion, seconded by Eileen to memorialize the resolution. Voting yes: Heinzl, Levy, Meytrott, O’Neill, Reilly, Stern; Not voting: Blackwell, Gnatt, Ogren, Thompson. Absent: none.

ZONING OFFICER’S REPORT

Mr. Flemming explained that there was a resident who would like to construct an addition to his house. They would be building upward and the foot print would not change. He stated that it would meet the slope ordinance and it was located on a large lot. The house is on a corner lot and is set back from the road, but currently has front and rear yard setback variances. Mr. Schmierer stated that even though the foot print is not changing they would be increasing the nonconformity and would need to apply for a variance.

There was discussion regarding tear downs. Mr. Schmierer noted that once a structure is totally torn down the “grandfathering” no longer exists.

WORK SESSION

A letter dated August 18, 2015 from Mr. Schmierer to Michael Balint, attorney representing Pennington Pizza shopping center, Route 31, was distributed to the Board. The letter informed them that they did not have to appear before the Board to upgrade the façade of the buildings. Mr. Schmierer suggested that the Board add the site plan ordinance to their list for review.

Housing Plan Element and Fair Share Plan – Michael Bolan, Borough Planner, distributed a draft containing background information that he put together for a revised housing plan. The Fair Housing Act and Municipal Land Use Law require that the Housing Plan Element include an extensive analysis of demographic, housing and employment characteristics to support the Fair Share Plan. Mr. Bolan pointed out that the last census did away with the long form and a lot of the statistics have been taken from the American Community Survey 5-Year Estimates. Mr. Bolan pointed out Table 8 in the report that referred to units without complete plumbing or kitchen facilities and stated that it could be referring to units in the assisted living building. He stated that corrections to the report would be made in the text of the plan to be submitted. Mr. Schmierer stated that they are still waiting for scheduling from the judge. All the municipalities in Mercer County are filing cases regarding the COAH numbers that have been assigned to them except Trenton. Mr. Schmierer stated that money can be used from the COAH Trust Fund to pay for the Fair Share Plan. There being no further business, the meeting was adjourned at 9:10 p.m.

Respectfully submitted,

Mary W. Mistretta, Planning Board Secretary