

**PENNINGTON BOROUGH PLANNING BOARD
PENNINGTON, NEW JERSEY
MINUTES – REGULAR MEETING
JUNE 8, 2016**

Mr. 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, Deborah Gnat, Eileen Heinzl, Josh Levy (left 10:30 p.m.), William B. Meytrott, Thomas Ogren, Katherine L. O'Neill, James Reilly, Vice Chairman, Winn Thompson, Chairman. Absent: Douglas Schotland (Alternate #1)
Also Present: Edwin W. Schmierer, Board Attorney, Mason, Griffin & Pierson; Michael Bolan, Borough Planner; Carmela Roberts, Borough Engineer; Norman Nelson, Van Note Harvey, Borough Water and Sewer Engineer; Mary W. Mistretta, Secretary.
Absent: John Flemming, Zoning Officer.

OPEN TIME FOR PUBLIC ADDRESS - Mr. Thompson asked if there were any issues that the public wished to address that were not on the agenda. There being none the open time for public address was closed.

MEMORIALIZATION OF RESOLUTION

J & M Schragger, LLC, 417 S. Main Street, Block 1002, Lot 12, R-100 Zone.

Applicant received minor subdivision and variance approval for frontage not on a public street. Angela Witcher, representing the Pennington African Cemetery Association, stated that they reviewed the resolution and she wanted to clarify page 3, paragraph 7 that states "the Pennington African American Cemetery Association have negotiated right-of-way easement terms which are agreeable to both parties." She stated that the terms are not agreeable to the Association. They were having discussions, but they have not agreed to any terms. Attorney Schragger pointed out that there has to be an agreed upon easement in order for a subdivision and the negotiations are continuing. Mr. Schmierer suggested that the language be changed to "are negotiating" and take out "have." Ms. Witcher also pointed out that it is the Pennington African Cemetery. Also "will be finalized" will be changed to "must be finalized." Mr. Blackwell made a motion, seconded by Ms. Heinzl to adopt the resolution as amended. Voting yes: Blackwell, Gnat, Heinzl, Meytrott, Ogren, Reilly. Not voting: Levy, O'Neill, Thompson. Absent: Schotland.

APPLICATIONS

J & M Schragger, LLC, 212 S. Main Street, Block 703, Lot 14, R-80, Historic District, Application No. P16-001. Mr. Thompson announced that this application was being carried to the July 13th Planning Board meeting.

American Properties at Pennington, LLC, Heritage at Pennington, 105 West Franklin Avenue, Block 102, Lot 1, MR Zone, Application No. P15-009. Attending: Frank Petrino, Eckardt Seamans Cherin & Mellott, LLC, Attorney for the applicant; Alfred R. Coco, PE & LS, Menlo Engineering Associates, Inc., Engineer for the applicant; Gerard J. Naylis, A.R.M., Technical Fire Services. Also: Borough Fire Official, Andrew J. Fosina, Jr., BS, CFPS.

Mr. Meytrott recused himself from the hearing because of a conflict of interest and stepped down. Mr. Blackwell has listened to the recording of the April 13th hearing and is qualified to vote on the application. The application is being continued from the April 13th meeting. Meetings have taken place on November 12, 2015, December 9, 2015 and April 13, 2016. The property is located on the corner of West Franklin Avenue and Knowles Street. The

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applicant is requesting Preliminary/Final Major Subdivision, Site Plan approval, variances and waivers to construct a 80-unit mixed residential development on 12.88 +/- acres to be known as Heritage at Pennington. The units will be comprised of 64 market rate townhomes/villas and 16 will be affordable housing apartment units. Entrances are being proposed from both West Franklin Avenue and Knowles Street and 192 parking spaces and a tot lot are also proposed. A detention basin and drainage system is planned as well as sprinklers in all the units. The development is proposed to be developed in two phases unless the applicant gets approval from the Stony Brook Sewerage Authority for all 80 units.

Mr. Petrino, attorney for the applicant stated that at the last hearing there were three major issues that had to be addressed: fire protection, stormwater impact downstream and on the well head and landscaping on the common border with Pennington Point. Mr. Naylis has had several conversations with the Borough Fire Official and Mr. Nelson and they have a fire protection system that they have determined will meet the intent and spirit of the Ordinance and will more than adequately protect the new units. If it is determined that a waiver is still necessary, it will be addressed in the resolution. They have resolved the issue of the potential stormwater impact on the well head with Mr. Nelson. They have met with Ms. Roberts and Borough officials and the detention basin has been redesigned to help mitigate downstream impacts. They have also revised the landscape plan between Building 13 and the nearest Pennington Point building in that area.

