

**PENNINGTON BOROUGH
PLANNING BOARD MEETING MINUTES – NOT YET APPROVED
OCTOBER 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, Eileen Heinzl, Joshua Levy, Thomas Ogren, James Reilly, Deborah L. Gnat, Alternate, Nadine Stern, Alternate, Winn Thompson, Chairman. Absent: Kate O'Neill, William B. Meytrott.

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

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, there being none the open time for public address was closed.

APPLICATIONS

THE PENNINGTON SCHOOL, 112 West Delaware Avenue, Block 502, Lot 4, Zone E-1. Site Plan, Preliminary/Final, Variances.

Present: Daniel L. Haggerty, Stark & Stark, Graeme McWhirter, CFO, The Pennington School, Herbert Seeburger, Van Cleef Engineering Associates, Daniela Voith, Robert Alexander Douglass, Voith & Mactavish Associates Architects, LLP,

Mr. Reilly reported that there were a number of checklist deficiencies noted in the planner's and engineer's report that were needed to declare the application complete. He stated that some of the information has been submitted and suggested that the applicant address the other items and the Board could then decide on the completeness of the application. Mr. Herbert J. Seeburger was sworn in and stated that the plans have been revised to show the dimensions on the buildings. Mr. Haggerty explained the 50 ft. front setback line, Mercer County required a 14.25 ft. easement along the front of the property in case grading changes were ever needed, but the property line is at the edge of the 48 ft. right-of-way of W. Delaware Avenue and the setback distance is shown from the property line. The easement line is also shown on the plan. Mr. Seeburger stated that he verified with the Pennington Fire Chief that a fire service line was not required for the Lowellden building and the revised plans note this. Mr. Haggerty stated that they have an updated survey that should have been submitted with the application, but multiple copies have now been distributed. Mr. Haggerty stated that the basement for the humanities building is shown on the drawings, but had been incorrectly labeled as a first floor. The Lowellden building has a crawl space and this is shown on the plans. Ms. Roberts and Ms. Coppola agreed that the applicant has supplied the information requested and the Board deemed the application complete.

Mr. Haggerty described the previous applications for the Pennington School. He stated that previously approved parking and a circulation plan will now be completed. This application is for the construction of a new building that will sit roughly where the Lowellden building and the Lodge are presently located. The Lodge will be demolished and Lowellden will be relocated to the eastern side of the main campus driveway. Mr. Haggerty stated that the school had meetings with the Historic Preservation Commission and on March 13th the school came to the Board with a conceptual plan. Mr. Thompson clarified that when the school met with the Board earlier this year they had only discussed the demolition of the Lodge and the relocation of Lowellden. Mr. Haggerty stated that there was a glitch on the zoning data chart on the plan. The only variance that is being sought is for the front yard

setback for Lowellden. Mr. Seeburger referred to Exhibit A-1 Rendering Plan for The Pennington School, Van Cleef Engineering Associates. He pointed out the three components for the application: demolition of the Lodge, relocation of Lowellden building and the new Humanities building. He stated that the school is in the E-1 Zone and everything being proposed is permitted in the zone. The new proposed building is approximately 26,500 sq. ft., 3-story, maximum height 45 ft. and is located 6 ft. back from the right-of-way. Lowellden will be relocated and will require a variance for a 23 ft. setback, where a 50 ft. setback is required. The new building will be connected to the existing sewer and gas lines on W. Delaware Avenue. A new electrical service will go through a transformer located at the northwest corner of Stainton and a new generator will be installed outside for the new building. Both water for fire and domestic water will come from the existing campus water system which has a main running along the main entrance. Stormwater management for the entire project will be handled exclusively from anything that has previously been approved. An underground piped detention basin system is proposed and will be placed in the front of the Humanities building. The roof drainage from Lowellden and the new building will be directed to the proposed underground detention basin and discharge out to the existing storm sewer system on W. Delaware Avenue. Mr. Seeburger stated that there will be a slight reduction of runoff going in that direction. A large closet is proposed to the rear of the academic building and the sidewalks will be reconfigured. Lighting is proposed at the rear of the academic building and at the rear of Lowellden. There is existing lighting along the walkway going to the Old Main building and that line of lighting will continue across to the back of the new building. Mr. Seeburger stated that in response to Ms. Coppola's suggestion, they will put an additional light along the walk between the academic building and Stainton Hall. Mr. Seeburger stated that some mature trees will have to be taken down, mostly to enable Lowellden to be moved. There is large Oak that is very close to Lowellden that would not survive and it has to be removed. Additional trees will be planted including Maples and vegetation will be used for screening the generator.

