

Present: Waterbury, Fisher, Peterson, Canonico, Anderson
Kennedy (Attorney)
Cranmer (Planner)
Absent: Walsh, Stambaugh, Betesh

Chairman, Ms. Waterbury, called the meeting to order at, 7:30 p.m.
All saluted the flag, and the presiding officer's statement was read.

Mr. Kennedy advised that there is a quorum in attendance.

Minutes:

A motion was made by Ms. Canonico, seconded Mr. Fisher to adopt & memorialize the minutes of the April 6, 2011 meeting minutes as submitted. All approved.

Correspondence:

- **Montessori Academy :** **Extension of time for the June 09 site plan**
Bl: 34, Lots: 5,6,7
Mr. Kennedy explained even though the Permit Extension Act of 2008 would automatically cover the request, he feels that the request is warranted and if the board accepts the requests for the request, the approvals would be extended extended until December 31, 2012 and he will prepare a resolution for the next meeting.
A motion was made by Mr. Fisher, seconded by Ms. Canonico to extend the approval of Montessori Academy to December 12, 2012.
Roll Call:
Affirmative: Waterbury, Fisher, Peterson, Canonico, Anderson
Negative: None
Resolution 6/1/2011.....

Planning Board Representative:

Ms. Waterbury reported that the review of Ordinances is still in progress and they have been forwarded to Council as approved by this board with reference to solar panels.

Unfinished Business;

Closed Session for pending Litigation:

A motion was made by Mr. Fisher, seconded by Ms. Peterson to go into Closed Session for the purposes of a discussion on pending and anticipated Litigation which includes the Azgara, LLC; the minutes will be available when the need for confidentiality is no longer exists. All approved.

Ms. Waterbury asked to have the room cleared for the purposes of the Closed Session.

Break: 8:53 pm - 9:00 pm All present at roll call.

New Business:

Ms. Georgia Blair:

41 Obre Place
Bl:27, Lot: 14

Variance/Waiver for screening for
solar panels

Mr. Kennedy announced that he has review service and finds it to be adequate and the board has jurisdiction to hear this matter.

Mr. Kennedy marked the following into evidence:

A-1: Application for Hearing dated 4/12/201

A-2: Zoning Permit Denial, dated 4/6/11

A-3: Photos of residence

Ms. Georgia Blair, 41 Obre Place was sworn. She testified that she has been the owner since 1974 and she lives in the single family home.

Mr. Cranmer and Ms. Canonico disclosed that they are on the first aid squat with Ms. Blair. Mr. Kennedy had no issues.

Ms. Blair testified that she would like to install solar panels on her roof, and she referred to A-3 and advised that the panels would be in the front of the home, in the same area as her sky lights. There will be 22 flat panels facing the south installed on the front portion of the home as well as on the hip roof. The color will be either black or midnight blue.

A motion was made by Mr. Fisher, seconded by Ms. Canonico to open the meeting to the public. All approved.

There were no comments/questions.

A motion was made by Mr. Fisher, seconded by Ms. Canonico to close the meeting to the public. All approved.

Mr. Kennedy asked Ms. Blair if the reason she is before the board is due to the Borough Ordinance which indicates that solar panels or utility devices on a roof must be screened from public view. Ms. Blair said yes, she is seeking relief from the screening and if she screens the panels they would be compromised from the functionality and effectiveness of the panels, and this was on the advice of the solar company.

Mr. Anderson asked if she would be willing to continually maintain them and if it came to a state that you were not using them or no longer usable you or any subsequent owner would bear the cost or burden to remove them? Ms. Blair said that she would agree, she couldn't speak for any subsequent owners.

A motion was made by Ms. Peterson, seconded by Mr. Anderson to open the meeting to the public. All approved

There were no comments/questions.

A motion was made Ms. Peterson, seconded by Ms. Canonico to close the meeting to the public. All approved.

A motion was made by Mr. Anderson, seconded by Mr. Fisher to approve the application of Ms. George Blair with the condition that the panels are kept in workable condition and if they are no longer being used or are in disrepair the owner will be required to remove them at their owner cost. The color will be black/midnight blue, flat and not elevated. All permits must be applied from the Borough.