Gerard J. Naylis, A.R.M. (was previously sworn in). Mr. Naylis stated that he has had several discussions with the Fire Official (Andrew Fosina) and they have agreed to previous issues that have come up. Originally the applicant had proposed using a 4 inch main for the fire protection system and at Mr. Fosina's request they have upgraded it to a 6 inch main and this will make it easier for the pump to move the water to the fire protection system. The public piping will now be 8 inch and the hydrant will be attached to the public water supply as suggested by Mr. Fosina. Mr. Naylis stated that every building will have a separate fire protection feed and will have a fire department connection. There will be four sprinklers in all the buildings of which they expect two to activate and they are looking at a fire flow of 100 gpm. Mr. Naylis stated that once the fire is knocked down by the sprinklers the fire department will close the sprinkler valve and will use a single hose for mop up operations. Mr. Fosina suggested that they reduce the attic area so the fire will not travel the entire length of the attic and they have agreed to do this and have submitted plans for a fire wall in the attic area. The fire detection system in the buildings will be local only to reduce the potential of false alarms, but smoke detection in the common areas will be interconnected so that if there is a fire on one floor the other floor would know about it. However, what will not be interconnected and is a requirement of Code are the apartment smoke detectors. Entered into evidence was Exhibit A-21 Wall Section @ Fire Wall (e mailed on May 26, 2016). Mr. Naylis stated that the pump house will be sized to accommodate the fire pump, generator if necessary, as well as the backflow preventer. They have to be tested annually and the backflow preventer has to be taken out once every five years for an internal examination. Mr. Thompson asked if they knew what size the pump house would have to be and if it was on an exhibit. Mr. Petrino pointed out that it is shown on the Water/Fire Service Plan, dated June 6, 2016 which was entered into evidence as Exhibit A-22 and shows that it is located approximately on the corner of West Franklin and Route 31 and is located away from the buildings. Entered into evidence was Exhibit A-23 Letter from Gerald J. Naylis, A.R.M., Technical Fire Services, Inc., addressed to Andrew Fosina, Fire Official, dated May 16, 2016 outlining the system that is proposed.

Andrew Fosina, Borough Fire Official, was sworn in. Mr. Fosina stated that the letter dated May 16th has been revised and there have been many conversations after that and the revised language in the draft resolution covers the revisions. Exhibit A-22 shows roughly

where the fire hook-ups will be located. He stated that the barriers will be one hour barriers which will hold the fire in check for an hour and is more than sufficient. Mr. Petrino stated that Mr. Nelson had raised the question regarding the material of the water lines and is requesting that ductile iron pipes be used for the water line. Mr. Petrino felt that the PVC pipe they are proposing meets RSIS which supersedes the local requirements. Mr. Naylis stated that they suggested PVC pipes which have a better “C” factor which causes a better flow. Mr. Blackwell asked what the life expectancy was for the PVC pipe and Mr. Naylis stated that he has seen it for 50 plus years without any problem.

Fred Coco, applicant’s engineer was previously sworn in. Entered into evidence was Exhibit A-24 Architectural rendering of the side elevation of the three proposed buildings facing Knowles Street, Sonnenfeld and Trocchia Architects, P.A. which was in response to the Board’s request at the previous hearing. Next entered evidence was Exhibit A-25 Rendering of view of Building 13 from the Pennington Point Community depicting proposed planting and landscaping at installation and Exhibit A-26 Rendering of view of Building 13 from Pennington Point Community with proposed plantings/landscaping at five years maturity. Ms. O’Neill asked if the landscaping could be planted during Phase 1 to allow them more time to mature. Mr. Coco stated that they have discussed this and they might be able to do some of the planting at that time, but they have to see where the building will be located. Mr. Coco pointed out where the pump house would be located and stated that it would conform with the setbacks from West Franklin Avenue, but they will need a variance for the setback from Route 31. It will be located approximately 85-90 ft. away from the existing dwelling on West Franklin Avenue. He feels that it will be the size of a garage and will be compatible in architectural design and match the building materials used on the site.

