

**PENNINGTON BOROUGH
PLANNING BOARD MEETING MINUTES
JANUARY 8, 2014**

Vice Chairman Reilly 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, Eileen Heinzl, Joshua Levy, William B. Meytrott, Thomas Ogren, Katherine O'Neill, James Reilly, Nadine Stern, Alternate. Absent: Keelan Evanini, Winn Thompson.

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

REORGANIZATION

OATH OF OFFICE – The following were given the Oath of Office:

Mark Blackwell	Class IV	January 1, 2014 – December 31, 2017
Eileen Heinzl	Class III	January 1, 2014 – December 31, 2014
Joshua Levy	Class IV	January 1, 2014 – December 31, 2017
William Meytrott	Class II	January 1, 2014 – December 31, 2014
Thomas Ogren	Class I	January 1, 2014 – December 31, 2014
Nadine Stern	Alternate	January 1, 2014 – December 31, 2014

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 approve the following resolutions:

Edwin W. Schmierer and Kevin A. Van Hise, Mason Griffin Pierson, P.C. appointed Board Attorneys.

Cindy Coppola, Coppola & Coppola Associates appointed Borough Planner.

Carmela Roberts, Roberts Engineering, LLC Board Engineer appointed Board Engineer.

Mary Mistretta appointed Planning Board Secretary.

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 weekly newspaper.

Approved the following Planning Board meeting dates, to be held on the 2nd Wednesday of the month at 7:30 p.m.: February 12, March 12, April 9, May 14, June 11, July 9, August 13, September 10, October 8, November 12, December 10, January 14, 2015
(Reorganization and Regular).

Appointed the **Application Review Committee**: James Reilly, Katherine O'Neill, Thomas Ogren, Deborah Gnatt.

Ms. Heinzl made a motion, seconded by Mr. Blackwell to close the Reorganization Meeting.

REGULAR MEETING

ZONING OFFICER'S REPORT

Mr. Flemming stated that an application for the Felsher residence on 120 E. Delaware Avenue had been approved in August 2009. He stated that the application approval was still valid because of the Permit Extension Act, but explained that the applicant would like to make minor changes to the windows. The applicant was required to get a deed restriction and Mr. Schmierer stated that he had reviewed the deed. The application included making living space over the garage. Ms. Coppola agreed that they were minor changes, they were attaching two gabled windows instead of having them separate and will give them more space. Mr. Blackwell made a motion, seconded by Ms. O'Neill to approve the changes and the Board agreed by voice vote.

OPEN TIME FOR PUBLIC ADDRESS – Mr. Reilly 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.

MEMORIALIZATION OF RESOLUTIONS

The Pennington School, Block 502, Lot 4, 112 West Delaware Avenue, Zone E-1. Site Plan, Preliminary/Final for Humanities Building, Variance for relocation of Lowellden Building. Application No. 13-006. Mr. Reilly stated that a request had been received to make a change in the resolution. Ms. Coppola stated that Mr. Seeburger has brought a problem regarding the approved landscaping plan to her attention. One of the trees that was to be preserved on the east side of the entrance to Stainton Hall cannot be preserved. A tree expert looked at the tree and determined that there were existing issues with the tree and it would not survive the piping and grading that will be done around it and will become a hazard later on. He advised the school to remove the 30 inch Maple. Ms. Coppola stated that she did not have a problem with this as long as they replaced the tree after construction and they have agreed to do this. Mr. Schmierer has reflected this in the conditions of the resolution as long as the Board agrees to it. Mr. Reilly asked if anyone on the Board had any comments regarding this. The Board was agreeable as long as the tree is replaced. Ms. O'Neill made a motion, seconded by Ms. Heinzl to adopt the resolution. Voting yes: Blackwell, Heinzl, Ogren, O'Neill, Gnatt, Reilly; Not voting: Levy, Meytrott, Stern; Absent: Evanini, Thompson.

Robert M. Bilobran, Block 906, Lot 9, 403 Burd Street, R-80 Zone, Variances for rear addition and front porch. Application No. P13-008. Mr. Blackwell made a motion, seconded by Ms. Heinzl to adopt the resolution. Voting yes: Blackwell, Heinzl, Ogren, O'Neill, Gnatt, Reilly; Not voting: Levy, Meytrott, Stern; Absent: Evanini, Thompson.

APPLICATIONS

Mr. Reilly announced that the Fuccello Application for 326 Sked Street, Block 706, Lot 18 would not be heard tonight.

American Properties @ Pennington, LLC, Conceptual Application for Capital Health property, Block 102, Lot 1, 105 W. Franklin Avenue, MU-3 Zone. Application No. P13-010.

Mr. Meytrott stated that he lives on the site and recused himself from the discussion.

