

**PENNINGTON BOROUGH
PLANNING BOARD MEETING MINUTES
APRIL 8, 2015**

Mr. Reilly, Vice Chairman, 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, Mayor's Designee, William B. Meytrott, James Reilly, Vice Chairman, Thomas Ogren, Alternate.

Absent: Winn Thompson, Chairman, Keelan Evanini, Deborah Gnatt, Joshua Levy, Katherine O'Neill, Nadine Stern, Alternate.

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

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, there being none the open public address portion of the meeting was closed.

CARL FUCCELLO, Block 908, Lot 1, Vannoy Avenue, R-80 Zone, Minor Subdivision. (2635 Pennington Road, Hopewell Township) Application P15-001.

Mr. Reilly explained that the professional reviews were requested at the last minute and the applicant did not have time to respond to the comments. He suggested that a deficiency noted in Ms. Roberts memorandum of April 8, 2015 be waived and could be conditioned if necessary. Mr. Schmierer agreed that this would be appropriate since there was only a very small part of the property in the Borough and not a lot of information was required. Mr. Schmierer announced that Proof of Notice and Proof of Publication were in order and the Board could take jurisdiction. Carl Fuccello was sworn in and described the application. The applicant is requesting minor subdivision of a small lot in Pennington which together with a lot in Hopewell Township comprise a parcel of land with an existing house. He has received approval from Hopewell Township. The small lot located in the Borough borders along Vannoy Avenue and the Township lot fronts on Pennington Road.

Douglas C. Pelikan, PE, applicant's engineer was sworn in. Mr. Pelikan stated that the applicant has an agreement with Pennington Borough to obtain water and sewer from Pennington Borough for the proposed house and also for the existing house in case the septic system fails. The Board suggested that Mr. Fuccello provide a copy of Hopewell Township's resolution of approval for the files. Mr. Pelikan stated that they also received variances from the Township for the setback of the garage, impervious coverage and lot depth. Mr. Fuccello inquired about the sidewalk mentioned in Michael Bolan's memorandum of April 7, 2015. Mr. Bolan stated that sidewalks were a requirement, but there are not any existing sidewalks that they could hook up to. Mr. Reilly pointed out that the Board did require a previous applicant to put sidewalks in even though they did not connect to an existing sidewalk. John Flemming, Zoning Officer, was sworn in. Mr. Flemming pointed out that the sidewalk would be subject to both properties and it would go all the way down to Main Street. He also suggested that escrow could be put in reserve in the event that sidewalks would be necessary in the future. Carmela Roberts, Borough Engineer, was sworn in. Ms. Roberts stated that the sidewalk would run the length of the property along Vannoy and go around the corner and include a handicap ramp. She stated that if money is put in escrow it must be used within ten years and if it is not used for that purpose it goes back to the applicant and the sidewalk may never be installed. There was discussion regarding approval from the Shade Tree Commission. Mr. Reilly pointed out that the review of the sight triangle and drainage plans by the Borough Engineer would be a condition of approval. Mr. Pelikan explained the drainage and stated that the dry wells will receive the water from the roof leaders, but not the runoff. He indicated that Hopewell Township would prefer to eliminate the dry wells if they are not needed and Mr. Pelikan agreed that they would not be needed to contain the runoff. Mr. Pelikan stated that only the front yard runoff goes toward

Vannoy Avenue and the rest flows backwards. The existing tennis court on the property will be removed and the runoff will be reduced from what is existing. Mr. Bolan felt that the comments in his memorandum had been covered.

Ms. Roberts reviewed her memorandum of April 8, 2015. She would like metes and bounds included on the subdivision plans and should be the same as what is on the site plan. A sight easement is required for the corner of Vannoy and Main Street. The applicant is filing by deed and it should be reviewed for approval before being filed. The applicant should check with the Assessor to verify the lot numbers. Permanent markers should be in place before the plan is signed. Ms. Roberts pointed out that the applicant has 190 days from memorialization to complete signed plans or the approval is lost. The applicant should obtain details from the Borough water engineer regarding water and sewer hook-up to prepare for the permits that will be needed. Ms. Roberts stated that the plan should be changed showing that the lateral will be connected to the main and not to the manhole. The plan will also require Mercer County Planning Board approval. The Board had further discussion regarding a requirement for a sidewalk. If it is not a heavily travelled street a sidewalk would only be needed on one side and since a short sidewalk is already on the other side of the street it would make more sense to try and continue the sidewalk on that side of the street. Ms. Roberts recommended that if sidewalks were required for safety reasons they should also have a curb. Mr. Pelikan pointed out that Mr. Sternberg had a lot of Spruce trees along the property and they would probably have to be removed if a sidewalk was required.

