

**PENNINGTON BOROUGH
PLANNING BOARD MINUTES
REGULAR MEETING
DECEMBER 11, 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, Deborah Gnatt, Cara Laitusis, Alt. 1, William B. Meytrott, James Reilly, Chairman. Absent: Eileen Heinzl, Mayor's Designee, Katherine L. O'Neill, Douglas Schotland

Also Present: Edwin W. Schmierer, Mason, Griffin & Pierson, Planning Board Attorney; John Flemming, Zoning Officer; 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.

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. Ryan P. Kennedy, Esq., Stevens & Lee, Attorney for the applicant. Applicant requested to be continued at the January 8, 2020 Planning Board meeting. Mr. Blackwell made a motion, seconded by Ms. Gnatt and the Board agreed by voice vote to continue the appeal at the January 8, 2020 meeting.

Borough of Pennington, Block 1003, Lot 15, 275 S. Main Street (Hopewell Valley Regional School District), Minor Subdivision (3.4 +- acre to the rear portion of the property to develop Howe's Arboretum). Mr. Schmierer announced that the Proof of Notice and Proof of Publication were in order and the Board could take jurisdiction. Mr. Blackwell made a motion, seconded by Mr. Angarone to take jurisdiction and carry the hearing to the January 8, 2020 meeting due to a lack of eligible voters. Voting yes: Angarone, Blackwell, Gnatt, Heinzl, Meytrott, Laitusis, Reilly. Absent: Heinzl, O'Neill, Schotland.

Greg Fontaine, Block 906, Lot 22, 7 Ingleside Avenue, R-80 Zone. Variance application to construct garage. Application No. 19-007

Gregory Fontaine and Brion Dufek were sworn in. Mr. Fontaine is the applicant and contractor representing the owners, Bill Alexander and Dorothy Borresen. Mr. Fontaine stated that the existing garage is in need of repairs and they will be replacing both the garage and the foundation on the same footprint as the existing garage. He explained that the foundation was not built properly and crumbling allowing the building to lean. The garage will be 2.5 ft. higher to allow for standard vehicle sizes and 2 ft. wider to enlarge the shed. The additional 2 ft. is on the side towards the yard and meets the setbacks. Mr. Fontaine stated that the Board had approved a similar application for a garage he had built and presented a picture of the garage.

John Flemming, Zoning Officer, was sworn in and just wanted to point out that he had informed Mr. Fontaine that if the garage were to be built exactly the same it would not need variance approvals. Mr. Reilly stated that the applicant requested waivers for Engineering – 6A and B. Item 6B is not applicable since a basement is not proposed. but asked the applicant to address

6A regarding stormwater control measures. Mr. Fontaine stated that the driveway is shared and the property next door does not have any issues with drainage and they are in favor of the new garage. Mr. Fontaine stated that the garage is set in place to align up with the driveway and to change the position they would have to modify the driveway and an existing fence. He stated that the existing garage does not have gutters and there are no drainage issues, but they would be willing to add them. Mr. Flemming felt that adding gutters may create drainage problems since presently the water goes into the ground, but the gutters would send it down the driveway. There was discussion regarding this and the Board agreed that they applicant did not have to add gutters since there were presently no drainage problems and they would approve the waivers. Mr. Meytrott asked if the garage was similar to the one next door. Mr. Fontaine responded that the proposed garage would be 27 inches taller and would be wider, but looks very similar. Mr. Reilly asked if there was anyone in the public who had questions or comments regarding the application, there being none the open time for public comments was closed.

Mr. Angarone made a motion, seconded by Mr. Blackwell, to grant the waivers and approve the application with conditions. Voting yes: Angarone, Blackwell, Gnatt, Meytrott, Laitusis, Reilly. Absent: Heinzel, O'Neill, Schotland. The hearing ended at 7:45 p.m.

