

**PENNINGTON BOROUGH  
PLANNING BOARD MEETING MINUTES  
JUNE 11, 2014**

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, William B. Meytrott, Thomas Ogren, James Reilly, Winn Thompson, Chairman. Absent: Deborah L. Gnatt, Joshua Levy, Katherine O'Neill, Nadine Stern.

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

**ORDINANCES**

**AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 215, ZONING, OF THE CODE OF THE BOROUGH OF PENNINGTON, COUNTY OF MERCER, STATE OF NEW JERSEY AND SPECIFICALLY SECTION 215-63 REGARDING “ESTABLISHMENT OF ZONES”, SECTION 215-64 REGARDING A NEW “ZONING MAP”, AND SECTION 215-78.1 REGARDING THE “MU-3 MIXED USE ZONE”**

This is a continuation of discussions to amend the ordinance pertaining to the Capital Health site which is bordered by Knowles Street, West Franklin Avenue and Route 31. Mr. Meytrott recused himself from the discussion and stepped down since he lives on the site and it is a conflict of interest. Mr. Reilly stated that the Application Review Committee met with Ms. Coppola and reviewed the draft ordinance. The Committee made several suggestions that were incorporated into the draft. They are supportive of the ordinance and feel that it is consistent with the Master Plan. Mr. Reilly stated that the one area of concern was overflow parking. He stated that the three suggestions were to use parking in the adjacent commercial lots, widen Knowles Street to allow parking on one side or to reduce the density of the development. Ms. Coppola stated that in regards to the parking issue, Mr. Kanter pointed out that the Residential Site Improvement Standards (RSIS) require ½ space per unit for guest parking in attached unit developments. Ms. Coppola stated that originally they discussed ½ space per unit, but it was reduced to ¼ and she suggested that it should go back to ½ space per unit.

Ms. Coppola reviewed the draft ordinance and the changes made by the committee. She stated that the developer requested the addition of stormwater facilities and pump station to the permitted accessory uses. In Section D. Height, Area, Yard and Distance Requirements for Permitted Uses (6) (b) Common open space land at least ten feet (10') in width shall be provided between the rear or side yards of any fee simple lots, Ms. Coppola stated that she has concerns that it will take up space that can be used for the common open space that would be used by all the residents. It also does not allow for flow through the development and she feels that the Board should discuss this with the developer. Added to the general requirements is a statement that the project is allowed to be phased as long as the entire project is approved by the Planning Board. Mr. Thompson questioned why the ordinance included E. General Requirements (10) that does not allow outside hanging of laundry or individual external television antennas or satellite dishes. Ms. Coppola stated that this is a typical restriction for this type of dense multi-family development, as it is a concern to keep uniformity in the development. There was discussion regarding this and the Board agreed to

remove it as they felt it should be decided and governed by the homeowner's association and not the Borough. Mr. Thompson asked if the development roads would be owned by the Borough. Ms. Coppola stated that they would have to stay private as they will not meet the RSIS requirements for public roads and the homeowner's association would be responsible for maintaining them. There was discussion regarding the recreation area and Ms. Coppola stated that the Board could be more specific in what should be included.

Ms. Coppola stated that Building Requirements, number 3 should be clarified to read: "The maximum size of any market rate dwelling unit shall be 2,500 gross square feet excluding garages, cellars and those basements that are not considered a story by definition. Mr. Blackwell pointed out that a bedroom could be made in the basement and Ms. Coppola pointed out that there will be a deed restriction that will not allow any conversion beyond the existing three bedrooms. Ms. Coppola pointed out that number 7 should be changed to allow affordable units to have decks on the second floor. All the patios, balconies and decks will be shown on the site plan and must have Planning Board approval. They will also be included in the homeowner's document so that any replacements that are needed will be constructed without any changes. Section H. Off-Street Parking Requirements will all meet the RSIS requirements. Mr. Ogren suggested that (3) should be changed from  $\frac{1}{4}$  to  $\frac{1}{2}$  space that would be provided per residential unit for off-street guest parking spaces. Mr. Blackwell stated that he had been approached by the Pennington Fire Company about buying a unit or two in the development where the volunteers would have a place to stay and give them an incentive to continue to volunteer. The fire company would purchase the unit/units for volunteer use. Mr. Meytrott stated that they also mentioned it to him and that there is a fire company in Pennsylvania that has done this. He stated that it would have a deed restriction so that it would always be used for that purpose. Ms. Coppola suggested that there might be volunteers that would qualify for affordable housing and they should apply after the development has been approved.

Mr. Greg Kanter of American Properties introduced Richard Arzberger, architect who designed the units and site plan. Mr. Kanter referred to C. Permitted Accessory Uses and stated that they recommended the addition of stormwater facilities and a pump station. They are still not sure about the sewer situation and they feel that an alternative or possibility to build out the whole project would be to have a pump station and holding tank for when they reach their limit. Ms. Heinzl inquired about the pump station. Mr. Kanter stated that it is up in the air, but if they can only get flow for half the project there might be a possibility to handle the other half with a holding tank. A pump station would be needed to monitor the holding tank and truck it off site. This is not what they want, but they would like to be able to consider it as an alternative. The tank would be approximately between 10,000 and 20,000 gallons and would be underground. The Board agreed with adding stormwater facilities and pump station to Permitted Accessory Uses.

