

**PENNINGTON BOROUGH  
PLANNING BOARD MEETING MINUTES  
JANUARY 9, 2013**

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

Board Members Present: Mark Blackwell, Keelan Evanini, William B. Meytrott, James Reilly, Winn Thompson, Nadine Stern, Alternate. Absent: Eileen Heinzl, Josh Levy, Thomas Ogren, Katherine O'Neill.

Also Present: Cindy Coppola, Coppola & Coppola Associates, Borough Planner; Carmela Roberts, Roberts Engineering Group, LLC; Edwin W. Schmierer, Mason, Griffin & Pierson, Board Attorney; Mary W. Mistretta, Planning Board Secretary  
Absent: John Flemming, Zoning Officer.

**REORGANIZATION**

**OATH OF OFFICE** – William B. Meytrott, Class II, 01-01-2013 – 12-31-2013 - Official of Municipality.

Mr. Blackwell made a motion, seconded by Mr. Reilly, to nominate Winn Thompson Chairman and the Board unanimously agreed by voice vote. Mr. Meytrott made a motion, seconded by Mr. Blackwell, to nominate James Reilly Vice Chairman and the Board unanimously agreed by voice vote.

Mr. Meytrott made a motion, seconded by Mr. Blackwell, to appoint Edwin W. Schmierer and Kevin A. Van Hise, Mason Griffin Pierson, P.C. as Board Attorneys.

Mr. Reilly made a motion, seconded by Mr. Meytrott to nominate Cindy Coppola, Coppola & Coppola Associates as Borough Planner.

Mr. Blackwell made a motion, seconded by Mr. Meytrott, to appoint Carmela Roberts, Roberts Engineering, LLC Board Engineer. The Board unanimously agreed on all the appointments by voice vote.

Mr. Blackwell made a motion, seconded by Ms. Stern to appoint Kate O'Neill, Tom Ogren and James Reilly to serve on the Application Review Committee and the Board unanimously agreed by voice vote.

Mr. Thompson made a motion, seconded by Mr. Blackwell to appoint Mary Mistretta as Planning Board Secretary and the Board unanimously agreed:

Ms. Stern made a motion, seconded by Mr. Reilly to designate the Hopewell Valley News as the official weekly newspaper for the Planning Board and The Times of Trenton designated the official daily newspaper to be used only when through no fault of the applicant or the Board it was not possible to publish Legal Notice in the official newspaper. The Board unanimously agreed by voice vote.

Mr. Blackwell made a motion, seconded by Ms. Stern, to approve the following Planning Board meeting dates, on the 2<sup>nd</sup> Wednesday of the month, except where noted\*, at 7:30 p.m., were approved: February 13, March 13, April 10, May 8, June 12, July 10, August 14, September 11, October 9, November 20\*, December 11, January 8, 2014 (Reorganization and Regular). The Board unanimously agreed by voice vote.

**REGULAR MEETING**

**OPEN TIME FOR PUBLIC ADDRESS** – Mr. Thompson asked if there was anyone in the public who had comments or questions regarding items not on the agenda to please come forward. There being none, the public address portion of the meeting was closed.

**APPLICATIONS**

**Carl Fuccello**, Block 906, Lot 17, 422 South Main Street, R-80 Zone.  
Requesting variances for addition to existing house. Application No. P12-008.  
Continued from the December 12, 2012 meeting.

Present: Carl Fuccello, Joseph Mester, PE, Trenton Engineering, Applicant's Engineer,  
David Barici, Applicant's Architect.

Mr. Thompson stated that he lived within 200 ft. of the property and recused himself and stepped down. Mr. Reilly chaired the meeting. The Board took jurisdiction of this application at the December 12, 2012 meeting, but there were discrepancies in the plans and Mr. Fuccello requested and was granted approval to continue the hearing at the January 9, 2013 meeting to enable his professionals to correct the plans. Mr. Reilly stated that waivers were requested at the last meeting and were approved.

