

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

Chairman Thompson called the meeting to order at 7:34 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, James Reilly, Deborah L. Gnatt, (arrived after roll call) Alternate, Winn Thompson, Chairman. Absent: Joshua Levy, William B. Meytrott, Nadine Stern, Alternate. 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; Mary W. Mistretta, Secretary. Absent: John Flemming, Zoning Officer.

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

CARL FUCCELLO, 326 Sked Street, Block 706, Lot 18, R-80 Zone. Mr. Thompson announced that he was moving the agenda around for the benefit of the people who may be waiting to hear the Fucello application. He stated that Mr. Fucello requested the Board to carry his application to the December 11, 2013 Planning Board meeting. Mr. Schmierer announced that Proof of Publication and Proof of Notice were in order and the Board could take jurisdiction and carry the application to the December meeting. Mr. Blackwell made a motion, seconded by Ms. O'Neill to carry the application to the December 11th meeting and the Board unanimously agreed by voice vote.

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; Daniella Voith, Voith & Mactavish Associates Architects, LLP.

The hearing is continued from the October 9th, Planning Board meeting. Kate O'Neill certified that she listened to the recording of the October 9, 2013 hearing and looked at the exhibits and is eligible to vote on the application. Mr. Haggerty stated that the issues that came up at the October 9th meeting would be addressed. One of the issues that came up was parking and Mr. Haggerty wanted the Board to know that there would be 238 parking spaces available on campus during the whole construction period. The professionals were reminded that they had been sworn in at the last meeting. Entered into evidence was Exhibit A-25 Rendering Plan for Pennington School, November 13, 2013, Van Cleef Engineering Associates. Mr. Seeburger reviewed the main changes that have been made to the site plan in response to comments from the last meeting. The biggest change was the relocation of Lowellden which has been moved back 10 ft. to save a large Oak tree. The actual setback is 32.98 ft. and a variance is being requested for the setback. A paver sidewalk has been added to connect the end of Old Main to the crosswalk with the flashing light at Green Street and Delaware Avenue. Entered into evidence was Exhibit A-26 Master Plan for Pennington School, November 13, 2013. Mr. Thompson asked for clarification regarding the 20 parking spaces for construction and were they included in the 238 spaces that will be available on campus during construction and Mr. Haggerty responded that they were not part of the 238 parking spaces. Mr. Seeburger stated that a handicap space that was not useful behind Stainton Hall was removed and changed to a regular space. The wall around the transformer area has been changed to brick that will match the existing brick pillars at the

main entrance. Landscaped screening has been added around the transformer area to buffer the view from West Delaware. Ms. Coppola had concerns regarding the plantings around the transformer area since that is the first area people notice when coming over the bridge. Ms. Coppola suggested that the applicant replace the arborvitae and check with their landscaper to pick out a dense shrub that will screen the area at the time of planting and will not attract the deer. Ms. O'Neill asked about the garden around the gazebo that was located in the northwest corner of campus. She stated that there had been a collection of rocks or concrete that a previous headmaster had put them down in memory of his travels. Mr. McWhirter stated that he had seen pictures of the garden, but it had not been like that since he has been at the school. Mr. Seeburger stated that they have made the sidewalk around the humanities building 14 ft. wide for access in an emergency. Mr. Seeburger stated that he has met with the Pennington Fire Chief regarding access to the building and the Chief approved their plans and the access around the building. Mr. Seeburger stated that they will save three additional trees by providing tree wells. In regards to the width of the driveway, Mr. Seeburger stated that in 2008 the driveway was approved as 15 ft. wide, but they received approval in 2011 to temporarily change it to 18 ft. wide to accommodate garbage trucks and two-way traffic. However, when the circulation project is completed the driveway will be one-way and 15 ft. wide and the neck of the driveway would remain 18 ft. When the circulation plan is implemented the main entrance will be blocked off from 8:30 a.m. to 2:30 p.m., but would be opened when students are dropped off and picked-up. Once the gate is closed all circulation goes over to the other entrance which will be one-way through the campus. Mr. Haggerty referred to Ms. Roberts' memo of November 12, 2013 regarding the construction entrance and stated that there would only be one construction entrance and this would be clarified on the plan. Entered into Evidence was Exhibit A-27 Phasing Plan 1 and 2– Pennington School, Van Cleef Engineering Associates, November 1, 2013. Mr. Seeburger stated that they are identical to the plans entered at the last meeting. They show Phase 1 as demolishing the Lodge and Phase 2 is the relocation of Lowellden. Entered into evidence was Exhibit A-28 Phasing 3 Utility and parking lot, Phase 4 Academic building construction, Nov. 1, 2013, Van Cleef Engineering Associates. Mr. Seeburger stated that Phase 3 is different than what was presented last month. The big change is a temporary parking lot to be constructed with an entrance off the end of the parking lot in front of the library. The stormwater system will also be constructed and is shown on the plan. This parking area will help them maintain the 238 spaces during construction and will remain stone until construction is completed. Entered into evidence was Exhibit A-29 Phase 5, Parking and Circulation, November 1, 2013, Van Cleef Engineering Associates. Mr. Haggerty stated that they have agreed to address all the technical revision requests in the Coppola and Roberts memorandums. Mr. Seeburger also stated that they would address Ms. Coppola's comments regarding lighting and they will add a light to the plan that is to be located at the end of the driveway.