Entered into evidence was Exhibit A-2 Master Plan for The Pennington School, Van Cleef Engineering Associates. Mr. Seeburger stated that this plan includes the whole campus and described the circulation plan and parking areas that were previously approved. All the parking areas that were approved in 2008 will be completed once this project is finished and this application will not decrease any of the approved parking areas. Mr. Haggerty stated that the possible addition to the gym is shown on the Master Plan. Ms. Coppola stated that at one time there was an addition to the library shown and she asked if this is still proposed. Mr. Haggerty responded that it was no longer proposed and has been eliminated from the plan. Ms. Coppola asked if the only other proposal in the future was the expansion to the gym and Mr. Haggerty agreed that was the only other proposal. Ms. Roberts asked why the stormwater project for the parking areas has not been done and when would it be done. Once the academic building is finished and they start construction of the parking lots the basins will have to go in because they are underneath the parking lots. Mr. Seeburger stated that the detention basins in that area are not needed until the parking lots are built. Entered into evidence were: Exhibit A-3 Phasing Plan – Pennington School, 1 of 3 plans, Phases 1 and 2; A-4 Phasing Plan, 2 of 3 plans, Phases 3 and 4. The projects will take three years to build-out with allowing for safety when school is in session and the parking lots will be built last. Mr. Seeburger described the five phases for the build-out. Phase 1 will include demolition of the Lodge with the area being secured with a chain link fence and mesh screens with temporary stone to use as a staging area for trucks and machinery. This will take place November or December of 2013. Phase 2 - relocate Lowellden and prepare stone area to move Lowellden. Phase 3 – install underground detention, storm sewer and utilities to the street, preparation for new academic building and Lowellden, use fill to prepare parking area in front of library. Phase 4 – construction of academic building – June 2015. Phase 5 Parking and Circulation – when building is completed parking and circulation will be completed and stormwater management will be constructed. Entered into evidence

Exhibit A 5 Phasing Plan, 3 of 3 plans, Phase 5 – Pennington School, Van Cleef Engineering Associates. Mr. J. Graeme McWhirter, CFO, The Pennington School was sworn in. Mr. McWhirter stated that while construction was going on the two temporary trailers will be used for the admissions and development office and they cannot be moved until the building is constructed and some work is completed in Old Main. He stated that it will be a huge job and will be scheduled over the summer. Ms. Stern asked what assurances the Borough had that the parking areas and the driveway circulation would get built after the academic building is finished. There was extensive discussion as to whether the parking lots and the driveway circulation could be built first. Mr. Seeburger explained that with the construction equipment, workers parking and the staging area the area is going to be very tight. The temporary trailers that have been installed also prohibit this. Mr. Haggerty suggested that one way to assure the Board that the parking and circulation will be completed is for the school to put up a maintenance guarantee for the entire project. There was discussion whether the building will increase the number of students or faculty with the new building. Mr. McWhirter stated that there are presently 485 students and 150 staff members. He stated that in 2008 there were 485 students and enrollment has not increased since then.