Roll Call:

Affirmative: Waterbury, Fisher, Peterson, Canonico, Anderson

Negative: None

A motion was made by Ms. Peterson, seconded by Ms. Canonico to authorize the board secretary to advise the Construction Official of the approval for solar panels for Ms. Blair. All approved.

Resolution 6/1/2011.....

Shrewsbury Commons, LP, LLC

Broad St.
Bl: 21, Lot: 1.01

Variance/Waiver from screening of
solar panels

Mr. Kennedy announced that he reviewed the service and finds it to be adequate and the board has jurisdiction to hear this matter.

Mr. Kennedy marked the following into evidence:

A-1; Application for Hearing, dated 4/15/2011

A-2: Floor Plan

A-3; Resolution of approval for Use Variance, August 4, 2010

A-4: Correspondence from Ansell Law Firm, dated 3/22/2011

Ms. Jennifer Krimko, Esq. represented the applicant, Ansell Grimm & Aaron

Mr. Kennedy asked who are the principals for the LLC? Ms. Krimko advised Mr. Chris Cole, Merritt Share & Ron Share.

Ms. Krimko explained that the application which was previously before the board was approved with the solar panels shown on the elevations. At the time of the last hearing no one recognized that the panels were a waiver/variance for the provisions of screening. The property owner and the owner of the restaurant will like to install the panels in order

to convert from standard electricity to the sustainable renewable energy. The area of the roof would be facing public view on the slanted part of the roof, with some panels on the flat part of the roof that will not be seen.

Ms. Waterbury referred to the revised plans, revised 2/16/10 which show the panels. Ms. Krimko stated that they will be reducing the number of panels on the front of the roof to 10 vs. 12 panels which were originally proposed. The 2 panels have been eliminated and not moved for a total of 28 panels and not 30 panels. The panels will be black flush mounted panels, to be maintained by the owner of the property, and they will obtain a 25 year warranty on the panels. If there is a change of tenant or if there became inoperable they will be removed. These panels will help in the certification that the tenant is looking for a Leed Certification. If there were any other tenants looking for solar they would have to come to the board since these panels are for Pops Garage only.

A motion was made by Ms. Peterson, seconded by Ms. Canonico to open the meeting to the public. All approved.

There were no comments/questions.

A motion was made by Ms. Peterson, seconded by Ms. Canonico to close the meeting to the public. All approved

Ms. Krimko brought the new sign design to the attention of the board, even though they did not put a recycled aluminum. When the sign was going to be made the applicant felt that there would be a reflective issue and changed the design to recycled wood with a recycled aluminum logo. Ms. Peterson said that originally the issue of reflecting was brought up and she feels that the change was a good move.

Ms. Kerry Dolan, Shrewsbury Commons, LLC property mgr Grove West was sworn. She testified that the sign is made of an untreated recycled wood.

A-5: Photo of sign taken by Ms. Dolan 2 weeks ago

A motion was made by Ms. Peterson, seconded by Ms. Canonico to open the meeting to the public. All approved.

There were no comments/questions

A motion was made by Ms. Peterson seconded by Ms. Canonico to close the meeting to the public.

A motion was made by Ms. Peterson, seconded by Ms. Canonico to approve the application of Shrewsbury Commons, d/b/a Pops Garage as submitted with the conditions of maintaining the solar panels in accordance with the prevailing requirements of the NJ Clean Energy Program or any other requirements. Property owner to maintain & repair solar panels or in the event they become compromised and the owner takes no action the owner shall be required to remove the solar panels.

Roll Call:

Affirmative: Waterbury, Fisher, Peterson, Canonico, Anderson

Negative: None

A motion was made by Mr. Anderson, seconded by Ms. Peterson authorizing the board secretary to advise the Construction Department that an approval has been granted to Shrewsbury Commons LLC d/b/a Pops Garage and a building permit can be issued. All approved.

Resolution 6/1/2011.....

M/M David Ngo:
118 Borden St.
Bl: 45, Lot: 23

Bulk variances for expansion of a 1 car garage to 2 and living space over garages

Mr. Kennedy announced that he has reviewed service and finds it to be adequate and the board has jurisdiction to hear this matter.