Ms. Daniela Voith reviewed the changes that have been done to the architecture plans since the last meeting. Entered into evidence were: Exhibit A-30 Lowellden Building North Elevation, November 13, 2013, Voith and Mactavish Architects; Exhibit A-31 Lowellden Building East Elevation, November 13, 2013, Voith and Mactavish Architects; Exhibit A-32 Lowellden Building South Elevation, November 13, 2013, Voith and Mactavish Architects; Exhibit A-33 Lowellden Building West Elevation, November 13, 2013, Voith and Mactavish Architects. Ms. Voith described the changes to the Lowellden Building and noted that the roofing material has been changed to asphalt and landscaping has added around the porch and the sides. Period details have been added to the porch and shutters have been added to the building. Mr. Thompson asked what the Lowellden Building would be used for and Ms. Voith responded that the building would be used for the Development Office. The vinyl siding presently on the building will be replaced with Hardiplank and the corner boards and trim around the windows will be cedar.

Ms. Voith next discussed the changes to the Humanities Building. Entered into evidence were: Exhibit A-34 Humanities Building North Elevation, November 13, 2013, Voith and Mactavish Architects; Exhibit A-35 Humanities Building East Elevation, November 13, 2013, Voith and Mactavish Architects; A-36 Humanities Building South Elevation, November 13, 2013, Voith and Mactavish Architects; Exhibit A-37 Humanities Building West Elevation, November 13, 2013, Voith and Mactavish; Exhibit A-38 Humanities Building – First floor reflective ceiling plan, November 13, 2013, Voith and Mactavish.. Ms. Voith stated that the building would be known as the Kenneth K.T. Yen Humanities Building. Ms. Voith described the architectural changes that were made to the front of the building to make it look less monumental. The windows were split and a cast-stone band was added along with other elements. The doors in the front were given more presence by putting a canopy over them and they appeared to look more substantial. The Board agreed that the building now appeared shorter and smaller with the changes. Ms. Voith addressed the suggestion to put foundation plantings in the front of the building and explained that there is an air intake located there and they would not want anything to get into the air circulation. She stated that lettering “The Pennington School” was added to the building identifying the school and to help the façade of the building address the street in a friendlier way. The east elevation, facing the entrance drive has not changed. Ms. Voith next addressed the south elevation, facing the campus. The south elevation has doors that open out to a wide walkway with steps and is an area where the students can hang out in the nice weather. The only change on the west elevation which is facing Stainton is the change to the cast stone panels. An access door has also been moved to this side of the building. Ms. Voith stated that lighting by the terrace area would be Cambria and they were labeled as flood lights, but the voltage would only be 10 watts. They have been placed around the steps and terrace for safety and should provide soft lighting rather than glare. They are also located in the utility area, but will only be used as needed. Ms. Coppola asked for clarification regarding the light fixtures that swivel. Mr. Douglass stated that the fixtures will be locked and fixed in position.