Mr. Haggerty reviewed the professional reviews and stated that they will address all the items that have been requested in the Roberts Engineering Group, LLC, October 2, 2013 and Coppola & Coppola Associates, October 2, 2013 memorandum. Mr. Haggerty noted that in a letter dated October 1, 2013 Mr. Schmierer stated that there should also be a maintenance agreement for the Stormwater Management Plan and the school is agreeable to this. Entered into evidence Exhibit A-6 Copy of Maintenance Agreement – will be incorporated into the maintenance manual. Mr. Blackwell had concerns regarding access for the fire trucks in an emergency. Mr. Seeburger stated that the chained driveway will have Knox boxes for emergencies. He will also meet with the Fire Chief to ensure that fire apparatus will have access to the buildings while construction is going on. Ms. Coppola asked for testimony regarding a requirement of the zone ordinance that fire apparatus have access to all sides of the building. Mr. Seeburger stated that the Pennington Fire Chief approved the plan and explained that they have adequate access to the building from W. Delaware Avenue and the Chief felt that they had adequate access from the existing entrance to the building. They have at least 18 ft. at the end of the building. Mr. Seeburger indicated that he would address this issue again at his next meeting with the Fire Chief. Ms. Roberts stated that she would like to see the stormwater plan and the lower campus parking lots incorporated into this set of plans. Mr. Haggerty stated that they could have a comprehensive plan including the 2008 approvals. Ms. Coppola suggested that the applicant include the type of lighting being used on the plans to show that it will be identical to the existing lighting. Ms. Coppola asked why the transformer could not be moved back so that it is not located right on the streetscape. Mr. Seeburger stated that there was a significant grade difference and the transformer will not be noticed, but they will provide screening and enhance the retaining wall on the street side. He stated that space was too tight to try to move it. Ms. Coppola suggested that the screening should be substantial. Mr. Thompson asked why Lowellden had overhead wiring and stated that the Ordinance requires underground wiring. Mr. Seeburger stated that they would look into that.

Ms. Daniela Holt Voith, Voith & MacTavish Architects, LLP was sworn in and gave the Board her qualifications which the Board accepted. Ms. Voith stated that they found the current classrooms used at the school are deficient. The proposed building would be used for humanities and mathematics classes that are currently held in Old Main and offices currently in Stainton Hall would be moved to Old Main. In the proposed building there are 18 classrooms, 4 seminar rooms and faculty offices. The building will also include a meeting space where multiple classes can come together in an open forum. Ms. Voith described the building and stated that it was three-story and from grade to the roof was 44 ft. In addition

there is a parapet and skylights. Ms. Voith stated that the materials being used are cast stone and brick and will be a combination of light and dark material appropriate to an academic building. Facing West Delaware Avenue are two fire stairs and are for egress only. The other access doors are on the other side of the building. Entered into evidence: Exhibit A-7 North Elevation of Humanities Building. Mr. Blackwell questioned the height of the building including the skylights. Mr. Robert Alexander Douglass was sworn in and stated that the height to the top of the skylights was 50 ft. Entered into evidence: Exhibit A-8 South Elevation of Humanities Building, Exhibit A-9 East Elevation of Humanities Building, Exhibit A-10 West Elevation of Humanities Building.. Ms. Voith stated that the official name of the building is the Kenneth K.T. Yen Humanities Building. Ms. Voith pointed out the proposed generator and cooling tower that will be completely screened with a brick wall and landscaping. Entered into evidence: Exhibit A-11 Basement Floor Plans, A-12 First Floor Plans, A-13 Second Floor Plans, A-14 Third Floor Plans, A-15 Roof Plans. Ms. Voith described the plans and locations and sizes of the classrooms, offices and meeting rooms. The main entrance lobby is located closer to Stainton Hall on the side facing the campus. Exhaust fans needed for the various mechanicals will be located on the roof. Ms. Stern asked if there was any attempt to meet LEED standards and Ms. Voith responded that it is a LEED project and they were hoping to get a silver rating for the building. Ms. Coppola asked if the mechanicals would all be in the screened area by the building. Ms. Voith stated that the ventilation was the only equipment on the roof as they tried to keep the height of the building lower. Mr. Thompson had concerns regarding the placement of the mechanicals since that is the first thing people will see coming over the bridge on Delaware Avenue. Ms. Voith stated that they thought the wall and trees along the road would hide that area. Ms. Coppola asked about the height of the mechanicals and Ms. Voith stated that the cooling tower would be a little shorter than the wall and the generator would be about seven feet. Mr. Ogren stated that landscape plantings in front of the wall would help, but he did not see any proposed. Ms. Voith stated that vegetative screening is shown in front of the wall on the site plan, but there is a grate for air in-take in front of the building and they would rather not have plantings close to it. Mr. Ogren stated that it was a large building and he felt that it should be softened to some extent with foundation plantings. Mr. Ogren also stated that he did not feel that Red Bud trees were appropriate along Delaware Avenue. He stated that there were very large trees in front of Old Main and the Red Buds were a very small tree. He suggested that the Red Buds be placed along the driveway and Sugar Maples along Delaware Avenue which would be more consistent with the large trees in front of Old Main. Ms. Voith stated that she agreed with Mr. Ogren. Mr. Thompson stated that he would like to see something more on the side of the building facing Delaware Avenue that would tie it in a little better with the community. Ms. Voith stated that they were trying to keep the green open space and felt that it was keeping the character of the open campus. They have put canopies over the exit doors on that side to make them more visually important to address the street. They were also thinking of putting the name of the school in the cast stone. There was discussion regarding the façade of the building facing Delaware Avenue. A model of the building was shown to the Board to help better visualize the layout. (This was not considered an exhibit.)