Mr. Kanter referred to the fee simple lots D. (6) (b) regarding the common open space land requiring that at least ten feet be provided between the rear and side yards of any fee simple lots and asked their architect to address why they would like it removed. Mr. Arzberger felt that having a 10 foot wide open space area through the rear yards would be problematic from several viewpoints. He stated that it would be a problem for maintenance and there would be a problem with people walking on it, as it would seem like they were walking through people's backyards. He stated that there would be sidewalks on one side of the street that would provide good circulation around the site and he does not feel that an area for circulation behind the buildings is necessary. Ms. Coppola stated that she has issues not having space between the lots and she has never seen fee simple lots abutting each other and feels that it is not practical. She also feels maintenance would be a big problem. Mr. Arzberger stated that there is a big difference in marketing units, with a fee simple lot you own your own lot and in a condominium you own the interior of the unit only. The developer

would like fee simple lots with restrictions in a homeowner's document. Ms. Coppola pointed out that open space was needed by the units and if the lots abutted there would not be any open space for the affordable units. There was further discussion regarding the fee simple lots and the size. Mr. Schmierer suggested that another alternative would be for the Board to require a minimum amount of open space, 30% or 40%, and this would allow the developer to meet the minimum in designing the site and provide usable open space. Mr. Schmierer stated that there has to be a provision for open space. Ms. Coppola suggested that another alternative would be to have a limit in the length of the lots. Mr. Thompson suggested that American Properties discuss the issue and come back to the Board with a recommendation.

In response to ARC's comments suggesting different colors and designs, Mr. Arzberger stated that there are three types of housing proposed, town houses, villas and flats. All the housing is proposed with four units to a building. Affordable units are one-story apartments with two units on the first floor and two on the second floor. Age-targeted have two-car garages and the master bedroom on the first floor, town houses are two-story with the master bedroom on the second floor and have a one-car garage. He stated that the different types of housing are dispersed throughout the site to get a more diverse streetscape and there is not a cluster of any one type of housing. They have tried to create different front facades on the buildings, including several styles of windows and material which will all add to the variety of the streetscape. They have also created different roof lines that will help break up the mass of the building and help make an interesting streetscape. Mr. Ogren stated that the committee had discussed using different colors to help differentiate the buildings and Mr. Kanter responded that they would prefer not to use a lot of colors in such a dense development, but they could use two complementary colors. The Board felt that the developer's concept was on the right path and Mr. Thompson stated that he would like to see the architectural details on the affordable units. There was discussion regarding the pocket park area. The Board felt that it should be a gathering area and have benches, but will leave it up to the developers for now to propose their ideas.

Mr. Kanter next brought up parking to address the Application Review Committee's concerns about overflow parking in the development. Mr. Arzberger reviewed the RSIS requirements for the different types of units proposed. He noted that the units with two car garages have additional space in the driveway that would be equal to a half space and that would come to an additional 16 spaces that RSIS does not allow to be counted, but a car could fit in the spaces. A total of 219 spaces are required by RSIS standards for the proposed development and 241 are being provided. There will be 3 handicapped spaces and one would have to be van accessible which would probably be located close to the affordable units. Mr. Reilly asked Ms. Coppola if she felt that the parking would deal with overflow parking adequately and she stated that they were providing more spaces than required, but guests might have to park on Knowles Street when there is overflow parking. Mr. Ogren suggested that the developer place the curbing a little further back on Knowles to allow parking on the street. Mr. Kanter stated that they would work on putting it on the site plan along with sidewalks.

Mr. Thompson suggested that the developer discuss the various options concerning the fee simple lots with Ms. Coppola and come back to the July 9<sup>th</sup> Planning Board meeting for further discussion. Ms. Coppola stated that if they came up with an agreement she would revise and distribute the draft ordinance for the next meeting.

Mr. Schmierer stated that it is important to define age-targeted housing in the "purposes" section and suggested the following wording: "Age-targeted housing is defined for purposes of this ordinance as attached one family dwelling units designed with a master bedroom on

the first floor and is intended to attract purchasers who are empty nesters or households that are downsizing.” The review ended at 9:40 p.m.

**AN 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**

The ordinance was introduced by Council on June 2, 2014 and has been referred back to the Planning Board for their endorsement. It was noted that a minor correction should be made to the numbering in B. Permitted primary uses. Mr. Meytrott made a motion, seconded by Mr. Reilly to endorse the ordinance and send it back to Council for adoption. Voting yes: Evanini, Heinzl, Meytrott, Ogren, Reilly, Thompson; Abstain: Blackwell; Absent: Gnatt, Levy, O’Neill, Stern.

**WORK SESSION**

The Pennington School, Humanities Building – Ms. Coppola stated that the school has had to make changes to the building to help reduce costs. The basement area is being reduced and the mechanicals that were to be located there have to be moved. They were originally coming to the Board for administrative approval, but the architect could not make the meeting. She felt that the Board should be aware of the changes and decide if they felt they could be administratively approved. She stated that the school is proposing to remove the light monitor from the roof and replace it with the mechanicals that were originally proposed in the basement. The Board felt that this was a substantial change and the school should come back to the Board with an amended site plan. Mr. Reilly asked if the school could request a variance to make the parapet higher to ensure that the mechanicals would be screened from the street. Ms. Coppola agreed that this would be a good idea and pointed out that the allowed height for mechanicals was higher than the height for parapets. Ms. Mistretta will notify the applicant that the Board feels that an amended site plan is necessary and the Board suggested that they might consider applying for a variance to raise the parapet that would hide the mechanicals from the streetscape.

**MINUTES**

Mr. Reilly made a motion, seconded by Mr. Ogren to approve the February 12, 2014 minutes with corrections and the minutes were approved by voice vote.

Mr. Reilly made a motion, seconded by Mr. Ogren to approve the March 12, 2014 minutes and the minutes were approved by voice vote.

There being no further business, the meeting was adjourned at 10:05 p.m.

Respectfully submitted,

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Mary W. Mistretta  
Planning Board Secretary