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**PENNINGTON BOROUGH
REGULAR PLANNING BOARD MEETING MINUTES
JULY 14, 2010**

Chairman Thompson called the meeting to order at 7:35 p.m. and compliance with the provisions of the Open Public Meetings Act was announced.

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

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

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

Robert T. & Pendered D. Hoffman, Block 601, Lot 41, 10 Queens Lane, R-100 Zone

Mr. Schmierer announced that Proof of Publication and Proof of Notice were in order and the Board could take jurisdiction. Mr. Hoffman was sworn in and described the application. The applicant is requesting a 4 ft. front yard setback to construct a faux porch over the front entryway which would have a setback of 46 ft. where 50 ft. is required. Mr. Hoffman described the porch stating that it would have columns and details matching the side porch and a decorative railing on the top. The materials and design would match the existing house. The columns and possibly the railings would be a composite material and painted to look like wood. The roof will be trimmed in copper and possibly the whole roof may be copper. Mr. Hoffman stated that the existing landing has a code violation that was not found by the architect or building inspector at the time it was built. The landing should have been 3 ft. deep instead of 2 ft. deep making it hazardous. The threshold of the front door also extends out about an inch and this does not give people a safe place to stand making the need to stand on the next step down. In addition, because there is no gutter surrounding the bump out water drops down onto the front edge of the landing which freezes in winter. The roof drainage is proposed to run through the columns into an existing stormwater system in the rear of the house. The impervious surface would not change as the roof would be over an existing landing and walkway. There were questions from the Board regarding lighting, impervious coverage and measurements of the porch. Mr. Hoffman stated that any new lights would be down lighting and there would not be any additional impervious coverage. He explained that there is an existing bump out on the second floor of the house which is 2 ft. and the addition of the roof would be 4 ft., therefore, the landing would be 6 ft. He explained that they could have reduced it, but it would not be in proportion to the house. Entered into evidence were: Pictures of the existing house, Proposed Plans, George Thompson Architect, Dated 4/14/2010, rendered drawing of proposed addition.

Mr. Thompson opened the hearing to the public, there being no comments the public portion of the hearing was closed. Ms. Donlon stated that the application would improve both the function of the porch and the aesthetics of the house. Ms. Donlon made a motion to approve

1 the application, seconded by Ms. O'Neill. Mr. Reuter pointed out that the street pattern was
2 curvilinear not rectilinear and as a consequence the extension into the front yard will not be
3 visually noticeable. Voting yes: Donlon, Heinzl, Meytrott, O'Neill, Ogren, Reilly, Reuter,
4 Thompson. Absent: Blackwell, Persichilli, Levy. The hearing ended at 7:50 p.m.

5
6 **James N. Morrison**, Block 904, Lot 10, 118 W. Welling Avenue, R-80 Zone
7 Requesting front yard set back on Sked Street for air conditioner condensers

8
9 Mr. Schmierer announced that Proof of Publication and Proof of Notice were in order and
10 the Board could take jurisdiction. The applicant is requesting a 19.55 ft. front yard setback,
11 where 40 ft. is required for two air conditioner condensers. Mr. Morrison was sworn in and
12 described his application. Mr. Morrison explained that this is actually the side of his house
13 and the condensers would be conforming if his side yard did not front a street. He stated
14 that he was 95 ft. away from his closest neighbor which is much further than most neighbors
15 in the side yards. He stated that it is the most efficient area for the condensers. He pointed
16 out a very large hedge and bushes in the photographs that would buffer the condensers and
17 the view from his neighbor's house would be quite a distance away. Mr. Thompson asked
18 what the size of the condensers were and Mr. Morrison responded that they were
19 approximately 3 ½ ft. by 3 ft. Mr. Morrison explained that they would be less efficient on the
20 other side of the house. They would be closer to the neighbor and he would need a
21 variance. Mr. Thompson stated that he prefers having them on the street side as the street
22 noise cancels out the noise from the units. Mr. Meytrott stated that the bushes are so thick
23 he doubted if you would hear the noise on the street or see the units.

24
25 Mr. Thompson opened the meeting to the public, there being no comments the public
26 portion of the meeting was closed. Mr. Reilly made a motion to approve the application,
27 seconded by Mr. Reuter. Voting yes: Donlon, Heinzl, Meytrott, O'Neill, Ogren, Reilly,
28 Reuter, Thompson. Absent: Blackwell, Persichilli, Levy. The hearing ended at 8:00 p.m.

29
30 **MEMORIALIZATION OF RESOLUTION**

31
32 **Laura Huntsman & Stephen LeMenager**, Block 205, Lot 14, 40 North Main Street, Town
33 Center Buffer Zone. Variance Application P10-002

34 Mr. Reuter made a motion, seconded by Mr. Meytrott to adopt the resolution with revisions.
35 Voting yes: Donlon, Heinzl, Meytrott, Ogren, Reilly, Reuter, Thompson. Abstain: O'Neill.
36 Absent: Blackwell, Persichilli, Levy.

37
38 **Sun Bank**, Block 301, Lots 1, 2 & 52, 1 North Main Street, Town Center Zone,
39 Preliminary/Final Site Plan.

40 Ms. Donlon made a motion, seconded by Mr. Reuter to adopt the resolution with revisions.
41 Voting yes: Donlon, Heinzl, Meytrott, O'Neill, Ogren, Reilly, Reuter, Thompson.
42 Absent: Blackwell, Persichilli, Levy. The Board also reviewed the revised plans and agreed
43 that the appropriate revisions that were suggested at the June 9, 2010 Planning Board
44 meeting were made and they were acceptable.