Ms. Voith next discussed the Lowellden building and described the proposed floor plans and exterior of the building. Entered into evidence was Exhibit A-16 First and Second Floors. There are offices for development, conference room, reception area and secretarial space adjacent to the waiting area. A rest room and small coffee area are also proposed. There will be five offices on the second floor and a little break area and rest room. The following plans for Lowellden were entered into evidence: Exhibit A-17 North Elevation, A-18 East Elevation, A-19 South Elevation (facing campus), A-20 West Elevation (facing driveway). Ms. Voith stated that they will do research to determine the appropriate historic colors for the building. The porch will be rebuilt and some of the details on the building will be improved to bring back some of its Victorian elements. A little memorial garden will be planted by the

south elevation. There will be lighting at the exits, but will follow LEED standards. Entered into evidence was Exhibit A-21 Three Photographs – Streetscapes Existing and Proposed based on Model.

Mr. Thompson asked for questions from the Board. Mr. Evanini asked if they considered moving the house further from Delaware Avenue. Ms. Voith responded that they had the building further back, but in discussions with the Historic Commission, it was suggested that they pull the building forward towards the street so that it would be more historically accurate. Mr. Ogren stated that historically the house was originally set back further from the street. He also pointed out that a large Oak tree would be saved if the building was pushed back ten feet. Mr. Seeburger stated that they would still not be totally out of the drip line of the tree and some of the roots would be damaged. Mr. Ogren stated that there was no direct pedestrian connection between this area and the crosswalk, but there was a worn pathway that was a straight diagonal path where a walkway could be placed to encourage people to use the crosswalk and provide access to that part of campus. Mr. Haggerty stated that it made a lot of sense and they will look into it. Entered into evidence was A-22 Demolition – Site Plan Overlay. Ms. Coppola asked about the noise from the cooling tower and generator. The generator will come on once a week and will only be used when there is an emergency. Mr. Douglass stated that projected sound levels of the cooling tower would be 60 decibels at the street line. Ms. Coppola suggested that they try to reduce that number and Mr. Haggerty stated that they should be reduced with the proposed wall. Ms. Coppola also asked if a decal system for parking had been implemented as this was a condition from a previous application. Mr. McWhirter responded that it had been implemented. Ms. Coppola asked if there was a periodic inspection of the detention basin inlet being done periodically. Mr. Haggerty stated that the last inspection was done in November 2012 and Exhibit A-23 Report by Russell Reid was entered into evidence. Ms. Coppola also asked about the fecal coliform monitoring of the pond. Mr. Haggerty stated that he also had that report and it was entered into evidence with previous report entered as Exhibit A-24. Mr. McWhirter noted that the Geese Patrol come in every week. Mr. Thompson asked if either of the buildings had cooking facilities and Ms. Voith explained that there would be a microwave in Lowellden, but neither building would have cooking facilities.