OTHER BUSINESS

Mr. Reilly asked the Board if they felt that they should continue to make note of the waivers at the start of the hearing and listen to testimony and then address them at the end of the hearing. ARC usually recommends that the Board hear testimony from the applicant regarding the engineering waivers before approving them. If issues came up the Board could impose conditions instead of not granting the waiver(s). Mr. Angarone agreed and felt that most of the waivers the Board gets are for engineering. Mr. Flemming stated that on the larger projects ARC usually suggests planner and engineering reviews, but on the smaller applications the review costs are disproportionate to the project. Mr. Angarone stated that we have done quite a few garages and was wondering if we should lower the requirements. There was further discussion regarding this. Mr. Flemming stated that people that meet with him are told of the requirements and in most cases they modify their project to adhere to the setbacks. He felt that if the applicant could modify their project to conform to the requirements there is a better end result and conforming to the zoning code should be encouraged.

ZONING OFFICER

107 King George Road - Mr. Flemming stated that he has been asked about the garage on 107 King George Road that the Board recently approved. The house recently had a fire due to a gas explosion and they are rebuilding the house which will be within the building envelope. They are requesting to modify the garage. It will be smaller, 672 sq. ft. where 750 sq. ft. is allowed, and the setbacks will be conforming. They have asked Mr. Flemming if they are still allowed to keep the variance for the height of 25 ft. The garage the Board approved was compatible with the existing house which will be rebuilt and will no longer be the same style. After discussion, the Board agreed that Mr. Flemming could use his professional opinion and either approve the plans for the new garage or refer them back to the Board if he felt it was necessary. Mr. Flemming stated that he would require a letter from the architect stating that the garage is compatible with the house.

19 Brookside Avenue - Mr. Flemming reported that Jonathan Bichsel is interested in buying the Hill Environmental building on Brookside Avenue. They would like to convert the building to residential and residential and commercial uses are allowed in the MU-2 Zone. Mr. Schmierer stated that any approval would be conditioned on approvals from different agencies just like American Properties. The developer would have to go to the Stony Brook Sewerage Authority to make sure there was sewer capacity and contact the water department. Mr. Flemming stated

that he is allowed to approve one or two family uses, but according to the Ordinance anything more would require site plan approval. Mr. Schmierer agreed they would have to come to the Board if that is what the Borough Ordinance states. The possibility of affordable units was mentioned. Mr. Flemming pointed out that the property would have to be conforming.

WORK SESSION

Mrs. Mistretta asked Mr. Schmierer if he could explain a little more detail regarding the subdivision application from the Borough, since she had been asked a few questions regarding this. Mr. Schmierer explained that the Borough's administration wanted to make sure that the neighbors were aware of the application and could participate and agreed to file for a minor subdivision. They also had to file the subdivision with the Mercer County Planning Board and it was approved today. The Borough is exempt from their own regulations; however, to be as transparent as possible a formal application was filed. The municipality is allowed to do this or to have a courtesy review. Assuming the Board approves it, the subdivision deeds will then be filed with the County Clerk. In this case, the Board of Education would then sell the new lot to the Borough with Open Space money. Mr. Angarone asked if there was a deadline concerning the money. Mr. Schmierer replied that the money will still be available, although the goal was to complete it by the end of the year, but it took more time than they hoped. Mr. Reilly asked if the Borough had to come to the Board and Mr. Schmierer stated that they could have come in with a courtesy review called a Capital Project review. The Board could vote not to approve the minor subdivision and state on the record why the Board did not support the project. The Council could take the Board's position into consideration, but could still proceed with the capital project including the subdivision of the property. With the minor subdivision there will be a resolution and all the documentation for the records to go forward. Mr. Flemming stated that the noticing was done for people within 200 ft. and it was important since people came in to see the application and are interested in hearing the application before the Board.

Ms. Gnatt made a motion, seconded by Ms. Laitusis to adjourn the meeting. The meeting was adjourned at 8:25 p.m.

Respectfully submitted,

Mary W. Mistretta
Planning Board Secretary