

**PENNINGTON BOROUGH  
PLANNING BOARD MEETING MINUTES  
FEBRUARY 13, 2013**

Chairman Thompson called the meeting to order at 7:35 p.m. and compliance with the provisions of the Open Public Meetings Act was announced.

Board Members Present: Mark Blackwell, Keelan Evanini, Eileen Heinzl, Thomas Ogren, Katherine O'Neill, William B. Meytrott (stepped out for a minute), James Reilly, Winn Thompson, Deborah L. Gnatt (arrived 8:00 p.m.), Alternate. Absent: Josh Levy, Nadine Stern, Alternate.

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

**OATH OF OFFICE** – Eileen Heinzl, Council Representative and Thomas Ogren, Mayor's Designee took the oath of office for a term of one year.

**OPEN TIME FOR PUBLIC ADDRESS** – Mr. Thompson asked if anyone had comments regarding an item not on the agenda, there being none, the public address portion of the meeting was closed.

**APPLICATIONS**

**Paul & Melissa Mantuano**, Block 702, Lot 17, 206 Burd Street, R-80 Zone.

Mr. Schmierer announced that proof of notice and proof of publication were in order and the Board could take jurisdiction. Melissa N. Mantuano, Paul Mantuano and Daniel Ward, applicant's architect, were sworn in. Mr. Reilly reviewed the waivers requested and stated that the Application Review Committee recommended approval. Mr. Reilly made a motion to approve the waivers and Mr. Blackwell seconded the motion and the Board approved by voice vote.

The applicants are requesting the following bulk variances: lot area, 11,250 sq. ft. where 12,000 sq. ft. is required; 15 ft. side yard setback is required, where 9.9 ft. exists on the north and 12 ft. on the south and will remain the same. The Planner suggested that variances are also required for lot width where 80 ft. is required and 75 ft. exist and front yard setback where 40 ft. is required and 24 ft. is proposed for the roof of the portico. The applicants are proposing to add additional square footage which will make a second floor to the existing Cape Cod. The front stoop will be rebuilt into a portico and a rear porch will be added. Ms. Mantuano presented a picture of the existing house which is a one and a half story red brick Cape Cod and described the application. Also presented were pictures of similar houses in the neighborhood with porches or stoops and a picture of the house that inspired the design of the proposed addition. Ms. Mantuano stated that the master bedroom is located on the first floor and they would like to move it upstairs along with bedrooms for their two sons. This would also allow the applicants to open the downstairs and include a family room. The existing brick front will remain and there will be siding on the rest of the house. The stucco chimney will be changed to stone facing. There will be wall hung fixtures by the front door and either side of the rear patio doors.

Mr. Thompson asked how the front of the house would line up with the adjacent properties. Daniel L. Ward, RA, applicant's architect, stated that the setback for the house to the north is about the same and there is only a couple of feet difference with the house to the south. Mr. Ward stated that the portico will help eliminate the existing expansive roof and it will be more in keeping with architecture in the surrounding area. Mr. Thompson stated that he felt it was a good design for a Cape Cod. Mr. Ward further described the variances that are being requested.

Ms. Cindy Coppola, Borough Planner, was sworn in. The applicants testified that the neighbors were not willing to sell any land to them. Ms. Coppola stated that the Board may find that there is a definite hardship relative to all the variances except for the front yard setback. She stated that the Board might find that this is a variance under the C-2 criteria where the benefits outweigh the detriments as the applicants do not have a livable front porch and the Board finds that front porches are a desirable amenity in the Borough because they promote a sense of community. Also, the setback will be less than five feet further into the setback. In regards to the negative criteria, the proposed addition will not exacerbate any of the existing nonconformities. Mr. Reilly asked if the downspouts or drainage was being changed and Mr. Ward responded that the changes would be very minor and the water would still go down the existing spouts. Mr. Evanini asked if the slopes on either side of the roof were being changed. Mr. Ward responded that they were not changed, they tried to keep the expansion to the center of the house to avoid any change. Mr. Thompson asked if there was anyone in the public who had questions or comments regarding the application, there being none the open public session was closed.

Mr. Blackwell made a motion to approve the application with conditions. He felt that the proposed front porch would fit in better with the neighborhood and that there would not be any detriments. Mr. Evanini seconded the motion. Mr. Reilly stated that he felt the proposed renovation would make the house more attractive and the benefits outweigh the detriments. Voting yes: Blackwell, Evanini, Heinzl, Meytrott, Ogren, O'Neill, Reilly, Thompson. Absent: Levy, Stern.

**OATH OF OFFICE** - Ms. Deborah Gnat was sworn in as an Alternate on the Planning Board for the term February 6, 2013 – December 31, 2014.