Mr. Coco stated that some revisions have been made to the stormwater management plan. They have increased the volume of the detention basin by increasing the height and have modified the outlet structure to further restrict the outflow to ensure that there will not be any impact downstream. They have reviewed Ms. Roberts’ letter and are in agreement with her suggestions and there will be some additional minor revisions and clarifications to the plan. Mr. Coco stated that Ms. Roberts was recommending that a restriction be placed in the deeds for the affected fee simple lots which encroach into the tract setbacks, which will prohibit construction of patios, balconies, decks and privacy fences within the tract setbacks. Mr. Coco requested that privacy fences be removed from the restriction as they may be in the affected area and they are only four foot high fences which will give the occupants privacy from their neighbors. Mr. Coco stated that Mr. Nelson has expressed concern about the water seeping through the ground in the detention basin and making its way into the wells and he described the process that will act as an impervious liner in the detention basin to prevent water from the basin infiltrating into the ground in that location. They have done additional soil testing and calculations and have consulted with Ms. Roberts about the results. Mr. Thompson stated that it was his understanding that they were exceeding the regulations by increasing the height of the berm.

Ms. Roberts asked Mr. Coco to comment on the spillway and the basin, as the elevation has not changed in the calculations. Mr. Coco responded and stated that they would do recalculations and make changes. Ms. Roberts noted that they have flattened the bottom of the basin and asked if they would be doing additional soil testing on the bottom and he responded that they would. Ms. Roberts also questioned the planting of landscaping by Building 13 during Phase 1. Mr. Coco stated that their intention would be to plant the material closest to the property line, but not where it would interfere with the construction of the building. Mr. Coco stated that he agrees with all the comments in Ms. Roberts’ review memo of June 6, 2016. Mr. Reilly asked if they had come to an agreement regarding the downstream methodology and Ms. Roberts stated that right now they have things worked

out to her satisfaction. Mr. Blackwell asked if his property would be getting more water as he has been getting more with each project that has been built whether there has been a detention basin or not. He also agreed with Mr. Godrey's comments and that today's storms are not like storms we have had before and he believes that there is global warming. Mr. Blackwell stated that they cannot even get to the fire house when it rains because it floods out under the bridge and asked if his property would be getting more water. Ms. Roberts stated that there probably would be more water. Mr. Ogren had questions regarding the sidewalk on West Franklin Avenue. Mr. Coco stated that if the sidewalk is located within the right-of-way of the three lots they will construct it. Mr. Petrino stated that they will survey in front of the three lots to locate the right-of-ways and there may not be a problem and they would construct the sidewalk up to Route 31, but they do not want to acquire the right-of-way or move poles. Mr. Ogren asked if they would build the sidewalk when Phase 1 is constructed and the Board agreed that it would be beneficial. Mr. Petrino stated that they will do a survey to find out the right-of-way for the three lots and there may not be a problem. It was agreed that Ms. Roberts would work with the applicant regarding the sidewalk during Phase 1.

Mr. Coco stated that Mr. Nelson had recommended ductile pipe, the PVC pipe meets the RSIS regulations and that is what they would prefer to use. Mr. Nelson stated that back in September they listed the standards for the Pennington Water Department which requires ductile iron pipe for the water mains and there was no response regarding this. Mr. Nelson stated that there were a number of reasons the Borough uses it. It is a stronger material for the type of soil in the Borough that is shale and rock. It is also used in Hopewell Township and was used for a three and half mile line going towards Princeton. Mr. Nelson stated that he has had extensive experience regarding this and PVC is not the material that should be installed in this type of soil as it is not as durable and has a lot of limitations. Using PVC would also put an unnecessary burden and expense on the Water Department in terms of repairs and new water taps and is not up to the Borough standards. Mr. Nelson stated that a special tape would also have to be installed to help locate water leaks. Mr. Petrino stated that the applicant agrees to use the ductile iron pipe for the water mains. In regards to the fire sprinklers, Mr. Fosina stated that PVC is allowed for the fire sprinklers and Mr. Naylis stated that the NFPA has two standards for the piping. It was agreed that the system would be reviewed and approved by the appropriate fire officials. The homeowner's association would be responsible for the maintenance of the system and pumps.