Mr. Reilly asked if there was anyone in the public that had comments or questions regarding the application. Patrick Brannigan, 3 Vannoy Avenue, was sworn in and stated that they begged for sidewalks in the past and were told that they could not have them because of the water runoff. He feels that Vannoy is one of the most dangerous streets in Pennington as it has a sharp curve and children are vulnerable walking in the street. He also stated that he supports the proposed house and feels it will add to the neighboring property values. James McGuire, 14 Vannoy Avenue, was sworn in and stated that he also supported Mr. Fucello's application. He has watched the work Mr. Fucello has done around town and feels that if he does the same work on Vannoy Avenue it will be an asset to the neighborhood and will enhance the ratables of Pennington Borough. Mr. McGuire agreed that a sidewalk should go on the other side of the street. He stated that the natural flow for a sidewalk would be on the other side of Vannoy as that is how people walk towards Main Street and school. Dr. Gerald Sternberg, owner of the property, was sworn in. Dr. Sternberg stated that there have been a lot of issues with the property starting with the sewer lines not being put in deep enough for him to hook up to without a pump. Dr. Sternberg explained that Mr. Fucello approached him about subdividing the property and since he has a hard time maintaining the lot he thought it would be a good idea and an asset for Vannoy Avenue. Dr. Sternberg stated that he discussed this with the neighbor and gave them first refusal to buy the land. Dr. Sternberg stated that he did not find the sidewalk an issue. There being no other comments, Mr. Reilly closed the public portion of the hearing.

Mr. Meytrott felt that he did not have a problem with the application as the area involved in the Borough was rather small and he felt that the only issue was the sidewalk. He stated that it makes a safer street if you have sidewalks, but felt the sidewalk would be better on the north side of Vannoy Avenue and he would not require a sidewalk on the south side. Mr. Ogren felt that there should be a sidewalk on Vannoy and felt that a sidewalk on the north side would tie in with the existing sidewalk on S. Main and Ingleside Avenue. He would also like to see the trees remain on the applicant's property. Ms. Heinzl agreed with Mr. Meytrott and Mr. Ogren and feels that if we required a sidewalk on the south side now, we would be tying our hands to require them on the north side in the future. Mr. Blackwell agreed with the previous comments and made a motion to approve the application without the requirement of a sidewalk and curbs, but require engineer's review and other conditions that were discussed. Mr. Schmierer asked if the Board wanted the Shade Tree Commission to look at the trees. Mr. Ogren suggested that the applicant maintain the two larger

trees in the right-of-way as long as they are healthy in lieu of Shade Tree review. Mr. Ogren seconded the motion. Voting yes: Blackwell, Heinzl, Meytrott, Ogren, Reilly. Absent: Evanini, Gnatt, Levy, O'Neill, Stern, Thompson. Not voting: none. The hearing ended at 8:30 p.m.

ANTHONY T. LOMMA, Block 403, Lot 12, 208 King George Road, R-100 Zone, Bulk Variances, Application No. P15-002.

Mr. Schmierer announced that Proof of Notice and Proof of Publication were in order and the Board could take jurisdiction. The Board approved the applicant's request for a waiver of No. 8, A & B Engineering on the checklist. The applicant is proposing to add a garage and a partial second story to the existing ranch style home. Variances are being requested to extend the garage approximately 17 feet from the front and for the slope ratio of the house, where a slope of 1.0 to 1.0 is required and the applicant is requesting 1.0 to 1.3. Mr. Anthony T. Lomma was sworn in and explained that they enjoy living in Pennington, but their house needs improvement and they need more space as their children get older. He also stated that most people are looking for a garage when they buy a house and feels that the addition of space and a garage to the house will improve the value of the house and the neighborhood. Mr. Lomma explained that they could add a garage and second floor that meet the zoning regulations, but the existing conditions make it difficult to do in a logical way. They have looked at numerous variations for the project and feel that the proposed is the most optimal from both an aesthetic and functional standpoint.

Mr. Lomma presented Exhibit A-1 Board with a map showing addresses and corresponding pictures of houses in the Borough that have nonconforming garages. An illustration of the height ratio on proposed addition was also included. Mr. Lomma stated that there is a group of high pine trees on his property and the addition will not have much impact on the neighbors.