Mr. Randy Csik, President of American Properties, stated that American Properties was a home building company and commercial real estate developer. They have been very active in Ewing and West Windsor Townships and have built about 10,000 homes throughout New Jersey. They were also instrumental in the original design of Old York Village in Chesterfield and are still building homes there today. Mr. Csik stated that they have a long term sales contract with Capital Health on the 13 acre site located at Route 31, Franklin Avenue and Knowles Street. They have done some research and are meeting with the Stony Brook Sewerage Authority regarding sewerage availability. He stated that there is about 20,000 gallons of capacity and they feel that there are methods they can use to minimize water usage.

Mr. Csik stated that they had a preliminary meeting with Ms. Coppola, Mr. Thompson and Mr. Reilly regarding the zoning of the site. The property is zoned multi-family and other uses as well as age-restricted. He stated that not all the bulk standards are listed for the zone and it is a very complicated zone to figure out. Mr. Csik stated that they would like to propose 40 residential units on half the property with the 20% affordable component being a group home with four beds. On the other half they would like to propose 40 age-targeted housing units with the master bedrooms downstairs and secondary bedrooms upstairs and target buyers around 50 years of age. Mr. Csik stated that they would like to propose age-targeted units instead of age-restricted and would like to discuss this concept with the Board.

Mr. Csik presented the Board with a rendering of one conceptual that they came up with in a Georgetown style. The age-targeted units would all have a master bedroom on the first floor with two bedrooms upstairs. Mr. Csik explained that the age-restricted have age limits and are deed restricted whereas the age-targeted would not be deed restricted. The only difference between the age-targeted and the non age-targeted was that the master bedroom would be on the first floor of the age-targeted units.

Christina Nazzaro-Cofone, Licensed Professional Planner in N.J. presented her qualifications to the Board. Ms. Cofone stated that she attended the preliminary meeting regarding the zoning of the site and concern was expressed regarding the number of school age children the development would attract. Ms. Cofone referred to a seminar, Downtown New Jersey that she had attended at the League of Municipalities. The seminar was regarding ways to invigorate the downtown and density was mentioned as one of the greatest gifts for the downtown, but there were always concerns about the number of school age children that density would bring. A standard guide that is used to help determine the number of school age children a development would generate is the Rutgers Center for Urban Policy Research demographic multipliers and the guide predicts that this development would generate 15 school age children. She stated that they were told that these numbers are often overstated. The development is not designed to attract families with children. It would not have a tot lot and not having all the bedrooms upstairs would not be desirable to a lot of families with children. Ms. Cofone stated that they are asking the Board to consider age-targeted housing instead of age-restricted housing. Ms. Cofone stated that she does not feel that the development will be attractive to families with school age children as they overwhelmingly prefer to be in detached single family homes. She feels that the proposed development would be good for the downtown and is a great use for the site.

Ms. Coppola stated that there is a table of regulations for the zone, but it is not very specific and does not have setbacks for the age-restricted use. Ms. Coppola thought it was important for the Board to look at the purpose of the MU-3 Zone as it is a site specific zone for the Capital Health site. It was written at a time when the Borough was trying to address their second round affordable housing requirements and with the thought that Capital Health would develop the site for its own use. Capital Health now has a new site and has moved all its activities and offices to that site and will no longer be developing the site. When the ordinance was written it was talking about mixed-use development and was all age-restricted housing. At the time of the ordinance, commercial development along Route 31 was envisioned, but there has been a change with the grading from the cartway since then and it would have to be regraded along Route 31 down to the site and it would not be practical as there are two existing houses near Route 31. There is also concern whether there could be access out to Route 31 and if not retail use would not be viable. Ms. Coppola stated that there are a lot of age-restricted developments throughout New Jersey, but people tend to age in place and as units become available the 55 and over group are reluctant to move in to an older age community and this has caused a drop in the market value of the age restricted homes. Ms. Coppola stated that the age-targeted housing may have households with children, but being close to Route 31 and not close to neighborhoods would probably discourage most families with children. If the Board finds that changing the affordable units from age-restricted to age-targeted a comfortable idea it would be a change from what was envisioned in the zoning for the district and she would suggest a brief Master Plan reexamination. Ms. Coppola suggested that the Board wait until they have a concept plan that they feel is suitable before drawing up an ordinance. Mr. Ogren asked how many age-targeted units they had on their concept plan. Mr. Csik stated that there are 40 age-targeted with 8 of them affordable and 40 town houses with all the bedrooms on the second floor and 8 of them affordable. Mr. Csik stated that he has spoken to the Stony Brook Sewerage Authority and they believe that there is a possibility that half the site could be built today and the other half phased in later. Mr. Reilly asked if they would first have to get approval for the whole development. Mr. Csik stated that they would have to get approval for the whole development and they would have to get Planning Board approval before formally applying to the sewerage authority. They have had informal meetings with the authority, but anything approved by the Board would be subject to approval from the sewerage authority.

