

**PENNINGTON BOROUGH
PLANNING BOARD MINUTES
REGULAR MEETING
NOVEMBER 13, 2019**

Mr. Reilly called the meeting to order at 7:30 p.m. and announced compliance with the provisions of the Open Public Meetings Act.

Roll Call: Nicholas Angarone, Vice Chairman, Mark Blackwell, Eileen Heinzl, Mayor's Designee, Katherine O'Neill, Douglas Schotland, James Reilly, Chairman. Absent: Deborah Gnatt, Cara Laitusis, Alt. 1, William B. Meytrott.

Also Present: John Flemming, Zoning Officer and Mary W. Mistretta, Secretary.

OPEN TIME FOR PUBLIC ADDRESS – Mr. Reilly asked if there was anyone in the public with comments or questions for any item that was not on the agenda. There being none the open time for public address was closed.

MEMORIALIZATION OF RESOLUTION

John & Gabrielle Shamsey, 107 King George Road, Block 302, Lot 5, R-80 Zone.

Received variance approval to replace garage. Application No. P19-006.

Mr. Angarone made a motion, seconded by Ms. Heinzl to adopt the resolution.

Voting yes: Angarone, Blackwell, Heinzl, Schotland, Reilly. Absent: Gnatt, Laitusis, Meytrott. Abstain: O'Neill

American Properties Realty Inc., Heritage of Pennington, Block 102, Lot 1, W. Franklin/ Knowles Street. Condition of previous approval amended, Application No. 15-009.

Mr. Reilly questioned if the Borough was protected by bonding since the applicant has not yet received sewer approval from the Stony Brook Sewerage Authority for Phase 2 of the project.

Ms. Heinzl stated that they have submitted a bond and the Borough would not be at risk.

Ms. Heinzl stated that the applicant has paid their fees and updated their escrow, but she would like this shown in the resolution since it was a condition of approval. Mr. Angarone made a motion, seconded by Mr. Schotland to adopt the resolution. Voting yes: Angarone, Blackwell, Heinzl, O'Neill, Schotland, Reilly. Absent: Gnatt, Laitusis, Meytrott.

APPLICATIONS

Jonathan Bichsel, 9 East Curlis Avenue, LLC, 11 E. Curlis Ave LLC

Block 801, Lot 21, R-80 Zone, Application No. 19-005. Appeal to Zoning Officer's decision.

The applicant requested to continue the appeal at the December 11th Planning Board meeting.

They will also submit a use variance application in the event it is necessary. Mr. Blackwell made a motion, seconded by Mr. Angarone and the Board agreed to continue the appeal at the December 11th meeting.

ZONING OFFICER

Mr. Flemming stated that he had a request for a Zoning Permit to rebuild a garage that would not have any changes at all at 132 S. Main Street. Everything reconstructed would be new footings, walls, etc. and it would be exactly the same without anything being enlarged or extended. It would have exactly the same dimensions and same location, but the location does not meet the zoning requirements. He stated that this would fall into the definition of

“Reconstruction” in the zoning ordinance. The Board has had discussions regarding the differences between “partial reconstruction” and “total reconstruction,” but it was never revised because of the problem of what criteria should be used to determine partial reconstruction. He said the criteria could be a big range from partial roof to total reconstruction. Mr. Flemming stated that it was also a little complicated because the owner is Winn Thompson’s daughter. Winn was on the Board for many years and Mr. Flemming did not want it perceived that she was getting special treatment. Mr. Blackwell stated that he had mentioned that he felt the Zoning Officer should have approved it before he knew it was Mr. Thompson’s daughter. Mr. Flemming also noted that Mr. Schotland (Planning Board member) is the architect. Ms. Heinzl stated that they did spend a lot of time looking at the ordinance, Restoration 215-55, which states “any nonconforming structure existing at the time may be restored...” and goes on to say that reconstruction would comply with all other municipal regulations and ordinances; and provided, further, that no ... reconstruction shall in any way enlarge or extend any conforming structure.” The Board agreed that it is permissible as long as everything stays exactly the same. Mr. Flemming stated that he would ask Mr. Schotland to write a letter addressing the specifics of the existing garage and that the dimensions would remain exactly the same. Mr. Reilly felt that it seemed clear that a nonconforming structure can be reconstructed as long as it met the criteria. Ms. Elise Thompson, owner of the property, stated that a tree fell on the garage in November and she would like to reconstruct it to have a garage in the winter. It is over 100 years old and has no footings or foundation. She stated that she shares a driveway and has an easement and it would be hard to change the placement of the garage.

MINUTES – Mr. Blackwell made a motion, seconded by Ms. Heinzl to approve the minutes of the October 10, 2019 Planning Board meeting with corrections and the minutes were approved.

Mr. Angarone made a motion, seconded by Ms. Heinzl to adjourn the meeting at 8:10 p.m. and the meeting was adjourned.

Respectfully submitted,

Mary W. Mistretta
Planning Board Secretary