Mr. Haggerty stated that the Board requested that the applicant confirm that the sound levels of the mechanicals were below the sound standards. Entered into evidence was Exhibit A-39 Site Sound Level Analysis, Cooling Tower and Emergency Generator, Acentech, November 13, 2013. Ms. Voith stated that the report shows that the sound levels will be significantly below the allowable sound levels. Mr. Haggerty stated that they were requesting a variance for the words “The Pennington School” on the front façade of the building.

Ms. O'Neill asked if they had ever considered moving Lowellden to Burd Street as the size of the building would be more compatible with houses in that area. Ms. Voith stated that it would be very difficult moving it there because of the trees and the Historic Preservation Commission wanted the building as close as possible to the original location. Mr. Evanini asked about the proposed front yard setback for Lowellden and what hardship existed. Mr. Ogren stated that the existing setback of the building and the proposed are identical. Mr. Thompson stated that the setback was also the recommendation of the Historic Preservation Commission.

Ms. Coppola stated that her comments regarding the application have been addressed. Ms. Roberts questioned why the parking area that was approved in 2008 was being pushed all the way back to Phase 5 and she had concerns that once the academic building is finished there is no way to ensure that finances will be available to complete the parking area. Mr. Haggerty stated that they will post a performance bond for the completion of those improvements prior to the commencement of the new building. Mr. Thompson asked if there was any technical reason why that had to wait until the end and Mr. Haggerty stated that they did not want to do the porous paving until the construction activities were over. The only way to get to the proposed parking area would be by the new circulation plan and that

cannot be completed with the temporary modular offices in the back of campus. Mr. Thompson asked if the school had a financial package to complete the entire project. Mr. McWhirter stated that they are putting together a package for the whole project and the Board is aware that they have to complete the parking and circulation projects. Ms. Heinzl asked what the parking projections were based on and did it take into account events that go on at the school. Mr. McWhirter stated that they were based on the number of faculty, staff and seniors and he felt that it would help with the off-site parking during events. There are presently 208 parking spaces available. Mr. Thompson opened the meeting to the public. Mr. Eric Holtermann, Chairman of the Historic Preservation Commission, was sworn in at a previous meeting. Mr. Holtermann stated that they asked the applicant to make the academic building look less monumental with more detail and more refinement and suggested that the façade facing the street should address the streetscape better. He stated that the Commission feels that they have addressed their suggestions and the changes they have made are a significant improvement and they look very good. Mr. Holtermann stated that Voith and Mactavish has met with the Commission to discuss the various places to move Lowellden. Old Main has a real connection with Pennington and placing Lowellden on the corner will be kind of a block between the lawn, the entrance to Old Main and downtown. The Commission liked the idea of Lowellden remaining on the historic campus and not losing its context by moving off campus. The Commission supports the front yard setback variance for Lowellden and support moving it back another ten feet to protect the tree and have a little more room around the building. Mr. Holtermann stated that once the siding is removed from the exterior of Lowellden that would be the time to do a little conservation of some of the original historic materials. He stated that it would be a good opportunity to try to see what the original color of the building was, but they have the option of painting it whatever color they would like. There being no other comments from the public, the public portion of the meeting was closed.

Mr. Ogren asked if the Hardiplank would be put on the entire building. Ms. Voith stated that they did not know what the condition of the boards will be underneath the vinyl siding, but if any of them needed replacing it would be with Hardiplank and the addition would have Hardiplank. Mr. Ogren stated that Hardiplank came in different colors, but Ms. Voith stated that they would paint it. Mr. Blackwell asked what would happen if the building crumbled or fell apart while it was being moved and if the school would have to replace it. Mr. Haggerty stated that they are confident that the building will be safely and efficiently moved. The school is spending a lot of money to preserve the building and they will have qualified people to move the building, however, the building would not be replaced in the event it was destroyed in the move. Ms. O'Neill asked if any work would be done on Old Main as part of the project and Mr. Haggerty stated that it will be refurbished and admissions, the Head Master and administration will be moving in and Stainton will become the science and math building. Mr. Reilly asked if the enrollment would be increasing. Mr. Haggerty stated in 2008 there were 473 students and Mr. McWhirter stated that in the last seven or eight years the number has been very consistent. He stated that the new building is not being constructed to enable them to enroll more students. The Board felt that the applicant addressed their suggestions and concerns that were raised at the last meeting and those of the professionals. They felt that the professionals did a great job on the application. There were concerns regarding the completion of the circulation and parking area in Phase 5, but that will be addressed with the school obtaining a performance bond before construction of the academic building starts. Ms. Heinzl also stated that the Environmental Commission applauded the school in seeking to obtain a LEED standard of silver.