Mr. Reilly asked the professionals if the discrepancies in the plans had been resolved and Ms. Coppola stated that they provided the information, but the FAR needed clarification. Carl Fuccello, Joseph Mester and David Barici were sworn in. Mr. Mester addressed the FAR (floor area ratio). He stated that the cellar was included in his original calculations, but by the definition of basement - three feet from grade to the first floor the cellar did not meet the criteria and did not have to be included in the FAR and they did not go over the .265 maximum FAR. He stated that the FAR is .230 and he will correct their data table and check that it is the same as the architect's figures. Mr. Mester stated that they had reviewed the reports from Coppola & Coppola and Roberts Engineering Group, LLC and the applicant would meet their requirements. Entered into Evidence Exhibit A-1 Site Plan, December 20, 2012. Mr. Mester stated that this was a revised site plan correcting the previous one that was three feet off. Ms. Coppola pointed out that the applicant would now need variances for setbacks on both sides. Mr. Mester stated that he designed an underground detention system that will take three quarters of the roof water without infiltration and is capable of handling the runoff for a 100 year storm. He stated that they pitched the driveway toward the house to help cutoff the water that was running to the adjacent property. Mr. Mester stated that he will do a soil log and perc test. He stated that they are looking for the location of the cess pool and when they locate it they will add it to the plan along with the correct location of the sanitary sewer and water line.

Cindy Coppola and Carmela Roberts were sworn in. Ms. Roberts stated that the stormwater facility system looks fine and noted that once the applicant determines the water table they may be able to change to a dry well. Mr. Blackwell stated that he felt the stormwater system proposed was excessive. Ms. Coppola asked for verification that the shed was being removed and Mr. Fuccello verified that it would be removed. Mr. Blackwell asked if the bay window in the rear was included in the setback. Ms. Coppola did not think it was and suggested that the variances be reviewed since the site plan has been revised. Mr. Mester stated that the eaves came out further than the windows and were approximately 2 ft. The setbacks from the eaves would be approximately 9.9 ft. and 9.8 ft. Mr. Reilly asked about the provision for making adjustments when the lot is undersize. Ms. Coppola stated that the

formula refers to combined side yard setbacks (215-15B) and does not address each side yard individually. Entered into evidence was Exhibit A-2 Rendering of house with proposed addition. Mr. Fucello stated that HardiPlank or wood would be used for siding and match the existing house. The garage will be resided with the same material. Mr. Fucello stated that the existing house is obsolete and not functional for today's families. There is no closet space and the kitchen is very small. The 500 ft. addition will help bring it up to standards. Mr. Meytrott asked about lighting and Mr. Fucello stated that there will be side mounted lights by the door and on the garage and a security light. Ms. Coppola did not recommend a security light if it was a flood light as it would shine over to the neighbors. Ms. Coppola summarized the following variances that are needed: lot area 9,995 sq. ft. +- where 12,000 sq. ft. is required, lot width 60 ft. where 80 ft. is required, existing front yard setback is allowed to continue, two side yard setbacks 9.9 ft. to the south and 9.81 ft. to the north, where 15 ft. is required, slope ratio is needed, side yard setback that exists for the garage. Ms. Coppola stated that the Board would want to consider that the lot is a long, narrow lot and the applicant does not have the ability to obtain more land on either side and it is a hardship as he cannot meet the requirements. The front yard setback exists because of a front porch which the Board has found in the past promotes a desirable amenity in the community. Ms. Coppola stated that the applicant could put on a long narrow addition that would meet the side yard setbacks, but it would look bizarre. Ms. Coppola also pointed out that the setbacks are consistent with the neighborhood and they are the prevailing character of the area. The proposed application will eliminate one existing nonconformity, the size of the first floor area and it will not exacerbate any of the other nonconformities. Mr. Fucello testified that he did not feel that there would be any detriment to the adjacent neighbors and felt that it would be an improvement to the neighborhood since the house is in need of repairs. He stated that they would not be cutting down any trees and they plan to landscape the front and side yards which will also be an improvement. Mr. Fucello pointed out that they were not adding a driveway as there is a stone driveway, but it is overgrown with grass because the previous owner had stopped driving years ago. Mr. Reilly asked if there was anything else that could be done to help eliminate drainage onto the neighboring properties Ms. Roberts stated that they would work with the applicant regarding drainage after approvals.

