

**PENNINGTON BOROUGH
PLANNING BOARD MEETING MINUTES
JULY 9, 2014**

Chairman Thompson called the meeting to order at 7:33 p.m. and compliance with the provisions of the Open Public Meetings Act was announced.

Board Members Present: Mark Blackwell, Deborah Gnatt, Eileen Heinzl, Joshua Levy, William B. Meytrott, Katherine O'Neill, James Reilly, Winn Thompson, Chairman.

Absent: Keelan Evanini, Thomas Ogren, Alternate, Nadine Stern, Alternate.

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

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, Humanities Building, Block 502, Lot 4, 112 W. Delaware Avenue, Application P13-006. Amended Site Plan, Variance.

Present: Eric Goldberg, Stark & Stark; Daniela Holt Voith & Robert Douglass, Voith & Mactavish Architects, LLP.

Mr. Schmierer announced that Proof of Notice and Proof of Publication were in order and the Board could take jurisdiction. Mr. Goldberg explained that approval was being requested for revisions that have to be made because of prohibitive costs of construction for the previously approved Humanities Building. The architects will address the changes and also some modifications that have been made to the Lowellden building. Ms. Daniela Holt Voith was sworn in and described the proposed changes to the humanities building. She stated that there are three main revisions: removal of a portion of the basement which will require equipment to be moved to the roof and the light monitor will be eliminated; change of material from brick to concrete on the steps; and change of cast stone to fiber reinforced concrete on decorative features on the façade. The change from cast stone will make the elements lighter and cheaper to install and there would not be any visual change. Ms. Voith stated that the main change is to the roof and they have drawn up several options regarding the parapet and screening for the mechanicals for the Board's consideration.

Ms. Voith presented renderings and described the following options which were entered into evidence: Voith & Mactavish Architects, LLP, dated July 9, 2014 - A-1 North elevation - base scheme, A-2 North elevation - 45 ft. parapet and small screen, A-3 North elevation - 45 ft. parapet and screen centered on building, A-4 North Elevation - 48.7 ft. parapet, no screen, A-5 North Elevation - 48.7 ft. parapet and large screen, A-6 North Elevation - 50 ft. parapet with no screen, A-7 North Elevation - 52 ft. parapet with no screen and A-8 North Elevation - rendering as previously approved. Also entered evidence was Exhibit A-9 Brochure showing Envisor screens. Mr. Robert Douglass, architect, was sworn in. Mr. Douglass stated that by moving the mechanicals around they have been able to reduce the size of the mechanical enclosure on the side of the building. Ms. Voith stated that the screening may be made out of fiberglass or metal and would be an open grate. Ms. Voith explained that the basement had to be reduced and mechanicals shown in the basement now have to be placed on the roof and the light monitor will have to be removed to make room for the mechanicals. The light monitor is also being eliminated due to the prohibitive cost of the monitor and costly issues it caused including the complexity of the duct work and structural issues.

There was discussion regarding the options presented. Ms. Voith stated that from an architectural point of view she found the taller parapets to be heavy looking and would not help make the building attractive and suggested that they be removed from discussion. Mr. Thompson asked Ms. Voith which options she felt looked the best since she was the architect. She responded that she liked the 48.7 parapet with the larger screen, but she is most comfortable with the option that has the least amount of visual change from the original design. She referred to Mr. Douglas felt that the 45 ft. parapet with the larger screen worked better with the balance of the building. Ms. Coppola asked if the mechanicals could be pushed further to the back of the roof and Ms. Voith responded that they would have worse problems if they moved them to the campus side of the building.

Ms. Heinzl asked if they had decided on the color scheme for the Lowellden building. Ms. Voith stated that they have been looking at Victorian colors and they like a greenish-grey for the body of the building and a slightly darker color for the trim. Some decorative elements would be a dark barn red and they are still looking at colors for the shutters.

Mr. Levy asked if the removal of the light monitor or the changes to the mechanicals would change their ability to achieve the LEED's standards and Ms. Voith responded that they would not. Mr. Thompson stated that he is not an architect, but felt the option with a little higher parapet and the screen looked better. Ms. Heinzl stated that she felt a higher parapet would have a lot of bricks and from the side it looked like the traditional school building. She felt that the option with the lower parapet had more dimension as you are coming over the bridge. Ms. Cindy Coppola, Borough Planner, was sworn in. There was discussion as to why the applicant requested a variance and Ms. Coppola explained that they advertised for it in case it was needed for the parapet. Parapets cannot be over 5 ft. and mechanicals cannot be over 15 ft. The two proposals that the Board were considering would not require a variance. Mr. Goldman felt that they might potentially need a variance for the parapet if another option was chosen.