Mr. Blackwell made a motion to approve the application with the conditions discussed and the approvals that are needed. Mr. Schmierer reviewed the conditions and stated that he would also go through the professional memorandums for suggested conditions. Mr. Thompson asked if the applicant would have to come back to the Board if there was a need

for any architectural changes. Mr. Schmierer stated that if the change was substantial and it could not be approved administratively they would have to come back to the Board. Mr. Ogren seconded the motion. Voting yes: Blackwell, Evanini, Heinzl, Ogren, O'Neill, Reilly, Gnatt, Thompson. Absent: Levy, Meytrott, Stern. The hearing ended at 9:30 p.m.

ROBERT M. BILOBRAN, 403 Burd Street, Block 906, Lot 9, R-80 Zone, Variance Application P13-008

Mr. Thompson stated that he lived within 200 ft. of the property and recused himself and Mr. Reilly chaired the application. The applicant is proposing to construct a new covered front porch and add a 216 sq. ft., 12 ft. x 18 ft., 1-story addition to the rear of the dwelling. The addition will expand the existing kitchen and provide a shower in the existing powder room. The applicant is requesting a variance for a 31.7 ft. front yard setback from Burd Street, where 40 ft. is required. The rear setback for the addition is 20 ft. where 25 ft. is required. Mr. Robert Michael Bilobran was sworn in. Mr. Reilly stated that the Application Review Committee reviewed the application and the checklist. The applicant is requesting waivers for item numbers 3, 6 E, 8 A. ARC recommended approval of the waivers and suggested an as-built could be required as a condition of approval. Mr. Blackwell made a motion to approve the waivers, seconded by Ms. Gnatt and the waivers were approved by voice vote.

Mr. Bilobran described his addition and front porch. He explained that his architect advised him that if he were to make his addition smaller the scale would look peculiar. He also stated that it would prevent him from designing an efficient kitchen. Ms. Coppola asked if the applicant verified his rear setback with the architect and Mr. Bilobran stated that it was measured from the roof overhang. Mr. Bilobran stated that there is an air conditioner that would also be within that setback. It was noted that this is not shown on the plan and an a/c unit shown on the plan by the shed is actually a trash can. Mr. Bilobran explained that the a/c unit was a mini split system for just the kitchen area did not make any noise and was the size of a suitcase. Ms. Coppola stated that since this fit under the overhang it could be incorporated into the variance being requested. Mr. Bilobran showed a diagram of the kitchen layout and demonstrated how a 10 ft. addition would not accommodate an efficient kitchen. Mr. Bilobran stated that there would be no additional exterior lighting and Ms. Coppola suggested that this could be a condition of approval that there would be no additional lighting outside the building envelope. The gutters and downspouts on the new front porch will be connected to the existing underground storm water drainage system. Mr. Bilobran stated that the back yard drainage goes to a swell in his side yard and disappears quickly. The Board agreed that it is a small addition and would not cause water issues. Mr. Bilobran stated that the siding on the addition will match the rest of the house. Mr. Reilly asked if there were any comments or questions from the public, there being none the public portion of the hearing was closed. Ms. Heinzl noted that there are a lot of nearby houses with porches. Mr. Bilobran distributed photographs of houses in the area with similar porches and the Board agreed that it will be a positive addition to the house. Mr. Reilly asked if there were any questions from the public, there being none the public portion of the meeting was closed. Mr. Ogren made a motion to approve the application with conditions, seconded by Mr. Blackwell. Voting yes: Blackwell, Evanini, Heinzl, Ogren, O'Neill, Gnatt, Reilly; Not Voting: Thompson; Absent: Levy, Meytrott, Stern.