Mr. Reilly asked if there was anyone in the public that had questions or comments regarding the application. Mr. Kevin Cantwell, 420 S. Main Street, owner of the property to the north of the applicant's property, was sworn in. Mr. Cantwell stated that he had quite a few issues with the application, particularly with water runoff. Mr. Cantwell stated that right now there is not much driveway there and very little runoff into the street. Mr. Cantwell stated that the pitch of the roof is being changed and will no longer drain into the backyard, but will drain off to the side next to his property and he is concerned since there is not the required fifteen feet by either of the basements. Mr. Cantwell also had concerns that the addition will affect the sun light in his dining room. Mr. Cantwell has concerns that the applicant has not yet located the cess pool and he also saw mold on things that were thrown in the dumpster. The Board responded that mold would be addressed at construction inspections if it is found, but is not under the Board's jurisdiction. Mr. Mester responded that drainage would be considerably decreased after the system is installed as all four corners will go into the drainage system. He also stated that there will be inspections when the cess pool is found and eliminated. There being no further comments, Mr. Reilly closed the public portion of the hearing. Mr. Blackwell stated that the stormwater system should help with the drainage and the cess pool would be eliminated. He also asked Mr. Fucello if there is a sump pump in his cellar and Mr. Fucello stated that they did not have a sump pump. Mr. Fucello also stated that there is no mold in the house. There was further discussion regarding the drainage. Mr.

Meytrott stated that his main concern was water, but he felt that the project should improve the drainage rather than increasing the problem. Mr. Evanini agreed, but stated that he had concerns regarding the light issue and whether it would be a detriment to the neighbor. Ms. Stern felt that the drainage issues could be mitigated, but she too had concerns regarding the neighbor's quality of life and did not see any pictures showing how it would impact the neighboring houses and was not ready to approve the application. Mr. Blackwell stated that he went to the site and he agreed with the applicant that at one time the driveway went back to the garage. He felt that the stormwater system would more than handle the additional drainage from the addition. He felt that it may block some light, but the houses seem to be lined up and it will not over shadow the house that much in his opinion since it is only 7 ft. and he would be inclined to approve the application. Mr. Meytrott also indicated that he had gone to the site and felt that 7 ft. would not severely impact the neighboring property. Ms. Coppola pointed out that the first floor of the addition would eliminate an existing nonconformity. She also suggested that a hedgerow or something similar might help mitigate the problem, but if the neighbor's house does not meet the side yard setback as well he might not like it as it would block his view more. Mr. Fuccello stated that he would ask to continue the hearing if the Board felt that they wanted to go to the site. Mr. Reilly stated that he also had concerns about the air and light and asked the applicant if there was any modification that could improve the situation. Mr. Barici stated that the only solution would be to keep the footprint and create a large gable on the rear, but it would reduce the usability of the floor plan and the size of the bathroom and bedroom on the second floor, but it would still block the light. Mr. Barici explained that when the sun comes up and sets the addition will not affect the sun because of the direction and during the day the sun is almost overhead and the addition would create very little shadow to the property. Mr. Mester pointed out that Mr. Cantwell's house is closer to the property line than Mr. Fuccello's house. He also pointed out that a portion of the roof that already exists on the applicant's house makes the major impact on the neighboring house and the impact of the addition would be much less. Mr. Mester stated that he did not feel that the addition will impact the sun and air on the neighboring house and pointed out that they were not exacerbating any of the variances that they are requesting and the roof line meets the ordinance. Mr. Reilly stated that he had concerns as to what would happen to the property if the application is not approved as it is derelict and is becoming a public nuisance. He also felt that the house might not be that attractive on the open market without the additional space. Mr. Schmierer stated that the applicant may want to consider continuing the hearing to next month to take photographs of the properties and give time for the Board members to visit the site to get a better handle on the impact that the 7 ft. addition may or may not have. There was further discussion regarding this. Mr. Fuccello stated that he has had a lot of engineering work done and would meet any conditions that the professionals and the Board put on the application and decided that he would like the Board to vote on the application. Mr. Blackwell made a motion to approve the application with all the conditions that were discussed. He felt that it was for the greater good and a nonconformity was being eliminated. He also felt that the water runoff to the neighboring properties will be decreased and he felt that the impacts of a 7 ft. addition would be minimal compared to the greater good to the neighborhood to have the home back in good condition. Mr. Meytrott seconded the motion. He stated that he felt the positive criteria outweighs the negative. Mr. Evanini agreed that the positive outweighs the negative, but felt that there should not be any substantial negatives to the public good. Voting yes: Blackwell, Meytrott, Reilly, Stern. Voting no: Evanini. Absent: Heinzel, Levy, Ogren, O'Neill. The hearing ended at 9:30 p.m.