45
46 **ZONING OFFICER'S REPORT**

47
48 Mr. Flemming stated that he had requested Mr. Eugene Lorenzetti, owner of the Shoppes of
49 Pennington to attend the meeting. Mr. Lorenzetti explained that he had Board approval for a
50 small storage area in a designated space. The area is open with a wall and he would like to
51 enclose the area as he needs space to store maintenance equipment. He passed out two

1 pictures of the area which is gravel and is not visible from the street because of the existing
2 shrubs. The shed would be plastic, under 100 sq. ft. and would not add to the impervious
3 coverage. Mr. Schmierer stated that it is consistent with the approved site plan and it could
4 be administratively approved by the Zoning Officer.

5
6 Mr. Flemming stated that years ago the Borough did not enforce setbacks for air conditioner
7 condensers and that most municipalities do not require them. He stated that the Board
8 usually approved the applications and he was wondering if it was necessary for them to
9 come before the Board. Mr. Thompson stated that he felt putting the condensers on the
10 street side of the house with screening made a lot more sense than placing them on the side
11 next to neighbors. The Board discussed doing away with the setbacks, but felt that enforcing
12 the setbacks was a protection for the neighbors as they could be placed anywhere if they
13 did not come before the Board. The Board also makes suggestions regarding placement
14 and screening. Mr. Flemming added that he was thinking more of commercial properties
15 than residential.

16
17 Mr. Flemming stated that the application presented tonight was very minor and being done
18 for a safety modification. He asked the Board if there was something he could do to prevent
19 applications like this from having to go to the Board. The Board agreed that minor
20 modifications for an overhang over an existing walk or stoop should not have to go to the
21 Board. Mr. Ogren volunteered to write up a statement to modify the ordinance regarding this
22 for the Board's review.

23
24 Mr. Flemming suggested that the Board discuss some of the other Application Review
25 Committee's suggestions regarding Ordinance changes.

26
27 Ordinance 215-50 B – The Board has always used this at their discretion and it has not
28 been a right. Mr. Flemming suggested and the Committee agreed that the Board should
29 either remove it from the Code Book or leave it as a right that the Zoning Officer can apply.
30 The Board voted by voice vote to leave this chapter in the Code book.

31
32 Variance Check List – the Board agreed that the Variance check list should be put on the
33 agenda for the next Planning Board meeting.

34
35 Change FAR (floor area ratio) in the R-80 zone – There was discussion regarding Mr.
36 Ogren's memo with attached tables suggesting that the FAR in the R-80 zone be reduced.
37 Mr. Flemming stated that the only downside would be that it would make a lot more houses
38 nonconforming. He stated that he has also suggested use of the third floor other than for
39 storage rather than enlarging the footprint and taking up more land. Mr. Ogren stated that he
40 would not have a problem with this if the roof line began at the second floor and had
41 dormers, but he thought a solid wall going up to the third floor would not be attractive. Mr.
42 Flemming felt that in most cases the slope ordinance would prevent this. Mr. Flemming
43 stated that the use of the third floor would require an ordinance amendment.

44
45 Mr. Thompson suggested that the review committee come up with a recommendation list
46 with suggested language regarding the items that have been discussed for the Board's
47 review and recommendation to Council for adoption.

48
49 Garages – allow use of a second floor on detached garages without increasing the size or
50 going higher than the allowed 20 ft. Mr. Flemming stated that the full area would not be
51 useable, but it could be used as an office or recreation room. Mr. Flemming stated that he

1 has been approving this area and counting it the same as garage or basement space and
2 was not aware that Ms. Coppola included this area as living area. Mr. Flemming stated that
3 a letter in the file with restrictions regarding the space would be just as binding as
4 restrictions with Planning Board approval. No cooking facilities would be allowed, but
5 heating and plumbing would be allowed.

6
7 Front yard impervious coverage – Mr. Ogren suggested that not more than 50% impervious
8 coverage should be allowed in the front yard and Mr. Flemming felt that it should be 25% or
9 less. Mr. Flemming stated that there is nothing in the ordinance that prevents parking or
10 turn-around areas in the front yard. Areas that presently exist would be grandfathered. The
11 Board agreed that the review committee suggest language to include this in the Ordinance.
12 Ms. O'Neill stated that she would like to measure the percentage that her front yard used. It
13 is very close to the street and has a double-width driveway. Mr. Flemming stated that her
14 area was probably 50%, but most of the houses that would be affected already have parking
15 and they would be grandfathered.

16
17 Ms. Donlon asked about the house on S. Main Street that seemed to be constantly running
18 a flea market on the front lawn. Mr. Flemming stated that there are some municipalities that
19 require permits for yard sales and the Borough could have an ordinance requiring permits.
20 Mr. Meytrott stated that this was discussed at Borough Council when the garbage
21 regulations were changed.

22
23 Maintenance of property – Mr. Flemming stated that if a property housing code was
24 established there would be housing inspections at the time a house was sold. The Board of
25 Health also has an Ordinance, but there has to be a health issue involved.

26
27 There was discussion about rezoning and the status of COAH. Mr. Schmierer stated that the
28 Bill to eliminate COAH passed the Senate, but it has not gone to the Assembly and COAH
29 rules are still in effect. Mr. Schmierer stated that Permit Extension Act has been extended
30 for another year through July 2011.

31
32 Ms. Donlon made a motion, seconded by Mr. Reilly to approve the May 12, 2010 minutes
33 and the minutes were approved by voice vote.

34
35 The meeting was adjourned at 9:40 p.m.

36
37 Respectfully submitted,

38
39
40
41 _____
42 Mary W. Mistretta
Planning Board Secretary