

**PENNINGTON BOROUGH  
PLANNING BOARD MEETING MINUTES  
AUGUST 12, 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: Keelan Evanini; Eileen Heinzl, Mayor's Designee; Josh Levy; William B. Meytrott; Katherine O'Neill; James Reilly, Vice Chairman; Nadine Stern, Alternate 2.  
Absent: Mark Blackwell; Deborah Gnat; Winn Thompson, Chairman; Thomas Ogren, Alternate 1.

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

**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.

**APPLICATION**

**Paul Frank**, Block 904, Lot 8, 122 West Welling Avenue, R-80 Zone.  
Use Variance, Application No. P15-004. Present: Paul K. Tiajolloff, Applicant's architect; Joseph Mester, Trenton Engineering Co., Inc.

The application is continued from the June 10, 2015 Planning Board meeting. The applicant was requesting a use variance for the floor area ratio (FAR) which has now been eliminated and bulk variances to add a two-story addition to the rear of the dwelling, a new porch on the westerly side of the dwelling, a new vestibule on the existing porch in the front of the dwelling and a new two-car garage with storage space on the second floor. The driveway will be expanded and a turn-around area is proposed. Revised plans dated July 30, 2015, Paul K. Tiajolloff, Architect, LLC and a new grading plan dated July 23, 2015, Trenton Engineering Co., Inc. were submitted.

Mr. Schmierer reminded the applicants and architect that they were previously sworn in. Mr. Frank stated that they have addressed the Board's concerns and comments and have reduced the floor area ratio and are no longer requesting a use variance. Mr. Tiajolloff stated that he studied the floor area ratio (FAR) of houses in the area and there was only one other house located on Hale Street that exceeded the FAR that the applicant was requesting. They have removed the proposed master bedroom and modified the bathrooms on the second floor and no longer need the use variance. The height of the garage has been reduced and the second floor of the garage will only be used for storage.

Exhibit A-4 Grading Plan, Trenton Engineering, July 23, 2015 was entered into evidence. Mr. Joseph Mester of Trenton Engineering reviewed the soil testing, grading plan and stormwater management procedures that are proposed. He stated that the soil logs he used were prepared by J. Luyber Services, LLC. The percolation test showed a result of K-2 which is an average soil. The Stormwater Management Report prepared by Trenton Engineering Co., Inc. dated July 30, 2015 is on file and includes details of the soil tests. The stormwater plan includes a 16' by 16' underground stone filter pit in the rear of the property where stormwater runoff from the roof areas of the proposed dwelling additions and new garage will be directed through underground piping. Mr. Levy asked what the present impervious surface was and how much is proposed for the driveway. Mr. Mester stated that the existing driveway is 1,583 sq. ft. and the proposed driveway is 1,700 sq. ft., an increase of 117 sq. ft. Mr. Reilly asked if additional water would run onto the neighbor's property and if so what could be done to eliminate it. Mr. Mester described the contours of the land and

stated that the water should flow down the property line, but a swale could be put in to direct the water to the rear. Mr. Mester stated that the grade of the property running to the rear is only two feet which would be a help since the water will flow slower and the ground will absorb more. Mr. Mester stated that with the roof runoff going to the detention system there will be less runoff than what presently exists. Ms. Roberts referred to her letter of August 7, 2015 and stated that the plans for drainage are very good, but there will still be a small amount of water that may eventually make its way towards the property on the right. Ms. O'Neill had questions concerning the runoff from the driveway and there was discussion regarding alternatives that could be used regarding the runoff. Mr. Mester stated that there would be very little runoff and Ms. Roberts agreed and stated that there is 60 ft. of land where the runoff from the driveway would be going over and doubts if the runoff from the driveway will be noticeable to anyone. Mr. Levy had technical questions regarding the detention system and asked if it was high enough away from the water table that it is not going to be flooded and will do its job in the high water season. Ms. Roberts responded that Mr. Mester has made the system a little higher than the natural land to address those issues. Mr. Mester added that they were way above the water table for most of the year.

Mr. Bolan referred to his memorandum of August 6, 2015 and noted that the second floor space of the garage does not need to be included in the floor area. Mr. Bolan reviewed the following bulk variances needed and stated that three would further extend the existing non-conformity: front yard setback, 40 ft. required, 36 ft. proposed; side yards, 15 ft. required, where 9.25 ft. and 7.9 ft. for porches on either side; lot coverage maximum 4,320 sq. ft. permitted, 4,773.4 proposed. He suggested that three items should be changed on the plan: permitted coverage should be 4,320 not 4,440 as shown on the plan, sheet B-2 notations regarding square footage on the second floor should be consistent, "steps up to covered roof deck" should be removed. Ms. Stern asked if the applicant has demonstrated extraordinary or exceptional criteria for approval of the lot coverage. Mr. Frank stated that they have preexisting conditions regarding lot size and the footprint of the house that restricts them from enlarging the space and they are in need of more living space as their children are getting older and have very small bedrooms and bathroom. They also have a very narrow, small kitchen and they would like to enlarge it and their family room. The applicants also feel that the proposed plan will be an improvement to the lot. Mr. Tiajloff stated that he had done the study regarding the FAR's and most of them are in the range of .262 that is being proposed. The square footage of the house would be 2,732. Ms. Stern stated that she felt the existing green house was unusable and becoming an eye sore and by tearing it down and using it for a better purpose the property will be more attractive. Mr. Frank stated that they would also be removing an existing fish pond which some people feel is a hazard. Mr. Levy stated that he appreciated the fact that the applicant addressed the concerns of the Board and that the stormwater issues have been addressed. The Board felt that the applicant had addressed the negative and positive criteria and felt that the proposed application will be an improvement to the property and the neighborhood. Mr. Meytrott stated that he was concerned with the living area that had been proposed over the garage and was glad it was eliminated. He still had concerns about drainage, but feels it will be resolved with the stormwater plan proposed. Mr. Reilly asked if there were any questions or comments from the public, there being no public, that portion of the hearing was closed. Mr. Evanini made a motion, seconded by Ms. Stern to approve the application with conditions. Mr. Schmierer stated that there were technical changes to the plan suggested by Mr. Bolan and the applicants would have to install the stormwater system as designed and approved. Voting yes: Evanini, Heinzl, Levy, Meytrott, O'Neill, Stern, Reilly. Absent: Blackwell, Gnatt, Ogren, Thompson. The hearing ended at 8:45 p.m.