**Casey C. Upson**, Block 701, Lot 19, 320 Hale Street, R-80 Zone.  
Requesting bulk variances for addition to existing house. Application No. P12-011.

Mr. Schmierer announced that proof of publication and proof of notice were in order and the Board could take jurisdiction. Casey Upson and Gary Mertz, architect for the applicant, were sworn in. Mr. Reilly stated that the Application Review Committee recommended waiver of item 8 B as there is no basement proposed. Mr. Reilly made a motion to approve granting the waiver seconded by Mr. Blackwell and the Board agreed by voice vote.

The applicant is requesting variance approval to add a covered front porch, an addition at the rear of the existing house and a second floor. Ms. Upson explained that they would like to renovate their house to have all the bedrooms on the second floor so her children would not have to sleep on a different floor. Mr. Mertz stated that the existing house is a small Cape Cod and is one and half stories. At one time the house had a rear porch which is now a kitchen and the foundation is failing. Mr. Mertz stated that it is an undersize lot and they were requesting variances for side yard setback and slope ratio. Mr. Mertz distributed a revised Zoning and Building Data sheet dated January 9, 2013 in response to several comments in Ms. Coppola's memorandum of January 3, 2013 and reviewed them with the Board. He stated that the basement has been removed from the FAR (floor area ratio) calculation and it is .19675 and well under the FAR. The front yard setback proposed is 31.3 ft. from the roof overhang, where 40 ft. is required. Mr. Mertz stated that they are also requesting a variance for slope ratio since complying with the required slope would have created an unusual floor area and there would be a four foot loss of space. The proposed left side yard setback is 9.7 ft. and the right side is conforming. Mr. Mertz stated that he felt the applicant had a hardship because of the side yard setback and the added space was needed. He stated that they tried their best to conform with the zoning requirements. Mr. Mertz distributed a sheet labeled "Height Ratio & Sun Angles" and showed the slope ratio and light angles in all seasons.

Mr. Thompson asked Mr. Mertz to describe the exterior changes that they propose. Mr. Mertz stated that the proposed house will resemble an American four-square. Double-hung windows will be used and trimmed with vinyl or similar trim, six inch lap siding may be wood or HardiPlank with stucco below. The attic space will be used for storage and will not be habitable. Ms. Coppola asked if an air conditioner condenser was proposed and Mr. Mertz stated that there would not be any change to the present one. There will be carriage lights in the front and by the back door and there will not be any flood lights. Ms. Coppola also asked if the lot calculations included the existing shed. Mr. Mertz stated that it is a small 10 ft. x 10 ft. and does not have a foundation. Ms. Coppola also asked about sliders proposed in the family room and asked if a deck or patio was proposed. Mr. Mertz stated that there were only two steps down and a patio or deck is not planned at this time. Mr. Mertz stated that there was one small Norway Maple that would have to be removed. Ms. Upson indicated that the tree was diseased, but they would replace it. Ms. Coppola indicated that a front porch was a desirable neighborhood amenity. Mr. Mertz presented pictures to the Board of houses in the neighborhood to show examples of existing stoops and a few that had porches. Ms. Roberts asked the applicant to confirm that the downspouts as shown on the plan would remain and continue to drain the same way. Mr. Mertz confirmed that this was correct. Ms. Roberts stated that they did not have any objections to the plan, as the house was mostly expanding upward and everything was remaining the same regarding drainage. She noted that the downspouts drained underground and out into the street.

