

**PENNINGTON BOROUGH
PLANNING BOARD MINUTES
REGULAR MEETING
June 8, 2022**

Mr. Reilly, Board Chair, called the meeting to order at 7:30 p.m. and announced compliance with the provisions of the Open Public Meetings Act. He stated that the meeting was being held via a Zoom webinar and access to the meeting had been noticed.

BOARD MEMBERS PRESENT: Mark Blackwell, Hilary Burke, Debra Gnatt, Andrew Jackson, Cara Laitusis, Katherine O'Neill, James Reilly, and Douglas Schotland

BOARD PROFESSIONALS PRESENT: John Flemming, Zoning Officer, Jim Kyle, Planner, KMA Associates, Karlee Martin, Attorney, Mason, Griffin & Pierson, Katie Ronollo, Board Secretary

REGULAR MEETING

OPEN TIME FOR PUBLIC ADDRESS – Mr. Reilly asked if there was any member of the public who had joined the meeting and had comments on items not on the agenda. There being no comments, the open time for public address was closed.

NEW BUSINESS

Appeal-PB 22-006, 421 South Main Street, Emily Bent- Appeal of John Flemming's decision that a proposed unit above a proposed semi-detached garage constitutes an apartment.

The applicant, Emily Bent, 421 South Main Street, was sworn in by Ms. Martin. Ms. Bent discussed her ties to Pennington and that her family has found their forever home in Pennington. Ms. Bent testified that she submitted a zoning application for a semi-detached garage with living space for her mother on the second floor of the garage. This space is intended as an age-in -place unit to support a multi-generation, single-family household. Ms. Bent testified that the proposed space above the garage is not a separate apartment. The unit will have a sink and a refrigerator but will not have cooking facilities. The garage will be attached to the home by a covered, but not fully enclosed, breezeway. Mr. Flemming testified that he ruled it was an apartment because the space above the garage could easily be converted into an apartment with the addition of a microwave or some other portable cooking apparatus. Ms. Bent presented a PowerPoint to assist the Board in seeing the design and discussed the reasons for proposing this specific set up. In addition to having a private space for her mother, the proposed configuration re-positions the garage and will allow for a safer egress onto Main Street. Mr. Flemming testified that his concern lies primarily with the unit above the garage being used as an apartment by future home owners and that two-family dwellings are not allowed in the Zone. While the zoning Officer believes the Bent family

will not use the space as an apartment, zoning does not currently support this use. He noted that this unit will be too easy to convert into an apartment in the future.

Board members asked if other design configurations had been considered. Ms. Bent explained that an attached garage was not feasible due to the age and configuration of the home. She reiterated that moving the garage to the rear would also allow for safer driveway egress. Regarding the refrigerator and sink in the unit, Ms. Bent described how these items would help to maintain her mother's dignity and independence while still allowing her to be a part of the household. There was a question about a full bathroom being allowed in an accessory dwelling. 215-12 B specifies: "Accessory structures that are attached to principal structures, via a nominal or substantial attachment, shall comply with required setbacks of the principal structure and shall be considered part of the principal structure." Thus, the breezeway allows the proposed garage to qualify as part of the principal structure and a full bathroom is allowable.

Mr. Kyle advised that the Board should consider whether or not the proposed space meets the definition of a dwelling unit. In 215-8 the ordinance defines a dwelling unit as: "One or more rooms totaling at least 400 square feet in gross floor area and designed for occupancy of separate living quarters with cooking, sleeping and sanitary facilities provided within the dwelling unit for the exclusive use of a single household." Some Board members thought, like Mr. Flemming, that the proposed space would constitute a dwelling unit. After discussion, many Board members agreed that, since this space does not have separate cooking facilities, it does not meet the definition of a dwelling unit.

Ms. Bent noted that she would sign a document to attest that they would not use the space as an apartment. In consultation with Ms. Martin, it was suggested that a deed restriction be placed on the property which specified that the space would not be used as an apartment and that cooking facilities could not be added to the space. John Flemming indicated that inclusion of a deed restriction satisfied his main concern that the unit could be used as an apartment in the future.

Ms. O'Neill made a motion to sustain the appeal with the condition that a restriction be added to the deed specifying that it cannot be used as a separate unit and that no cooking facilities can be added to the space above the garage. The motion was seconded by Ms. Gnatt.