Mr. Nelson next reviewed comments in his memorandum of June 3, 2016 some of which were already discussed and the remaining items the applicant agreed to. Mr. Nelson also stated that a chart was done in his September 8 and 24, 2015 review memorandums showing requirements, some of which had not yet been addressed and he felt that he could work through them with the applicant. He noted that he had made comments on Exhibit A-22 that reflect back to his September reports regarding the connections to the water mains on Knowles Street and the locations are very important. Mr. Nelson stated that it was also very important to look at the materials that will be used for the pump house as there will be moisture and there may also be vents coming out. Mr. Thompson suggested that Mr. Nelson should also be involved in approving the plans for the pump house. Mr. Nelson repeated that the Pennington water system has a limited capacity and has approximately 90,000 gallons of fire reserve in the water tank. The fire hydrant would deliver 1,500 gallons per minute at 20 psi residual for 1 hour, after that it would cause unsafe pressure in the rest of the water system. A lesser number of 750 gallons per minute for 2 hours could also be used. Ms. Heinzel asked Mr. Nelson if he had an opinion on having a generator versus a battery backup in the pump house and asked if it should be left up the Construction Official. Mr. Nelson responded that in every fire system that he has seen they all have an emergency generator since an electric utility cannot guarantee electricity. Mr. Schmierer stated that a

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recommendation that the pump house have a generator could be made and Mr. Thompson stated that there is also a gas line available. Mr. Reilly had concerns regarding Mr. Blackwell's comments about the additional stormwater. Ms. Roberts stated that the applicant has met their requirements of the RSIS and they have controlled the rate of the water and they have lessened the rate even more than RSIS requires.

Mr. Bolan gave a brief history of the COAH requirements for this site. This site has been in the plan since 1994 and was formerly referred to as the Helene Fuld site. Mr. Bolan stated that the density of the site was at the low end when you have a 20% set aside. The current ordinance for the site was adopted in 2014 and includes modifications to make the project more in line with what the old plans for the municipality were. The affordable units being proposed are towards the Second Round and hopefully some of them will be able to go towards our Third Round which is undefined right now. There was further discussion about the drainage.

Mr. Thompson asked if there was anyone in the public who had comments or questions. Teresa (Terry) Evanko, 140 Woolsey Court, President of the Pennington Point Condominium Association, was previously sworn in. Ms. Evanko asked who was responsible for cleaning and maintaining the culvert drain under the railroad. Ms. Roberts felt that the railroad was responsible and Ms. Heinzl stated that she would write a letter to them. Ms. Evanko asked if the whole site would be leveled when Phase One was started. Mr. Coco responded that they will clear the entire site to sub grade and utilities will be installed and top soil and seed will then be added to establish turf. Ms. Evanko also questioned what trees would be put in during construction of Phase One. All of the landscaping planned for Phase One would be planted and they will work with the Borough professionals to see what else could be planted at that time. Mr. Coco explained that anything on the plan in dark green would not be touched. Ms. Evanko also had questions about the signage which will be lit. In response to a question about Pennington Point getting reimbursed if their fire hydrant was used, Mr. Fosina stated that it was very unlikely that it would be used since the water would come from the same source and he pointed out the fire hydrants that would be used. The Board agreed that it was not feasible to make this a condition of approval.

Mr. Ogren asked if they could leave half the site uncleared when they were developing Phase One since it would provide even more buffering to Pennington Point. Mr. Coco stated that it was possible, but there is an economic efficiency to doing the clearing and grading in one shot and then they are finished with the heavy equipment. They would also have to make sure at that point that it is draining properly. Clearing and grading would take approximately two to three months.

Ms. Roberts asked for confirmation that the applicant was requesting Preliminary/Final Major Subdivision and Site Plan approval for the whole site. Ms. Roberts stated that they had to comply with the resolution to file their plats and asked about Stony Brook Sewerage Authority approval and how long did they think it would be before construction of Phase Two. Mr. Petrino stated that they had to ask for approval for the whole site in order to apply for sewerage for the entire development. If they receive approval for the whole development they would go forward, but if it is not all approved they will have to come back to the Board to modify the preliminary approval. Mr. Petrino stated that Stony Brook has told them that they have to file an application to find out how much is available.

Daniel Pace, 9 Railroad Place, was previously sworn in. Mr. Pace asked what the status was regarding the Borough water. Mr. Nelson stated that the Borough has adequate domestic water, but water for fire protection was the concern and Mr. Fosina has dealt with

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this. Mr. Nelson stated that he had indicated in his earlier testimony that the Borough's fire capacity from the water storage tank is 90,000 gallons of reserved capacity for fire and it can deliver 1,500 gallons per minute for one hour or 750 gallons per minute for two hours and had asked if this was acceptable to the fire department.