Mr. Thompson asked if there was anyone in the public who had questions or comments, there being none the public portion of the hearing was closed. Ms. Stern stated that several years ago they renovated their house and built a front porch and that was the thing that got

the most positive comments and feels the applicant's porch will be a nice touch for the whole neighborhood. There was discussion regarding the design of the roof and it was pointed out that there were similar roofs in town. Ms. Stern made a motion to approve the application as presented seconded by Mr. Reilly. Voting yes: Blackwell, Evanini, Meytrott, Reilly, Thompson; Absent: Heinzl, Levy, Ogren, O'Neill. The hearing ended at 10:10 p.m.

**Jeffrey J. & Laurie M. Winegar**, Block 301, Lot 14, 53 North Main Street, R-80, Application No. P12-010.

Mr. Schmierer announced that proof of publication and proof of notice were in order and the Board could take jurisdiction. Laurie and Jeffrey Winegar were sworn in. Mr. Reilly stated that the Application Review Committee recommended pro forma waivers of items 3, 6E and 8 A and B. Mr. Reilly made a motion to approve the waivers, seconded by Mr. Blackwell and the Board agreed by voice vote. The applicants are requesting a side yard setback of 3.4 ft where a 15 ft. side yard is required on the south side of the property to install a generator. Mr. Winegar stated that they had a kerosene generator during the last storm that was very loud and they would like to install a permanent generator that will be hooked up to natural gas. The generator they are proposing is enclosed and the noise level is much lower. It comes on once a week for about 10 minutes throughout the year. Mr. Winegar stated that his lot is only 40 ft. wide and is limited in space. He explained that his neighbor has a fence and pine trees that will act as a buffer and they also have a generator on the same side, but further down. Mr. Winegar stated that he will also screen the generator from the road with a trellis. Ms. Stern asked about the concrete pad that was in that area and Mr. Winegar stated that he had put it in many years ago and added to it for the generator. Mr. Thompson announced that there was no one in the public. Mr. Blackwell made a motion to approve the application as presented, seconded by Mr. Reilly. Voting yes: Blackwell, Evanini, Meytrott, Reilly, Stern, Thompson. Absent: Heinzl, Levy, Ogren, O'Neill. The hearing ended at 10:25 p.m.

### **MEMORIALIZATION OF RESOLUTIONS**

**Pennington Fire Company**, Block 206, Lot 5 & 6, 120 Broemel Place, R-80 Zone. P12-005. Mr. Reilly made a motion seconded by Ms. Stern to adopt the resolution. Mr. Thompson noted that the Fire Company agreed to provide their engineering plans and information regarding the area and cooperate with the Borough professionals. Mr. Schmierer stated that he would add this as a condition. Voting yes: Evanini, Reilly, Thompson, Stern; Not voting: Blackwell, Meytrott; Absent: Heinzl, Levy, Ogren, O'Neill.

**William von Oehsen**, Block 703, Lot 25, 238 South Main Street, R-80 Zone, P12-009. Mr. Blackwell made a motion seconded by Mr. Evanini to adopt the resolution. Voting yes: Blackwell, Evanini, Meytrott, Reilly, Thompson; Not voting: Stern; Absent: Heinzl, Levy, Ogren, O'Neill.

There being no further business, the meeting was adjourned at 10.45 p.m.

Respectfully submitted,

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Mary W. Mistretta  
Planning Board Secretary