ORDINANCE AMENDING CHAPTER 215, ZONING, OF THE CODE OF THE BOROUGH OF PENNINGTON BY ADDING A NEW SECTION ENTITLED ROUTE 31 CORRIDOR BUSINESS OVERLAY ZONE AND REVISING THE ZONING MAP.

Mr. Thompson explained that the process would be for the Board to recommend the Ordinance to Borough Council and they would send it back to the Planning Board for final review before adopting it. A subcommittee consisting of Winn Thompson, Tom Ogren and Eileen Heinzl has been meeting to discuss the ordinance and based it on the Mazur report.

Mr. Thompson stated that this is a key step in the Borough selling the landfill site and is a framework for any potential developer. Ms. O'Neill had questions and suggestions and the following changes were made: under "health club" changed to "health clubs"; G, number (1) (d) add walkways; circulation. Ms. Coppola suggested that 3 ft. high shrubs might be too high in parking area – will be changed. Mr. Evanini had questioned the definition of a fast food restaurant. The Board agreed to eliminate fast food restaurant from prohibited uses and leave drive-through facilities related to a restaurant.

Ms. Coppola stated that the big concern is that the COAH obligation currently in the ordinance is based on the growth share figures which will be done away with and the Board should consider a change to the COAH requirement for that area. The Board discussed whether the area would be desirable for affordable units and it was felt that because of the area the prices would be lower and it would be desirable. Ms. Coppola stated that however the Board decides about the COAH obligation it would have to be approved by COAH. There was discussion regarding the COAH obligation. Mr. Schmierer suggested that if the Board wanted to give an incentive to a developer he would suggest not tying an affordable obligation to the nonresidential development and use the old COAH standard of a percentage set aside on the residential units. Ms. Coppola stated that the only problem is that the zoning is for an inclusionary affordable housing zone that is being replaced with this new zoning and someone could come in and build all nonresidential and no COAH units would be built. Ms. Coppola stated that adding something in the zone that would trigger an affordable housing requirement would be sufficient. Mr. Ogren stated that he would revise the COAH requirement. Ms. Coppola stated that the only other potential problem is the minimum/maximum setback issue. The Mazer report recommended a 10 ft. setback as a minimum and she stated that 10 ft. is very close, especially if the building had three floors. The 30 ft. maximum may be problematic because there is a provision for a row of parking in front of the building and there should be a minimum of 6 ft. for a sidewalk between a building and parking area for cars to overhang and handicap accessibility. If you add these up you end up in the right-of-way. Mr. Ogren felt that was a good point and it should be changed. Ms. Coppola suggested that the term single loaded row of parking and minimum setback be changed to 48 ft. and a maximum of 50 ft. Ms. Coppola also suggested a landscaped or grass strip at least 5 feet wide be provided along the front and side yard property lines to prevent trash enclosures or parking right on the property line. Ms. Coppola noted that there was a requirement of off-street loading for restaurants, but not for any retails and they might want to require this. Mr. Ogren stated that any retail would be a small scale and the committee felt that the off-street loading would not be necessary.

MEMORIALIZATION OF RESOLUTION

KATHERINE FULLERTON, 14 Laning Avenue, Block 703, Lot 9, R-80 Zone, Application No. P13-007. Mr. Reilly made a motion, seconded by Ms. Heinzl to adopt the resolution. Voting yes: Blackwell, Evanini, Heinzl, Ogren, Reilly; Abstain: Gnatt; Absent: Levy, Meytrott, Stern; Not voting: O'Neill, Thompson.

MINUTES

Mr. Ogren made a motion, seconded by Ms. Heinzl to approve the October 9, 2013 minutes with corrections and the minutes were approved by voice vote. There being no further business, the meeting was adjourned at 10:45 p.m.

Respectfully submitted,

Mary W. Mistretta
Planning Board Secretary