

**PENNINGTON BOROUGH
PLANNING BOARD MINUTES
REGULAR MEETING
JUNE 13, 2018**

Mr. Reilly called the meeting to order at 6:00 p.m. and announced compliance with the provisions of the Open Public Meetings Act.

Board Members Present: Deborah L. Gnatt, Eileen Heinzl, William B. Meytrott, Katherine L. O'Neill, Vice Chairman, Douglas Schotland, Winn Thompson, James Reilly, Chairman.

Absent: Nicholas J. Angarone, Mark Blackwell. Also Present: Edwin W. Schmierer, Mason, Griffin & Pierson, Planning Board Attorney; John Flemming, Zoning Officer; Mary W. Mistretta, Board Secretary.

OPEN TIME FOR PUBLIC ADDRESS

Meghan O'Connor, 314 Sked Street asked to address the Board. Mr. Flemming explained the problem on behalf of Ms. O'Connor. He stated that Mr. Schotland (as her architect) had come to him about a client doing modifications to her house. There was a section of the house that they would like to tear down and replace because the construction is not that good. Mr. Flemming stated that if it was torn down it would have to be built in a conforming location. Mr. Schotland disagreed and pointed out Chapter 215-55 Restoration in the Borough Code Book to Mr. Flemming and felt that according to that they should be able to rebuild the section in the same place. Mr. Flemming explained that he has always interpreted it to mean that you can repair a section that has been damaged, but in this case it will be removed and should be replaced in a conforming location. Mr. Schotland felt that this would be reconstruction and should be allowed. Mr. Flemming stated that Municipal Land Law and most case laws state that when you have a removal of a structure you rebuild it in a conforming manner. Mr. Flemming felt that it would be poor zoning to allow it, but the wording gives merit to Mr. Schotland's interpretation. Mr. Reilly stated that the Board tried to address the issue and spent quite a bit of time working on a revised reconstruction ordinance, but it was not accepted by the Borough Council.

Mr. Schmierer was asked his opinion and he stated that he feels that as long as the nonconformity is not being increased and it is built on the same footprint they can rebuild it. It is a nonconforming structure, but the nonconformity should not be increased. The Board agreed with Mr. Schmierer's interpretation.

ORDINANCE REFERRED BY BOROUGH COUNCIL

**AN ORDINANCE BY THE BOROUGH OF PENNINGTON, COUNTY OF MERCER,
STATE OF NEW JERSEY AMENDING THE PENNINGTON CROSSROADS HISTORIC
DISTRICT TO INCLUDE THE PENNINGTON AFRICAN CEMETERY.**

The Board reviewed the ordinance and agreed that it was in compliance with the Pennington Borough's Master Plan and voted to recommend to Borough Council that the ordinance be adopted. Mr. Thompson made a motion, seconded by Ms. Gnatt. Voting yes: Gnatt, Heinzl, Meytrott, O'Neill, Schotland, Thompson, Reilly. Absent: Angarone, Blackwell.

MEMORIALIZATION OF RESOLUTION

THE PENNINGTON SCHOOL, 112 West Delaware Avenue, Block 502, Lot 4, E-1 Zone.

Received Preliminary/Final Site Plan approval for two temporary trailers to be located within the site and were denied site plan and variance approval for a ball stopper/net by the baseball field along Burd Street. Mr. Meytrott made a motion, seconded by Ms. Gnat to adopt the resolution. Voting yes: Gnatt, Heinzl, Meytrott, Schotland, Reilly. Abstain: O'Neill, Thompson. Absent: Agarone, Blackwell.

The meeting was adjourned at 6:30 p.m.

Respectfully submitted,

Mary W. Mistretta
Planning Board Secretary