Mr. Thompson asked if there was anyone in the public who wished to make comments regarding the application. Mr. Eric Holtermann, Chairman of the Historic Commission was sworn in. Mr. Holtermann stated that the Pennington School had met with the Commission and they agreed the Lodge could be demolished and Lowellden would be moved. He stated that the Commission agreed that the Lodge had been drastically altered and its impact on the streetscape was minimal. They felt that Lowellden was an important building on the entrance to Pennington. A sub committee of the Historic Commission has had meetings with Voith and Mctavish Architects to determine that the proposed location of Lowellden met many requirements. The proposed move is an easier move than moving it across the street and it keeps the building on campus with the other historic buildings. Mr. Holtermann stated that the Commission supports any variance needed for the setbacks of Lowellden. He also stated that the Commission was not specific in their recommendations concerning the setback from the street. He also stated that they were not concerned if the rear addition had to be removed or modified, but it is important that it keeps its relationship to the street. Mr. Holtermann also stated that the Commission does not regulate colors, but they hoped they would be appropriate and that they restore as much historic details as possible. He suggested that the school should keep some documentation of the Lodge as part of a historic record for the campus. He also suggested that the school could offer the Lodge to someone that might be interested in moving it. Mr. Holtermann stated that the architect had worked on making the side of the building facing the street a little more engaging to the streetscape, but felt that they could do a little more and make the building look less monumental. They have no issue with the materials being used and feel that they are all

appropriate. Mr. Levy asked if there was a chance that the building may not make the move. Mr. Holtermann felt that it was not a large structure and he did not feel that there was any reason why it should not make the move.

Mr. James Gaffney was sworn in. Mr. Gaffney stated that he has been a Pennington resident and environmental planner for years. He feels that the drainage should go another way than what is proposed. He stated that in August he was in a long line of traffic on Route 31 that started around Pennytown and found out that it was caused by flooding at the intersection of Route 31 and West Delaware Avenue. Mr. Gaffney stated that water from Pennington Market Shopping Center, Post Office, Mercer Insurance and other businesses in that area all drain into Lewis Brook. Mr. Gaffney stated that as Chairman of the Environmental Commission of Pennington he has looked into the drainage of all these buildings and parking lots and the drainage is a big issue for the old Public Works building and the areas downstream. He feels that the drainage from this project should go under the parking lot into an outer basin transfer and to the pond, Woolsey Creek and end up in the Delaware River. This would avoid putting more water into Lewis Brook which goes into Stony Brook and then into the Raritan River. If the Planning Board does not agree with this concept he feels that the existing plan should decrease the floods by a certain percentage of the storm of 2010 and the 100 year storm to lower the impact of the water to the Lewis Brook. Mr. Seeburger stated that he understands what Mr. Gaffney is saying, but his allowable transfer of water from one watershed to the other is zero. There is no way to transfer any of the water to the other watershed without the school being liable. They have already included the decreases for the 2010 and 100 year storms and they would like to infiltrate, but there is five to six feet of bedrock and it cannot be done. Mr. Seeburger stated that he feels they are doing all that can be done within the Stormwater Regulations of New Jersey to decrease the amount of runoff that is going to Lewis Brook. Ms. Coppola asked if they would need to blast for the basement with that much bedrock. Mr. Seeburger stated that they would be drilling as he did not think blasting was allowed in the Borough. It was suggested that this should be made a condition and if it changed the applicant would have to come back to the Board. Ms. Roberts agreed with Mr. Seeburger about transferring water from one watershed to another and it would be inappropriate to move it. She stated that they have tried to decrease the amount of runoff, but asked if there was another area where the drainage could be infiltrated to help mitigate what is being done. Mr. Seeburger said they could look into other areas, but he did not feel that they could infiltrate the full amount. Ms. Roberts recommended a condition that the applicant investigate and provide as much infiltration as possible.

Mr. John Flemming, Zoning Officer, was sworn in. Mr. Flemming wanted to clarify that the architectural plans approved would have to be what the applicant intended and if they wanted to make any changes they would have to come back to the Board. There being no other public comments, the public portion of the hearing was closed.

Mr. Ogren stated that there were some architectural issues that were outstanding and suggested that the applicant come back to discuss them, but he did not want to hold up the demolition of the Lodge or the early stages of the project. Ms. Coppola agreed with Mr. Ogren and stated that there were a lot of issues including landscaping and the setback issue that were outstanding and suggested that the applicant revise the plans to address the comments that have been made. Mr. Haggerty asked if the Board could approve Phase I of the project which would allow the demolition and completion of the staging area tonight. Mr. Schmierer stated that the Board could authorize them tonight with the understanding that the applicant will come back to the Board addressing all the outstanding issues. Mr. Blackwell made a motion, seconded by Mr. Ogren to allow the demolition of the Lodge, with certificate of appropriateness from the Historic Commission, and the completion of the staging area. Voting yes: Blackwell, Evanini, Heinzl, Levy, Ogren, Reilly, Gnat, Stern,

Thompson. Mr. Thompson noted that this was with the proviso that the application will be continued at the November 13th Planning Board meeting. Absent: Meytrott, O'Neill. The hearing ended at 10:30 p.m.