Madeline Fortune, 82 Woolsey Court, was sworn in. Ms. Fortune stated that she had two concerns. She stated that at the last meeting a citizen had concerns about traffic and she felt that the Board had indicated that the Traffic Engineer said that the development would not create traffic problems and the topic was closed. Ms. Fortune stated that there is already a traffic problem in the area and she has sat for a half an hour trying to get to her unit because of the traffic caused by parents dropping or picking up their children at school in Straube Center. She feels that adding 80 units will add to the traffic and the problem should first be addressed. Ms. O'Neill apologized that the resident last month did not have her concerns addressed as the Board tries to address issues that are brought up. Ms. Fortune also had concern about the height of Building 13 and asked if it could be switched with the villas. Mr. Coco compared the villas and Building 13 and stated that they were the same height. Mr. Thompson also pointed out that the attic will not have any living area.

Ronnie O'Conner, 124 Woolsey Court, was previously sworn in. Ms. O'Conner stated that she was the citizen that brought up traffic concerns at the last meeting and felt that she was told that the traffic concerns were already settled and were not being discussed any further. Ms. O'Conner noticed that additional parking spaces were added to the most recent plan and she asked if they needed an impervious coverage variance and Mr. Petrino stated that they were within the requirements.

Carole Allison, 48 Woolsey Court, was previously sworn in. Ms. Allison stated that she had looked up jelly fish filters and had questions regarding them including maintenance. Mr. Coco stated that one jelly fish structure was proposed and it would be on the outlet side of the detention basin. Mr. Petrino stated that the Homeowner's Association would be responsible for monitoring and maintenance costs. Mr. Petrino stated that one of the reports they submitted was a maintenance operation manual outlining maintenance and reports that would have to be sent to the Borough Engineer to ensure that they are done.

Diana Deane, 15 Railroad Place, was previously sworn in. Ms. Deane stated that she had previously mentioned her concerns about the proximity of the development to the railroad and to the tot lot. Ms. Deane stated that she was happy to report that the track team was no longer running on the railroad tracks, as she had reported at the last meeting. Mr. Thompson responded about her concerns regarding the proximity of the railroad to the tot lot and stated that it would be fenced in.

Mike Pisauro, Policy Director, Stony Brook-Millstone Watershed Association, was sworn in. Mr. Pisauro referred to Ms. Roberts memorandum of June 6th and asked if comments 10 and 11 regarding the grass swales had been addressed. Ms. Roberts responded that at this point both items are outstanding and would have to be a condition of approval. Also not addressed is comment 14 regarding pre treatment of drainage before going into the detention basin. Mr. Pisauro also had questions regarding the wetlands area in the northwest corner of the property and pointed out that if they were draining water coming off Route 31 it would have to be dealt with by the Borough as well as the NJDEP Permit.

Ms. Kim Welebir, 10 Currier Way, Ewing Township, was sworn in. Ms. Welebir stated that she is interested in Pennington Point and was a prior resident of Pennington. As a Ewing resident she is very familiar with American Properties and is trying to learn what impact the development will have on Pennington Point to decide if she wants to move back to

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Pennington. Ms. Welebir asked about the elevation of the land compared to Pennington Point and Mr. Coco responded that it was about the same and was relatively flat. She had concerns that when grading was done it could end up several feet higher than Pennington Point and the building would then be much higher. Mr. Thompson stated that building elevations have been placed on the plans. Ms. Welebir also had concerns about the landscaping not surviving and Mr. Thompson responded that there will be a performance bond for five years that would be responsible for replacing plantings that die. Ms. Welebir asked if there were any ordinances regarding rental units and Mr. Thompson responded that there were not any and that the units in Heritage at Pennington could be rented. Ms. Welebir also had questions regarding construction and how the open issues would be handled. The Borough professionals will do a compliance review before the final plans are filed. Ms. Roberts would oversee site work and she would have to approve the phasing plan and other Borough officials would be overseeing their areas of responsibility.