Mr. Kennedy marked the following into evidence:

- A-1:** Denial Letter dated 6/14/09
- A-2:** Residential Zoning Permit dated 6/8/2009
- A-3:** Survey - dated 9/16/2006
- A-4:** Zoning Schedule
- A-5:** Elevations dated 6/3/2009
- A-6:** Site Plan - dated 6/3/2009 1 sheet
- A-7:** Application for Hearing dated 4/18/2011
- A-8:** Floor Plans - 5 sheets dated 6/3/2009
- A-9:** Photos of property

Mr. & Mrs. David Ngo, 118 Borden St were both sworn. They testified that they have both have been the owners of the property for 5 years. They would like to add a garage to their existing one car garage and expand the living space over the garage.

Mr. Anderson advised that he has been a friend of Mr. Ngo since high school;
Mr. Kennedy did not see any conflict.

Mrs. Ngo testified that they are seeking permission to expand their existing single family home, by using some of the existing garage to create a mud room, pantry and home office. The addition will add to the new 2 car garage which will allow them to enter the

house via the garage. The addition above the garage will give them additional living space. The addition will give them a 4 bedroom home (3 bedrooms upstairs and 1 downstairs) with 2 bath room up stairs maintaining the bathroom down stairs.

Ms. Waterbury described the variances being requested:

- Front yard variance, proposed 31.83 where 35' is requested due to the roof over the front stairs from inclement weather
- Rear yard set back to the new garage addition of 34'.08 proposed where 35' required
- Garage doors opening to the street, which already exists

Ms. Waterbury asked if the new additions will match the existing siding and roof shingles? Ms. Ngo said yes they will.

Mr. Fisher asked if they considered a side garage? Mr. Ngo said that they do not have enough room on the side. The house next door to them is for sale but they could not purchase a portion of the property would make their property non conforming. Ms. Ngo said that all of the garages in their neighborhood have front facing garage doors.

A motion was made by Mr. Anderson, seconded by Ms. Peterson to open the meeting to the public. All approved.

There were no comments/questions.

A motion was made by Mr. Fisher, seconded by Mr. Anderson to close the meeting to the public. All approved.

A motion was made by Mr. Fisher, seconded by Mr. Anderson to approve the application of Mr. & Mrs. Ngo as submitted for the variances requested, rear yard set back, front yard set back, and garage opening to the street.

Roll Call:

Affirmative: Waterbury, Fisher, Peterson, Canonico, Anderson

Negative: None

Resolution 6/1/2011.....

Mr. & Mrs. Kevin Sullivan:

94 Garden Rd

Bl: 48, Lot: 22

Bulk variance building
coverage

Mr. Kennedy announced that he has reviewed service and finds it to be in order and the board has jurisdiction to hear this matter.

Mr. Kennedy marked the following into evidence:

A-1: Application for Hearing, dated 4/14/2011

A-2: Zoning Permit Denial dated 4/3/2011

A-3: Elevations, 3 pages

A-4: Survey, dated 8/3/87

A-5: Photos of property

Mr. Kevin Sullivan, 94 Garden Rd, was sworn. He testified that he is the owner of the property for 12 years and he resides in the single family home with his family.

Mr. Sullivan advised that he is seeking permission to construct a one story, 12' x 25' three season room for his family. Currently he needs the additional room for his children to play. The room will have a wood roof; glass enclosed, and will have panels with screens so they can put them up in the summer. No heating is proposed.

Ms. Waterbury asked if the solid area on his survey is the new room? Mr. Sullivan said that is correct and they are proposing a new deck which is shown in hatching. The 3 season will continue along the same set back as the existing house.

Ms. Waterbury reviewed the variance:

Building coverage: 15% permitted, 14.3% existing, 16.9% proposed (223 sq. ft.). He explained that the pool which is shown on the survey is no longer there, only the decking which has been removed.

Mr. Sullivan explained that the long portion of the deck will allow them to install a door coming out on to the deck from the 3 season room. The roof will match the existing roof and the new room will match the existing cedar shake in color and style.

A motion was made by Ms. Canonico, seconded by Mr. Fisher to open the meeting to the public. All approved.

There were no comments/questions

A motion was made by Ms. Canonico, seconded by Mr. Anderson to close the meeting to the public. All approved.