Mr. Thompson asked if there was anyone in the public who had comments or questions. Mr. Eric Holtermann, Chair of the Historic Preservation Commission, and resident of 45 N. Main Street, was sworn in. Mr. Holtermann stated that he was pleased with the two options that the Board was looking at as he felt that they were much better than the other options. He stated that the Commission noted that this building is already one of the tallest buildings close to the street than any other in Pennington and they agreed that the applicant should be very careful about increasing the height of the building and they would be very happy to see the parapet stay where it was approved. The Commission also wanted to make the point that because the equipment was set back 20 ft., they did not think it would be that visible and it would not be a major issue. Mr. Holtermann also noted that the Commission felt that the changes from cast stone will not be noticeable and they did not feel that the other changes were concerns of the Commission. They also felt that it was very encouraging seeing the work proceeding on Lowellden. There being no further comments, the public portion of the hearing was closed.

Mr. Douglas described minor revisions being done to the Lowellden building. He stated that the roof slope for the porch and the small rear area are just at the allowable slope specifications for asphalt shingles and they would like to change those roof areas to a metal roof. The air conditioner units will be located at the rear of the building. Entered into evidence: Voith & Mactavish Architects, LLP - A-10 Site Plan, 07-09-2014; A-11 Architectural Sheet A - 3.0, A-12 Architectural Sheet A- 3.1.

Mr. Thompson asked the architects what they recommended regarding the screening for the Humanities Building. Ms. Voith stated that they preferred the original parapet height with the larger screen. Mr. Meytrott stated that he would defer to Mr. Holtermann's expertise and he

did not have a problem with the rendering that was discussed. Ms. O'Neill felt that the higher parapet better shielded the screening and equipment, but she agreed with Mr. Holtermann that they probably would not be that noticeable from below. Ms. Gnatt felt that it made sense to stay with the original design of the building and does not feel that the mechanicals will be that noticeable. Mr. Reilly stated that he originally felt that the higher parapet would be better, but he agrees with the experts and the mechanicals will probably not be that noticeable. He suggested that the screening be made as unobtrusive as possible. Ms. Heinzl stated that her original choice was the preferred option and she still prefers that one. Mr. Blackwell pointed out that perhaps the building would not have been approved without the attractive light monitor and he cannot understand how the building costs could come out so much higher than the original projections. He feels like the building has really been changed up without the light monitor. Mr. Levy stated that his preference was for the center screening with a 47.8 ft. or 45 ft. parapet, but he would be happy with 45 ft. if that is what Mr. Holtermann and the applicant's architect prefer. Mr. Thompson stated that he agreed with the Board.

Mr. Reilly made a motion to approve the site plan amendment to reflect Exhibit A-3. It was agreed that no variances would be required. Ms. O'Neill seconded the motion. Voting yes: Blackwell, Gnatt, Heinzl, Levy, Meytrott, O'Neill, Reilly, Thompson. Voting no: none; Absent: Evanini, Ogren, Stern. The hearing ended at 8:30 p.m.

BROGANN SANDERSON, Block 702, Lot 15, 102 Laning Avenue, R-80 Zone, Application No. P14-001. Present: Eric Holtermann, Architect; Brogann Sanderson, Jonathan Bowden.

Mr. Schmierer announced that Proof of Notice and Proof of Publication were in order and the Board could take jurisdiction. (Mr. Holtermann was previously sworn in.) Mr. Holtermann explained that the application is requesting approval for an addition to the second floor for a master bedroom, a new covered porch at the rear of the dwelling, a mudroom and covered porch off the Burd Street side of the house. The house currently has a porch that runs around the corner of Laning and Burd and the applicants would like to extend the covered porch and construct a mud room. The continuation of the porch would give access to the mud room and eliminate having to go through the family room. Mr. Holtermann added that there is a staircase to the basement which would be reworked. Ms. Brogann Sanderson and Jonathan Bowden were sworn in. Mr. Reilly reported that the Application Review Committee reviewed the application and a waiver was requested for item 8 on the checklist. The committee did not feel that the changes would have a significant impact on drainage and they recommended that waivers be granted for 8 A and B with the recommendation that the applicant be asked to address the drainage issues with the Borough Engineer. Mr. Reilly made a motion to grant the waiver, seconded by Mr. Blackwell and the Board agreed by voice vote.