There being no further questions, Mr. Thompson closed the public hearing and asked Mr. Schmierer if he could summarize where they were at. Mr. Schmierer stated that at the Board's request he had drafted a resolution focusing on the conditions of approval which was distributed to the professionals and the Board. Two drafts were circulated, one included the applicant's comments and the other the Board's professional comments. The conditions that came up tonight will be reviewed and added to the resolution. Mr. Schmierer stated that Ms. Roberts had suggested a condition that the applicant will comply with all the requirements suggested by the Board professional in their reports, except where they were changed in the presentation. This will help avoid missing any important technical comments. Mr. Bolan had suggestions for variances that were missed in the resolution and they have been added. Mr. Schmierer stated that if the Board was comfortable with the resolutions that were circulated just recently and the new conditions that were added tonight they could vote to approve the application and adopt the resolution of memorialization. If the Board was not comfortable doing that, they could deliberate and vote on the application tonight and the resolution would come back next month. Mr. Petrino asked Ms. Roberts if anything came up tonight that was not in the reports and would be a condition and she agreed that no new items were added tonight. Mr. Schmierer stated that the reports would be listed and attached to the resolution. Mr. Petrino stated that there was a comment about accident data and Carl Penske had dealt with this in November. In regards to safety at the W. Franklin and Route 31 corner it would be up to the Borough and the Department of Transportation to make the corner "no left turns." Ms. Evanko stated that left hand turns were not allowed at Franklin Ave. on the other side of Rt. 31 and she hopes that Borough Council will look into it.

Ms. O'Neill felt that everything had been discussed and there are a lot of conditions that she feels will protect the Borough and the neighbors. She likes a lot of things about the development and feels that it will be keeping the character of the Borough. Mr. Ogren felt that the applicant has satisfied his concerns and responded to his requests and he is prepared to vote for the application. He stated that the Board had received the resolution late today and he felt that the memorialization should be deferred to the next meeting and Ms. O'Neill agreed. Mr. Reilly felt that the proposal was designed to match the zoning that the Board created and he was prepared to vote for approval. He also agreed that he would like to see a clean resolution next month that could be reviewed in advance. Mr. Reilly stated that his only concern was the corner at Route 31 and felt that if the corner became a problem they should suggest that Borough Council look into it. Ms. Heinzl agreed with all the previous comments and stated that she would also like to look at the resolution in a comprehensive format and she was prepared to vote in favor of the application. Mr. Levy stated that he did not think it was a perfect application, but the applicant did a decent job in getting back to the Board and addressing the issues that were raised. He stated that he was grateful to the Board's professionals and the advice they have been giving the Board for the

past several months and also to the community that has been involved and raising issues. He felt that the whole process worked and stated that he would approve the application, but would like to hold off on the resolution. Mr. Blackwell felt that the applicant has done a lot of work and he is happy with the fire study that they did and fixed a lot of problems. He feels that they went out of their way with a lot of things, but he does have concerns about the stormwater and he would like to think a little longer. He also noted that it would help the town with their affordable obligation. Ms. Gnatt stated that she agrees with the comments and likes the development and would approve the application, but she also agreed that they needed more time to review resolution. Mr. Thompson stated that he agreed with the comments the Board made. Ms. Heinzl asked to also thank everyone that came out to the meetings and to the professionals who did a lot of work and an outstanding job. She also stated that she will bring concerns back to Director Meytrott and they will look at CSX maintenance and traffic issues.

Mr. Reilly made a motion, seconded by Ms. O'Neill to approve the application with conditions. Voting yes: Gnatt, Heinzl, Levy, Ogren, O'Neill, Reilly, Blackwell, Thompson. Not voting: Meytrott; Absent: Schotland. Mr. Schmierer stated that after the professionals have reviewed and made comments he will circulate the resolution to Board members a week before the July 13th meeting. The hearing ended at 10:30 p.m.

Mr. Thompson stated that they would take a 5 minute break.

J & M Schragger, LLC, 212 S. Main Street, Block 703, Lot 14, R-80 Zone, Historic District, Application No. P16-001. James Schragger, attorney for the applicants explained that the Board had taken jurisdiction of the application at the April 13th meeting and due to time restraints the application was carried to May 11th. Mr. Schragger requested that the application be carried to the July 13th meeting due to the lack of eligible members to vote on the application which requires a D Variance. Ms. Heinzl made a motion, seconded by Mr. Blackwell to carry the application to the July 13th meeting and the Board unanimously agreed. It was announced that no further noticing would be necessary.