Michael Bolan, Borough Planner, was sworn in and his memorandum of March 30, 2015 was reviewed. Ms. Heinzl asked if the garage could be placed in the rear and the applicant replied that it would call for a lot more asphalt for the driveway. He also explained that one of the assets of the property is the large yard in the back and placing the garage there would ruin the expansive lawn and more asphalt would be needed. Mr. Flemming stated that the proposed garage would have less of an impact than a detached garage 5 ft. off the property line in the rear. Mr. Bolan pointed out that the garage would still have an 81 ft. front yard setback with the addition and the garage. Mr. Ogren asked if some of the asphalt would be removed around the garage. Mr. Lomma agreed that a portion of the existing asphalt driveway located behind and to the east of the front wall of the garage would be removed. A small amount would remain along the side for people to pull up. Mr. Reilly pointed out that there were no members in the audience besides the applicant's son and there was no need for open public comment. Mr. Bolan felt that the applicant had met the criteria for approving the variances. Mr. Bolan asked the applicant to elaborate further about the conditions that made it difficult to build the garage to the side. Mr. Lomma stated that the amount of property available on the sides made it impossible to place the garage to one side of the house and there is a sun room on the other side that would have to be destroyed if they used that side. Mr. Bolan pointed out that there was a very small deviation to the slope ordinance that could be eliminated by cutting off a small part of the roof, but it would not be aesthetically pleasing.

The Board agreed that the proposed plan was a good design and will reduce the amount of asphalt that is presently there. It is set back 81 feet from the street and up on a hill and will have very little impact on the neighborhood. Mr. Blackwell made a motion to approve the application as proposed with conditions, asphalt will be removed by the garage as discussed above and engineering review to make sure there are no drainage issues. Mr. Heinzl seconded the motion. Voting yes: Blackwell, Heinzl, Meytrott, Ogren, Reilly. Absent: Evanini, Gnatt, Levy, O'Neill, Stern, Thompson. The hearing ended at 9:00 p.m.

MINUTES – Mr. Blackwell made a motion, seconded by Ms. Heinzl to approve the March, 11, 2015 minutes and the minutes were approved by voice vote.

ZONING OFFICER'S REPORT – Mr. Flemming stated that over 60% of the Borough's properties violate the slope ordinance and Ms. Heinzl asked what the purpose was for the slope ratio ordinance. Mr. Flemming stated that it is an intercity ordinance to see that light is not blocked and Pennington is the only town that has the ordinance. Mr. Flemming stated that all of the Colonial and Victorian houses would not meet the slope ordinance unless the roofs went the other way and he does not understand why the Borough has the ordinance. Mr. Flemming pointed out that there was a house where the owner cut back the roof so that he did not have to apply for the variance.

Mr. Flemming stated that the Exxon station has cleared up a lot of their sign violations. He stated that he is ignoring the neon signs on Route 31 for now. Mr. Reilly stated that the sign ordinance will be discussed at an upcoming ARC meeting.

Ms. Heinzl asked about 404 Burd Street. Mr. Flemming stated that he checked and the bank does not own the property. He stated that there is little that could be done unless a lien is put on the property owner. A new roof requires a building permit, but it does not require a zoning permit. Mr. Flemming stated that he did call, but there was no response and added that foreclosures in New Jersey were a slow process.

Mr. Blackwell asked if construction was allowed at 6:30 a.m. on a Sunday. Mr. Flemming stated that it was not and he should call the police.

Ms. Heinzl stated that someone asked her what the requirements were to place a used clothing bin on a property. Mr. Blackwell stated that a huge one had just been placed behind Pennington Pizza next to the dry cleaners. Mr. Flemming stated that in other towns they allow them at the fire house or first aid squad, but the only time that he would be comfortable in approving them would be if it was in conjunction with a church or charitable organization. Mr. Flemming stated that he would look into the one by Pennington Pizza.

Ms. Heinzl reported that she met with a representative from King Properties a developer hired by the owner of Pennington Pizza along with Mr. Reilly and Mr. Ogren. King Properties have been redeveloping small strip malls and Pennington Pizza has hired them to look at the possibilities for their area. They are also looking into what can be done with the Pennington Borough lot behind them on Broemel Place. Mr. Heinzl sent them a copy of the ordinance and a copy of the Mazur report. They will be coming back with a conceptual design.

There being no further business, the meeting was adjourned at 9:15 p.m.

Respectfully submitted,

Mary W. Mistretta
Planning Board Secretary