

**SHREWSBURY BOROUGH PLANNING COMMISSION**

Regular Meeting: June 25, 2007

Planners Jessica Buck, Robert Fisher,  
Present: George Smith, Keith Wills

Others Mike Lee, Mike Eagan,  
Present: Attorney Jay Kalasnik

Robert Fisher convened the regular meeting of the Shrewsbury Borough Planning Commission at 7:30 p.m. in the Municipal Building, 35 W. Railroad Ave.

CITIZEN COMMENTS

None

NEW BUSINESS

**Mike Eagan** - Amended Variance & Ordinance Interpretation #2007-3 - for property located at 380 North Main St.

Attorney Jay Kalasnik presented the amended application for a variance & ordinance interpretation on behalf of Mike Eagan. Mr. Eagan had applied for a special exception in 2006 for a continuation of a nonconforming use. The special exception was turned down, which is why they are applying for a variance & ordinance interpretation. Mr. Eagan would like to rent the garage to L & L for inside storage of prefabricated fireplaces. The house is being rented as a residence and will remain a residence. Mr. Eagan stated that there will be no physical changes to the appearance of the garage, no changes to exterior lighting, no signage, minimal noise, no hazardous chemical will be stored on site, and no changes to the parking lot. Mr. Kalasnik stated that they are asking for an ordinance interpretation under Section 204.2. A small warehouse is not a listed use, but is a similar use to a farm building or green house. A farm building is used to store farm equipment, farm implements, farm animals, etc., and a green house is used to store plants. The variance request is for a de minimis variance because it is a minor deviation from the allowed uses and doesn't harm anything the ordinance is trying to protect.

K. Wills questioned why the Zoning Hearing Board did not

grant the request for a special exception for the

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continuation of a nonconforming use, since the property started as an Agway in the 1960's, where tractor and mower repairs were being done. It was then changed to State Line Tire and more recently, Wagner's tractor trailer and automotive repair shop.

M. Lee stated that the Zoning Hearing Board felt the property was vacant for long enough that a nonconforming use no longer applies. They never permitted Wagner's truck repair business, so they will not consider a continuation of a nonconforming use for automotive repairs, even though the garage was used for repairs for the last 10 years.

J. Buck stated that she feels it is not fair to punish the new property owner because the Borough was negligent in enforcing the Zoning Ordinance by allowing a repair business operate at the property for the last 10 years.

R. Fisher questioned the fairness of the Zoning Hearing Board to not recognize the use of the property in the last 10 years as a truck repair business. He feels that the application should be for a special exception to replace a preexisting nonconforming use with another nonconforming use, since a warehouse is a specific use allowed in another zone.

G. Smith made the motion to recommend approval of a special exception for the replacement of a preexisting nonconforming use with a less intensive nonconforming use as a warehouse, since the property was constructed as Agway in 1964, where tractor and lawn mower repairs were done, and evolved over the next 40 plus years to tire sales and truck repairs. He added the stipulations that there will be no retail sales, no storage of hazardous materials, no changes in lighting and signage, deliveries limited to Mon - Fri., 7 a.m. - 7 p.m. and Sat., 7 a.m. - 2 p.m., and they must comply with all construction and building codes. K. Wills seconded the motion. The motion carried with all in favor.

#### APPROVAL OF MINUTES

G. Smith made to motion to approve the minutes of the May 21, 2007 regular meeting. K. Wills seconded the motion. The motion carried with all in favor.

#### OTHER BUSINESS

None

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BILLS AND COMMUNICATIONS

None

REPORTS

None

ADJOURNMENT

The meeting was adjourned at 8:35 p.m.

Prepared By

Doreen Smith

NEXT MEETING: July 23, 2007