### **MEMORIALIZATION OF RESOLUTION**

**Carl Fuccello**, Block 906, Lot 17, 422 South Main Street, R-80 Zone.  
Received bulk variance approval for addition to existing house. Application No. P12-008.  
Mr. Blackwell made a motion seconded by Mr. Reilly to adopt the resolution. Voting yes: Blackwell, Meytrott, Reilly; Not voting: Evanini, Heinzl, Meytrott, Ogren, O'Neill, Gnat; Absent: Levy, Stern.

**Casey C. Upson**, Block 701, Lot 19, 320 Hale Street, R-80 Zone.  
Received bulk variance approval for addition to existing house. Application No. P12-011.  
Mr. Blackwell made a motion seconded by Mr. Reilly to adopt the resolution. Voting yes: Blackwell, Evanini, Meytrott, Reilly, Thompson. Not voting: Heinzl, Ogren, O'Neill, Gnat. Absent: Levy, Stern.

**Jeffrey J. & Laurie M. Winegar**, Block 301, Lot 14, 53 North Main Street, R-80 Zone.  
Received bulk variance approval to install a generator. Application No. P12-010.

Mr. Blackwell made a motion seconded by Mr. Reilly to adopt the resolution. Voting yes: Blackwell, Evanini, Meytrott, Reilly, Thompson. Not voting: Heinzl, Ogren, O'Neill, Gnatt; Absent: Levy, Stern.

### **ZONING OFFICER**

Mr. Flemming reported that the blinking neon "open" signs at the Shoppes of Pennington are gone. There are still neon "open" signs and they help in letting people know that the businesses are open and the neon signs are effective at night. Mr. Flemming stated that he will allow the neon "open" signs as long as they are not blinking until he is told otherwise.

Emily's Café – N. Main Street - Mr. Flemming stated that he has been asked to approve an expansion of kitchen facilities at Emily's Café. They would like to take over a small office space that had been used by the travel agency to expand the kitchen. They indicated that they would not be increasing the number of employees, garbage or parking. Mr. Flemming stated that it was a small expansion and he felt that he should be able to approve it., but wanted to bring it to the Board's attention. The small expansion of the kitchen area will improve the layout and make it more efficient. Mr. Flemming stated that there would not be any exterior changes. He also noted that there have not been any complaints about garbage in awhile. Mr. Flemming distributed a letter to the Board from Emily's Café. The Board did not see any problem with Mr. Flemming approving this since there would be no changes in conditions. It was noted that in the past a butcher shop had used the same space and someone added that this space had previously been a bowling alley.

Mr. Reilly asked how many neon signs there were and Mr. Flemming stated that the nail shop had several and Pennington Pizza and other shops in the area have had them for years. Mr. Flemming feels that the sign will help business as people driving down the highway are unaware that a restaurant exists in the Shoppes of Pennington. Ms. O'Neill asked Mr. Flemming if he felt that the sign ordinance should be reviewed and he responded that ordinances should be reviewed periodically. Ms. Coppola noted that zoning boards have been reviewing their sign ordinances to allow different signs, but have been applying stipulations so that the signs do not become a nuisance. Mr. Schmierer stated that technically neon signs are prohibited in the ordinance, but as long as the Board is willing to open it up for review Mr. Flemming can hold off on enforcement. Mr. Flemming left the meeting at this time.

### **WORK SESSION, CORRESPONDENCE**

**The Pennington School** – A letter was received from J. Graeme McWhirter, Chief Financial Officer, dated January 16, 2013 regarding the annual Relay for Life sponsored by the American Cancer Society. The Pennington School requested permission from the Board to use the lights on the turf field from 7:00 p.m. Friday, May 10<sup>th</sup> to 1:00 a.m., Saturday, May 11<sup>th</sup>. Mr. Thompson stated that the Board has approved this for the last couple of years. Mr. Blackwell made a motion, seconded by Ms. Heinzl and the Board agreed by voice vote to approve the request. Any request regarding music after the permitted hours should be addressed to Council.

**Landfill (the old landfill site, owned by the Borough, located between W. Delaware Avenue and Broemel Place)** - Mr. Ogren reported that the Borough has hired Mazer' Consulting firm to do a study of potential development on the site. The timetable is to have the report ready by the end of June. They will be reporting to the Planning Board and there

will be informal presentations to update everyone on the progress. Mr. Evanini asked how this would pertain to the Fire House approval. (The Fire Company leases land from the Borough which is the unpaved portion of their parking lot.) Mr. Blackwell stated that there is a Deed Restriction on the Borough property that the Fire Company leases and it is part of the landfill site. Mr. Blackwell stated that the project is on hold until all the issues concerning the land are resolved.

Ms. O'Neill noted that she would not be available for the March 12, 2013 Planning Board meeting.

There being no further business, the meeting was adjourned at 9:05 p.m.

Respectfully submitted,

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Mary W. Mistretta  
Planning Board Secretary