Mr. Bowden stated that he and Ms. Sanderson are Pennington residents and are merging their families. They would like to stay in the house on Laning Avenue, but they need more room in the house. There is no area to increase space as it is a corner lot, but they would like to add on a little extra room so that they can stay in this house. Mr. Holtermann pointed out that they also propose to build an outdoor side porch which would be further away from the street. The addition to the second floor would be built on top of the existing family room and it would not increase the foot print of the building. Mr. Holtermann did not feel that there would be that much increase in drainage, but they were willing to do what was recommended. Mr. Holtermann stated that a variance was needed for the front yard and a slope variance. The roof is not coming out any further than the existing, but is continuing the existing roof line. Mr. Holtermann felt that a side yard variance was not necessary because of the formula regarding side yards in the ordinance, but Ms. Coppola pointed out that the street side was considered a front yard and not side yard and a variance would be needed

for the side yard. Mr. Holtermann stated that a stairway would be added to the new section of the covered porch. The material used will match the existing material, except for the roofing material that will be changed. There will be a down light fixture in the ceiling of the porch and a light fixture on the outdoor porch.

Ms. Coppola asked about the FAR (Floor Area Ratio) and Mr. Holtermann stated that he did not include the shed and it is 447 sq. ft., but they were still under the maximum. Ms. Coppola also noted that there was a discrepancy regarding the setbacks between the survey and the site plan. Mr. Holtermann explained that the survey showed measurements to the foundation wall and the site plan showed the setbacks to the roof overhang. Mr. Holtermann pointed out that there was no available land from surrounding lots to enable them to increase their lot and it has greater setbacks since it is a corner lot. Ms. Coppola asked if there were any existing buffers to the house on the left. Mr. Bowden stated that it was heavily screened in that area and they do not feel that any vegetation will be removed or damaged due to construction. Ms. Coppola referred to her memorandum regarding the positive criteria and pointed out that the proposed improvements would not increase or exacerbate the existing deficient setbacks or slope ratio. Ms. Coppola felt that the design being proposed was a more cohesive design for the house and it looks more uniform in appearance. Ms. Coppola agreed with ARC that the Board may want the Borough Engineer to look at the down spouts and see if she had any suggestions as to how stormwater should be handled, although she does not see a problem since there is minimal additional coverage.

Ms. Heinzel stated that she likes the design, but she was concerned about the sidewalks. Ms. Sanderson stated that they have had two quotes, but both companies had concerns that if the tree is not removed the same spot will bubble again. It was suggested that perhaps they could curve the sidewalk around the roots and trees. Ms. Sanderson stated that she would be agreeable to curve it around. Mr. Gabe Rosko, Chair of the Tree Commission will be contacted to look at the problem and make a suggestion. Ms. Sanderson stated that she would like to wait until construction is taking place or finished to redo the sidewalk. Mr. Thompson asked if there was anyone in the public who had comments or questions, there being none the public portion of the hearing was closed.

Mr. Blackwell made a motion, seconded by Mr. Meytrott to approve the application with conditions including consultation with the Borough Engineer regarding drainage. Voting yes: Blackwell, Gnatt, Heinzel, Levy, Meytrott, O'Neill, Reilly, Thompson. Voting no: none; Absent: Evanini, Ogren, Stern. The hearing ended at 9:00 p.m.

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. A revised ordinance dated June 25, 2014 had been distributed to the Board based on the items discussed at the last Board meeting. Ms. Coppola stated that the Board had requested that the developer meet with her to discuss fee simple lots. She stated that they came to an agreement and the following wording was added: "The fee simple lot shall not extend more than fifteen feet (15') from the rear of a dwelling unit and shall not

extend more than eight feet (8') from the side of an end dwelling unit except to encompass a driveway for a side entry garage." Ms. Coppola feels that this will work well and will help maintain open space. Ms. Coppola stated that she will prepare a revised zoning map that will go to Council. Mr. Thompson questioned why home office is a permitted use and if the Board should be thinking about it for all the zones. Mr. Flemming stated that this would be a much higher density than the home occupation use that is allowed as a conditional use in the R-80 and R-100 zone. There was further discussion regarding this and Mr. Kanter agreed that they would address this in the homeowner's association manual. There was discussion about trash pick-up and it was noted that the roads looked very narrow for the garbage truck. This issue will be discussed at the time a site plan is filed. Mr. Blackwell asked if the Fire Company had seen the plans. Mr. Kanter stated that the fire company has made comments and Mr. Schmierer stated that they would have another opportunity to review the plans at site plan review. Mr. Schmierer noted that either the Borough would provide trash service or the Borough would have to reimburse the homeowner's association under the Kelly Bill – N.J. Municipal Services Act.