ROLL CALL:

Blackwell-No	Burke-Yes	Gnatt-Yes
Jackson-Yes	Laitusis-No	O'Neill-Yes
Reilly-Yes	Schotland-Yes	Van Orman-Absent

With 6 in favor, the motion passed.

Application- PB 22-005, 132 South Main Street, Elise Thompson-Request for a bulk variance for a side yard setback for construction of an addition in the rear of the home.

Mr. Schotland removed himself from the meeting for this presentation.

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Regular Meeting-Approved

Mr. Reilly noted that the applicant requested a waiver for Engineering (6A) on the application and asked for a motion to grant the waiver. Ms. O'Neill made the motion to grant the waiver and Mr. Blackwell seconded the motion.

ROLL CALL:

Blackwell-Yes	Burke-Yes	Gnatt-Yes
Jackson-Yes	Laitusis-Yes	O'Neill-Yes
Reilly-Yes	Schotland-Not Voting	Van Orman-Absent

With Mr. Schotland sitting out, the motion carried with 7 votes in favor.

Ms. Martin noted that noticing was in order and the Board had jurisdiction.

The applicant, Ms. Elise Thompson, 132 South Main Street, was sworn in by Ms. Martin. Ms. Thompson has requested a side yard variance for construction of an addition in the rear of her home. Ms. Thompson testified that she would like to preserve the simple nature of her home but also bring it up to date and to have the space be more useful for the current times. The proposed addition would help to achieve these goals. Ms. Thompson's neighbor's house to the left is directly against her house although there are no shared walls. Currently there is a 0 foot setback to the left and the addition would have a 3.5 foot setback where a 13 foot set back is required by ordinance. Ms. Thompson has spoken with her neighbors, most importantly the neighbor on the left at 134 S. Main Street. The neighbors are in support of the proposed plan for the addition. Ms. Thompson responded to a question about privacy by indicating that there is a fence between the properties. Ms. Thompson also noted that the proposed addition is modest in comparison to many in her neighborhood and will be in line with the style of the home and the neighborhood in general.

Board members mentioned that the current ordinance does not directly address setbacks regarding twin homes. This is something that may need to be looked at in the Master Planning process. The property at 132 South Main Street has a pre-existing non-conformity and the addition cannot be conforming due to the position of the home on the lot and the position of the home in relation to the neighbor on the left. Board members indicated that they were inclined to approve the variance given the pre-existing non-conformities and the neighbor's support of the plan.

Ms. O'Neill made a motion to approve the variance with the recommendation that runoff be directed to the owner's yard and any storm management provisions be looked at by the Board Engineer. The motion was seconded by Mr. Jackson.

ROLL CALL:

Blackwell-Yes	Burke-Yes	Gnatt-Yes
Jackson-Yes	Laitusis-Yes	O'Neill-Yes
Reilly-Yes	Schotland-Not Voting	Van Orman-Absent

With Mr. Schotland sitting out, the motion carried with 7 votes in favor.

ZONING OFFICER REPORT

John Flemming reports that there is no zoning report this evening.

OLD BUSINESS

Application Review Committee

Mr. Reilly has asked for volunteers to join the Application Review Committee. The purpose of the committee is to review applications for completeness. Please let Mr. Reilly know if you are interested.

2021 Annual report

Katie Ronollo is preparing the 2021 Annual Report for review at the next meeting.

MASTER PLAN COMMITTEE UPDATE

Mr. Jackson presented a Master Plan Committee update. Please see attached for details.

MINUTES – Mr. Jackson made the motion to approve the April 13, 2022 minutes and Mr. Blackwell seconded the motion. With Ms. Gnatt abstaining, all were in favor via voice vote. The minutes for December, November and October, 2021 have been deferred to the next meeting. Ms. Ronollo will share the draft 2021 minutes with Mr. Reilly, Ms. O'Neill and Mr. Jackson for edits and re-presentation to the full Board.

Ms. O'Neill made a motion, seconded by Mr. Jackson to adjourn the meeting. All voted in favor to adjourn via voice vote.

Respectfully submitted,



Katie Ronollo, Board Secretary