Mr. Reilly stated that the Board would have to address the density of the 80 units being proposed for the 13 acre site and if they wanted age-restricted housing or age-targeted. Mr. Csik stated that they would be selling the units not renting them, if an owner wanted to rent their unit that would be up to them. Questions were raised about the group homes that were shown on the conceptual. Mr. Csik stated that they have done group homes and would be happy to include them on this site. Ms. Coppola suggested that the site is ideal to provide family affordable units which is a second round obligation that the Borough has been unable to provide. Mr. Ogren noted that he did not see any preservation of wooded areas. Ms. Csik pointed out a large stand of Oaks that they were preserving and stated that it was very hard to preserve trees once grading started, but they would work with the professionals to try to save them.

Ms. Coppola asked if the age-targeted homes would be stand-alone single houses. Mr. Csik responded that they would be attached. Mr. Levy asked how many children would be expected in the whole development and Mr. Csik responded that looking at the 80 units including the affordable, he stated there would be 15-20 children. He stated that 20% of the affordable would have to be one bedroom, 20% 3 bedrooms and the rest 2 bedrooms. Mr.

Blackwell stated that Pennington Point was very successful with age-restricted units and he would not have a problem with including some age-restricted units, but also have units that would be open to fire fighters and other workers and a younger group as they would be looking for this type of unit. The units will be looked at by residents of the town who no longer want to climb stairs and want to stay in town. Mr. Ogren felt that age-restricted housing was attractive to seniors because it was age-restricted and they would not want to live with younger families. Mr. Ogren felt that with the good school system and the affordability of the houses the development would draw a lot of school age children. Ms. Coppola added that if you were going to have age-restricted it would have to include some kind of community room for activities. Mr. Csik stated that they believe there are 32 people that own homes in this area that do not want a second floor bedroom and want to retire and age in place in the community in which they grew up and there is nothing like that in the area except Pennington Point which are resales. Mr. Reilly stated that he believes there would be a lot of young families that would buy the units with the master bedroom on the first floor. There was further discussion regarding the age-restricted units. Ms. Gnatt was wondering what the density was compared to Pennington Point. Mr. Csik and Mr. Blackwell felt that Pennington Point looked more dense than the proposed concept plan. Ms. O'Neill felt that the units were placed a little tighter than what is considered clustered units. Mr. Csik stated that the age-targeted were in groups of 3 units and the market rate were in groups of 6 units. Mr. Reilly asked if the Board tentatively agreed with the clustering concept of the buildings. Ms. O'Neill and Mr. Ogren were agreeable to clustering, but Mr. Ogren pointed out that with clustering you usually had more open space than what was shown on the plan. Mr. Csik pointed out that they had to build 16 units for the affordable component and they are smaller units and will average about 1,000 sq. ft. Quite a few of them will end up being condominiums/apartments, not town houses and the conceptual plan does not reflect that. Mr. Csik stated that if the Board agrees to the concept of the age-targeted in place of the age-restricted, they can work through the site plan issues. Mr. Blackwell stated that he liked that there would be some COAH units and he would agree to the age-targeted as he would not want to discourage a plan that will get the Borough some affordable units. Ms. Coppola pointed out that the zoning for the site as it stands only requires 8 affordable units and the developer is offering 16 units. The Borough's Housing Plan Element that was adopted for the third round stated that 2-4 additional affordable units should be added to the site and the developer is offering more than that and it would be huge for the Borough. Ms. Coppola stated that the Borough still has an unmet obligation of 32 units and should look at emerging opportunities to provide for more affordable housing. Ms. Gnatt had questions regarding the affordable units and Mr. Csik stated that the smaller ones would be more like apartments, but would be integrated. Ms. Gnatt stated that she liked the concept of the age-targeted and suggested that as much green area and trees as possible should be saved.

Mr. Edward Fletcher, Pennington resident, stated that there have been meetings with Dr. Smith the Superintendent of Hopewell Valley Schools, regarding the declining school population. He noted that there were a few more scheduled if Board members were interested. He stated that the Toll Gate School is filled, but the middle school and high school are losing one hundred students a year and will continue for the next two or three years. He felt that when zoning for this site was originally done there was concern about the increased number of students with all the development going on including Brandon Farms. Mr. Reilly asked if it would be accurate to say that the majority of the Board feels that age-targeted is an acceptable concept, but the Board would like to see more open space. Ms. Heinzl stated that she agreed and felt that the age-targeted is the better fit and the age-restricted would not accomplish the kinds of goals that the Board previously thought were needed. Mr. Schmierer suggested that the other issue would be the density. He stated that