Ms. Coppola stated that since the latest draft of the ordinance, American Properties has had a survey done and the property is slightly under 13 acres. Under Item B on page 3, the minimum size should be changed to 12 acres in size and the density to 6.667. Mr. Schmierer explained that if the Board approved of the draft ordinance they should endorse it with the changes suggested and forward it to Mayor and Council for introduction. Ms. O'Neill asked if the parking issues had been resolved and Ms. Coppola stated that they were above the parking that is required.

Ms. O'Neill made a motion, seconded by Ms. Gnatt to forward the Ordinance to Borough Council for introduction. Voting yes: Gnatt, Heinzl, Levy, O'Neill, Reilly, Thompson; Voting no: Blackwell, Not voting: Meytrott; Absent: Evanini, Ogren, Stern.

ZONING OFFICER'S REPORT

Mr. Flemming reported that he had approved a large balloon in the shape of a coffee cup on top of the Exxon Station because they have gone through many management changes and have not done any special events in years. Approval was only given for a couple of weeks. Mr. Flemming stated that it was taken down to get ready for the predicted storm and they were requested to talk to the construction official before putting it back up.

Mr. Flemming stated that there were a lot of signs on the corner of Route 31 and Delaware Avenue that he will get rid of.

Mr. Flemming stated that the Board previously approved an application for Myers on 397 Reading Street. They would like to do a modification and place pavers in the side yard for a patio. He does not believe it would need a variance and the impervious coverage would still be under the maximum. It will be 6.5 ft. off the property line, but using the formula for side yard setbacks he could approve it. The property is next door to the Senior Center and will not have any impact on the neighbors.

Mr. Blackwell stated that he had a tree sign placed on his property by the tree contractor that was doing work there and it disappeared. He found the sign at the public works building and put it back and it disappeared again and asked if he was allowed to have the sign. Mr. Flemming stated that he is technically allowed to have the sign while the contractor is working at the house. Mr. Flemming stated that the problem with lawn care and tree signs was that they do not know how long the work lasts and in most cases it's an abuse. Mr. Flemming suggested that the next time Mr. Blackwell should call Mr. Flemming.

Ms. O'Neill asked about the anniversary sign at Vito's and stated she only objects to it because it is advertising a product and does not comply with our sign ordinance. Mr. Flemming stated that it is normal for a company to sponsor signs like this. He gave a little latitude since it was Vito's 25th anniversary and it is a temporary sign, but he will speak to them about it.

Mr. Reilly noted a front porch renovation at 206 Burd Street which does not look like it is conforming to the front yard setback. Mr. Flemming stated that he would check on it.

WORK SESSION

Ms. Heinzl stated that on the corner of Vannoy Avenue there is property owned by Dr. Steinberg and he is thinking of subdividing the property. The problem with the property is that a very small area of frontage is in Pennington Borough and the bulk of the lot is in Hopewell Township. Ms. Heinzl talked to Mr. Pogorzelski, engineer at Hopewell Township, and he stated that Hopewell would not agree to a subdivision if there is no sewer. This property is among other properties that have an agreement from 1977 that allows them to hook up to the Pennington sewer even though the lots are mostly in the Township. Ms. Heinzl stated that the question was the procedure and when should the property owner apply to the Borough for sewer for the proposed new lot. Mr. Pogorzelski also referred to the Todd Letterman case. Mr. Schmierer suggested that the owner should first come to the Borough and request a "will serve letter" that will interpret or amend the 1977 agreement to reflect the ability to have two houses, assuming that a subdivision is granted by the Township, allocated for a certain number of gallons of sewage per day and also the ability to provide water. The Borough could also take the position that the original agreement was for one house and they will not agree to providing sewage to another house and there would not be a viable application for the Township. Mr. Schmierer suggested that they should send the request in care of Eileen as Borough Administrator for the Borough Council. Ms. Heinzl noted that the existing house on the lot is not tied into the Borough's sewer system and they have recently put in a new sewer system. Mr. Flemming stated that the property owner should first check with the Hopewell Township Health Department and make sure that they would have sufficient land for their sewer system before requesting the "will serve letter."

MINUTES

Mr. Reilly made a motion, seconded by Mr. Levy to approve the June 11, 2014 minutes with corrections and the minutes were approved by voice vote.

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

Respectfully submitted,

Mary W. Mistretta
Planning Board Secretary