A motion was made by Ms. Canonico, seconded by Mr. Fisher to M/M Kevin Sullivan as requested for a building coverage variance of. 16.9% where 15% is permitted for a 3 season porch

Roll Call:

Affirmative: Waterbury, Fisher, Peterson, Canonico, Anderson

Negative: None

Resolution 6/1/2011.....

A motion was made by Ms. Canonico, seconded by Mr. Fisher authorizing the board secretary to advise the construction department that the approval has been granted for M/M Sullivan's application.

M/M David Crawford:

22 Frances St.
Bl: 8, Lot: 12

Bulk variance for rear yard addition
front yard set back, building &
impervious coverage

Mr. Kennedy announced that he has check service and finds it to be adequate and the board has jurisdiction to hear this matter.

Mr. Kennedy marked the following into evidence:

- A-1:** Zoning Permit Denial, 3/13/2011
- A-2:** Board Engineer review letter dated 4/26/2011
- A-3:** Survey, prepared by William Ziemon dated 4/17/2006
- A-4:** Application for Hearing, dated 4/18/2011
- A-5:** Architectural Plans dated 4/15/2011, 9 pages
- A-6:** Photos of property, taken by applicant

M/M David Crawford were both sworn. Mr. Crawford testified that they are the owners of 22 Frances Street since 2005.

Mr. Kennedy reviewed the variances:

- Impervious coverage, 25% allowed, 21.5% exists & 30.5% proposed for a 20' x 20' addition in the rear yard area
- Building coverage 20% permitted, 15.2% exists & 24.2% proposed
- Front yard set back 35' required, 24'.5 exist, 24'.5 proposed (no change in set back adds to building coverage).

Mr. Crawford explained that he is seeking permission for a 1 story addition (400 sq ft) to their single family home; they need the additional living space for their growing family. The addition would be a bedroom and bathroom, which will be finished with new siding and new roof. The addition will continue the same side yard set back as the existing house. The new porch on the front of the house will not change the front yard set back, which is currently non conforming. The additional variances will be for building coverage & impervious coverage. They are proposing only a set of stairs coming off the back of the new addition, similar to what exists today, which shown on the architectural and not shown on the survey. The new front porch will not increase the front yard set back, the new porch will stay in line with the existing porch.

Mr. Cranmer reviewed the Engineer Review letter dated 4/26/2011 with regard to the storm water management mitigation measures, which includes either a dry well system, which the applicant also can investigate other measures of mitigation. Mr. Crawford advised that he will submit his plan to Mr. Cranmer.

Mr. Crawford testified that this addition will allow them to stay in Shrewsbury and give them the additional living space that they need.

A motion was made by Mr. Fisher, seconded by Mr. Anderson to open the meeting to the public. All approved.

No audience is noted.

A motion was made by Mr. Anderson, seconded by Ms. Canonico to close the meeting to the public. All approved.

All board members felt that the addition that is being proposed is a nice addition and this is all that the applicants will be able to do with minimal impact to the neighbors and to their property.

A motion was made by Mrs. Canonico, seconded by Mr. Fisher to approve the application of Mr. & Mrs. David Crawford as requested with the condition of storm water mitigation, granting the building coverage & impervious coverage variances, and that the back stairs will not be roofed.

Roll Call:

Affirmative: Waterbury, Fisher, Peterson, Canonico, Anderson

Negative: None

Resolution 6/1/2010.....

A motion was made by Mr. Anderson, seconded by Ms. Canonico authorizing the board secretary to write a letter to the construction department advising that M/M Crawford have received approvals. All approved.

Goodwill Industries of Southern NJ & Phila., Pa.

Broad St
Bl: 13, Lot: 9

Adoption of Resolution

use variance only

A motion was made by Ms. Peterson, seconded by Ms. Canonico to adopt & memorialize the resolution of approval for a use variance for Goodwill Industries of Southern NJ & Phila as amended.

Roll Call:

Affirmative: Waterbury, Fisher, Peterson, Canonico, Anderson

Negative: None

A motion was made by Ms. Peterson, seconded by Ms. Canonico to adjourn the meeting at 10:00 pm. All approved.