Michael & Kristen Kramley, 204 King George Road, Block 403, Lot 10, R-100 Zone. Application No. P16-003

Mr. Schmierer announced that Proof of Publication and Proof of Notice were in order and the Board could take jurisdiction. Michael Kramley, applicant and Paul Buda, applicant's architect were sworn in. Mr. Reilly stated that the Application Review Committee reviewed the application and recommend that a waiver be granted for 8 A with the understanding that the Board discuss water control and 8B is not applicable as the applicant is not proposing a basement. ARC also requested information on any lighting that is proposed. Mr. Reilly made a motion, seconded by Ms. Heinzl to approve a waiver for 8A and the Board unanimously agreed.

The applicant is requesting bulk variances for total of side yards, 40 ft. required, 31.3 ft. proposed and maximum lot coverage, 25% permitted, 27.5% proposed (including deck). Mr. Kramley stated that they are proposing an addition of 350 sq. ft. to the rear of the existing house. The house has three bedrooms, two upstairs that the children use and one guest bedroom downstairs. They would like to extend the 9 ft. x 11. ft. bedroom to use as a master bedroom. Most of the addition area is already covered by deck space. Mr. Buda distributed plans showing the downspouts and a lantern type light that will be underneath the overhang. Mr. Thompson asked the applicant to describe the materials that will be used. Mr. Buda stated that they were using matching siding, but it would be 12 or 14 inch clap board and also bead board and six over six windows. Mr. Buda pointed out the plans and

photographs and stated that the addition would not be visible from the street. They are also planning a new master bath since there is only one other bathroom. The addition is one floor as they did not want to overwhelm the style of the house. Mr. Buda explained that the side yards meet the required, but a variance is needed for total side yards. They have designed the addition to make it as modest as possible and in keeping with the Cape style of the house. Mr. Thompson asked if there was a drainage easement in the back of the property and Mr. Buda stated that there was a drainage easement on the other property. Mr. Buda stated that the rear of the property was very flat and he did not think there was any runoff on adjoining properties. Mr. Thompson stated that it appears that the addition is on the side of the house where the neighbor has an existing driveway and Mr. Kramley agreed that it was. Mr. Kramley passed out a picture of the rear of the house where a fence is also located by the side where the addition will be built.

Mr. Reilly stated that it appears that any additional water would not run towards the neighbor's house as there seems to be a little upgrade. Mr. Bolan stated that given the configuration of the lot he did not feel that drainage would affect the neighboring properties. Mr. Bolan stated that the adjoining property had a garage and driveway next to the addition and it would not be a conflict in terms of the use. He stated that this is about as close as you can get to a variance that could be grandfathered and they are extending it along the existing nonconformity. Mr. Bolan pointed out that both of the side yards meet the 15 ft. setback and it is the combined that it does not meet.

Mr. Thompson opened the meeting to the public, there being no one in the public the public comment time was closed. Mr. Blackwell felt that it was a very modest addition and he made a motion to approve the application, seconded by Ms. Gnatt. Mr. Ogren noted that if it wasn't for the long driveway a variance would not be needed for lot coverage since the house is way under than what is allowed in the R-100 Zone. Ms. Heinzl also noted that there would not be a detriment to the neighbor. Voting yes: Blackwell, Gnatt, Heinzl, Meytrott, Ogren, O'Neill, Reilly, Thompson. Absent: Levy, Schotland.

Mr. Ogren made a motion to allow the meeting to continue past 11:00 p.m., Mr. Reilly seconded the motion and the Board agreed.

ORDINANCE CONCERNING LAND USE APPLICATIONS AND AMENDING THE CODE OF THE BOROUGH OF PENNINGTON – the Board recommended to Council an amendment to Section 215-50 of Chapter 215 – Permitted yard area modifications, A. Front yards. The Board is recommending that "vacant" be removed from the following: Front yards. In any residential zone where 50% or more of the lots within a distance of 500 feet on the same side of the street are developed, the front yard requirements for any [vacant] lot within such area shall be the average of the existing front yards on the developed lots. This will now pertain to properties with buildings as well as vacant lots. Mr. Blackwell made a motion, seconded by Mr. Reilly to recommend the amendment to Council.

The meeting was adjourned at 11:15 p.m.

Respectfully submitted,

Mary W. Mistretta
Planning Board Secretary