Mr. Thompson stated that he had to leave early and asked Mr. Reilly to chair the rest of the meeting.

MASTER PLAN AND DEVELOPMENT REGULATIONS PERIODIC REEXAMINATION REPORT

Mr. Reilly stated that the reexamination report has been distributed and has been available in Borough Hall. Mr. Reilly stated that there was a change from Mr. Ogren and an addition regarding the Borough's stormwater management plan from the Engineer. Mr. Reilly asked the Board if they had any comments or questions, there being none, Mr. Reilly opened the hearing to the public. There being no comments, the public portion of the hearing was closed. Mr. Blackwell made a motion to accept the report as part of the Master Plan, seconded by Ms. Heinzl. Voting yes: Blackwell, Evanini, Heinzl, Levy, Ogren, Gnatt, Stern, Reilly. Absent: Meytrott, O'Neill, Thompson. Mr. Ogren stated that the next step would be to draft an amended zoning ordinance and asked if anyone would be interested on being on a subcommittee to work on this. ARC members (Kate O'Neill, Jim Reilly, Tom Ogren will be on the subcommittee.

KATHERINE FULLERTON, 14 Laning Avenue, Block 703, Lot 9, R-80 Zone, Variance, Application No. P13-007.

The Application Review Committee recommended approval of a requested waiver and the Board agreed. The applicant submitted a survey that did not show an addition and garage, but was current in the area under discussion. Mr. Schmierer announced that Proof of Notice and Proof of Publication were in order and the Board could take jurisdiction. The applicant is requesting a side yard variance for a 7 ft. setback from the easterly boundary line to install a gas generator. Katherine Fullerton and Eric A. Armour, applicants, were sworn in. Ms. Fullerton explained that they would like to install a small generator for back-up power for their sump pump and house during emergencies. The proposed location is necessary to hook up to the natural gas line which is nearby. Ms. Fullerton explained that there are fences along the property line and there is substantial screening to hide the generator from the street. The applicant provided pictures showing the property and a Google type aerial. Ms. Fullerton stated that the nearest house is approximately 25 ft. away and there would be no negative impact on them. She also indicated that the neighbors also have a generator located on the same side which would probably be running at the same time. Mr. John Flemming, Zoning Officer, was sworn in. Mr. Flemming stated that with the formula for setbacks in the R-80 Zone there would only be a 6 ft. setback deviation. The Board agreed that there did not seem to be any negative impact on the neighbors and felt that it made sense to have the generator permanently installed.

Mr. Blackwell made a motion, seconded by Ms. Heinzl to approve the application with conditions. Voting yes: Blackwell, Evanini, Heinzl, Levy, Ogren, Gnatt, Stern, Reilly; Absent: Meytrott, O'Neill, Thompson.

ZONING OFFICER'S REPORT – Mr. Flemming stated that he did not have anything to report on at this time. Ms. Mistretta stated that she had a question from a realtor regarding Pennington Point which is an age-restricted development. The realtor inquired about a 80/20 law regarding age restricted developments. Mr. Schmierer explained that there was a State law that once an age restricted development is 80% occupied they are allowed to rent 20% to younger people. It would be the association's responsibility to determine that the 80%

was met and if it was they would make the decision whether they wanted to open the 20%. It is a State law and they would not have to go back to the Board. In the case of Pennington Point it is located both in the Borough and the Township and the whole community would be included in checking the 80%.

MINUTES – Ms. Stern made a motion, seconded by Ms. Heinzl to approve the September 11, 2013 minutes and the minutes were approved.

There being no further business, the meeting was adjourned at 11:00 p.m.

Respectfully submitted,

Mary W. Mistretta
Planning Board Secretary