he was looking at Pennington Point with Ms. Coppola. It is approximately 104 units, half in the Borough and half in the Township on nine acres and the density looks about the same as what is being proposed. He stated that one of the key components for Ms. Coppola in reexamining the Master Plan would be if the Board agreed with the density proposed. Mr. Reilly asked, if generally, did the Board agree with the density proposed which is similar to Pennington Point. Mr. Ogren felt that the units that were close to Route 31 were a problem with the noise from the highway and Mr. Csik agreed that they might have to keep the units in line with Pennington Point. Ms. O'Neill asked what the setback would be from Route 31. Mr. Csik stated that they were at 65 ft., but it would be 35 or 40 ft. from Route 31. Ms. Coppola suggested that they prepare the Master Plan reexamine with the general concepts discussed. She suggested that the Board wait until the time a developer came in with a new concept plan that they felt comfortable with to write the ordinance. It would be easier to determine the setbacks and specifics that they would want to include. The Board could either review the plan or set up a Master Plan committee. Ms. Coppola stated that it would be hard to come up with ordinance requirements at this time. Ms. Coppola will reexamine the Master Plan to acknowledge the change from mixed-use development to an all residential development and explain that the mixed-use development is no longer viable because of the historical changes that have occurred and because of the emerging opportunity to provide more affordable housing. The general concepts that the Board discussed will also be included. Mr. Blackwell made a motion to authorize Ms. Coppola to reexamine the Master Plan regarding the MU-3 Zone and Mr. Levy seconded the motion. The Board agreed by voice vote. Ms. O'Neill stated that she feels uncomfortable approving a zoning change driven only by the developer's concept. Ms. Coppola explained that the Master Plan was the Board's document and they are allowed to revise it when necessary and to protect the Borough. In this case, Capital Health is no longer occupying the site and medical offices and other uses that were previously a permitted use will no longer be viable. The Board has also decided that age-restricted is no longer viable and will be changed to age-targeted for the site and the Master Plan must be reexamined to describe these changes. The 20% set aside for affordable housing and density will also be addressed. Mr. Schmierer explained that the process that Ms. Coppola outlined is the appropriate and the most transparent process the Board needs to follow and it is reflected in the Land Use Law. The Board has a request from a developer to look at the zoning in the district and the Board has studied the zoning and considered changes that will be reflected in the Master Plan. Mr. Schmierer stated that it is not considered spot zoning. Ms. Gnatt suggested that the changes not be crafted specifically toward this plan and that it should be more general in case other developers were interested. Ms. Coppola stated that she will write a draft and e mail it to the Board for their comments before a final draft is printed. The developer agreed to post escrow for the reexamination. Ms. Coppola suggested that the Board wait until they receive a concept plan that they are comfortable with to write the ordinance. The Board could then review the plan or appoint a Master Plan Committee. The discussion ended at 9:30 p.m.

Edward Fletcher, Block 906, Lot 10, 4 West Welling Avenue, R-80. Application No. P13-011.

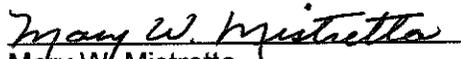
Mr. Schmierer announced that Proof of Notice and Proof of Publication were in order and the Board could take jurisdiction and Edward Fletcher was sworn in. Mr. Reilly stated that the Application Review Committee recommended approving the waivers requested on the checklist. Mr. Blackwell made a motion, seconded Ms. Gnatt to approve the waivers and the Board agreed by voice vote. Mr. Fletcher stated that he would like to install a natural gas generator on the right side of his house. He is requesting a bulk variance for a side yard

setback of 9 ft. 5 inches, where 15 feet is required. Mr. Fletcher stated that the gas line runs on that side of the house and the generator needs to be 10 ft. away from an existing window and heat intake. There is a fence on the side and it will not be seen from the street since there is existing shrubs. A picture of the area where the generator would be installed was distributed in the Board's packages. Mr. Fletcher stated that he would prefer to have the generator hooked up to natural gas to eliminate having to buy gas. Mr. Reilly asked if there were any questions or comments from the public, there being none the public portion of the meeting was closed. The Board agreed that the generator would be used for emergencies and would not be viewed from the street. Mr. Blackwell made a motion, seconded by Ms. Heinzl to approve the application. Voting yes: Blackwell, Heinzl, Levy, Meytrott, Ogren, O'Neill, Reilly, Stern, Gnatt; Absent: Evanini, Thompson.

MINUTES – Ms. Heinzl made a motion, seconded by Mr. Ogren to approve the October 9, 2013 minutes and the minutes were approved by voice vote.

There being no further business, the meeting was adjourned at 9:45 p.m.

Respectfully submitted,


Mary W. Mistretta
Planning Board Secretary