## **WORK SESSION**

COAH - Mr. Schmierer reported that Judge Mary Jacobson will be hearing the Borough's case and is scheduling case management conferences. She is trying to put together an approach to figure out what the new numerical obligation will be under the third round proposal. Dr. Robert Burchell from Rutgers University is signed up to run numbers for the Borough and find out what he thinks the Borough's numbers should be for the next ten years. Mr. Schmierer feels that the numbers will be

available sometime in September from Dr. Burchell. The Judge will probably require that once we have the numbers that we begin to work on a new plan that hopefully would be completed by December of this year, although she may be willing to extend the date. The League of Municipalities has hired a group out of the University of Pennsylvania and will be trying to help the towns for free. Dr. Robert Powell at Princeton is also doing an economic and demographic study about how the State of New Jersey has built housing over the last 40 years and if the numbers are realistic when you compare them to what has actually been built.

Mr. Schmierer also noted that someone had introduced legislation to appropriate large sums of money for brownfields and this might pertain to the landfill. Mr. Bolan noted that the overlay on the landfill should have stayed in place as it was a condition of the certification for the second round. Mr. Bolan stated that Betsy McKenzie is a court appointed master and will be looking at the Borough's plan and what has been in place. He stated that the vacant land adjustment was previously done in the Borough.

American Properties – Mr. Reilly announced that American Properties has submitted an application and it will be reviewed for completeness by Ms. Roberts, the Borough Engineer, rather than the Application Review Committee. If significant differences develop between the applicant and Ms. Roberts concerning completeness a meeting would be set up between the professionals and the Application Review Committee.

Ms. Roberts asked if she could address the Board about an issue and Mr. Reilly agreed. She stated that an applicant that she has been working with has gotten into several heated conflicts with her and her engineers. She explained to the Board specific circumstances where there have been problems with items that have to be redone and require the inspectors to go back out and the applicant is charged again through no fault of the engineer. Ms. Roberts stated that she has given the applicant a reduction on the invoices, but the same thing is happening with the same applicant on another project. Errors are being made on the deeds that are submitted which makes the approval process take much longer and the applicant gets very angry blaming the engineer for holding it up and for the charges. The applicant has said he was going to Council to complain and Ms. Roberts felt that she should inform the Board about what has been going on. Mr. Reilly thanked Ms. Roberts for informing them about the situation.

Pennington Square, Route 31 – Mr. Schmierer stated that the Application Review Committee had met regarding proposed work on a building at Pennington Square and concluded that our ordinances do not make it absolutely clear that site plan approval is required for the work that was proposed. Mr. Reilly consulted with Mr. Schmierer who also received a letter from Michael P. Balint, attorney representing Pennington Square. Mr. Balint felt that they were just making improvements and not changing the building and did not need site plan approval. They are putting a new façade, lights on the building and replacing the sidewalk. Mr. Schmierer stated that if we had the Municipal Land Use definition in our ordinance they would have to come in for site plan approval, but under our Ordinance he did not feel that it was required. Normally anything that is done to the exterior of a commercial building or anything that involves the site would require site plan approval or waiver of site plan approval. Mr. Schmierer stated that he would respond to Mr. Balint that Board approval is not necessary. Ms. Roberts agreed and Mr. Bolan was reviewing the plan and ordinance. Mr. Schmierer indicated that the applicant was planning on making a submission to the Board regarding the whole site at a later time and he would encourage them to first meet with the Board with a conceptual application.

Ms. Heinzl stated that this was Mr. Evanini's last meeting and she felt that he has done an outstanding job. She stated that at the last Council meeting the Mayor appointed Tom Ogren to fill Mr. Evanini's position and Nadine Stern would be made Alternate 1.

**MINUTES** - Ms. O'Neill made a motion, seconded by Mr. Meytrott to approve the July 27, 2015 minutes with a correction and the minutes were approved.

Mr. Reilly added his thanks to Mr. Evanini for his years on the Board and stated that he has been a very loyal and good Board member. There being no further business, the meeting was adjourned at 9:40 p.m.

Respectfully submitted,

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Mary W. Mistretta  
Planning Board Secretary