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**PENNINGTON BOROUGH  
PLANNING BOARD MINUTES  
REGULAR MEETING  
September 11, 2024, 7:30 PM**

Mr. Reilly called the meeting to order at 7:30 p.m. and announced compliance with the provisions of the Open Public Meetings Act. He stated that the meeting was being held via a Zoom webinar and access to the meeting had been noticed.

**BOARD MEMBERS PRESENT:** Mark Blackwell, Amy Kassler-Taub, Kate O'Neill, Jim Reilly, Nadine Stern, Jen Tracy, Nazli Rex, Casey Upton

**Absent:** Gian Paolo Caminiti, Jim Davy, Andrew Jackson

**BOARD PROFESSIONALS PRESENT:** Lisa Maddox, Attorney, Mason, Griffin & Pierson, Jim Kyle, Planner, KMA Associates Kaitlyn Macellaro, Board Secretary

**OPEN TIME FOR PUBLIC ADDRESS**

Mr. Reilly asked if there was any member of the public who had joined the meeting and had comments on items not on the agenda.

Shavon Desmond, 10 East Franklin Avenue, stated that she is concerned about the debris by the creek in the back of her house. She noted that when they come to the clear the grates, they leave the debris on the side of the creek. Mr. Reilly explained that this is an issue for the Public Works Department and there has been some discussion about the drainage issue at the Council meetings. Ms. Desmond explained that she attended the last Council meeting and has talked to Ricky Smith who said he wasn't sure whose responsibility it is. Ms. Stern recommended that she should speak to the administrator and provided her with his email address and phone number. Mr. Reilly stated that the administrator and the Superintendent of Public Works have made several site visits and he is confident that they will be responsive to her concerns.

There being no other member of the public wanting to comment, the open period for public comment period was closed.

**NEW BUSINESS**

Applications:

- PB 24-001, Nini-47 Eglantine Ave, Block 302, Lot 4, D4 Use Variance Relief from the 3,500 Square Foot Gross Area Limit That is Being Requested for Renovations to the Existing House Which Includes the Addition of a Second and Third Floor

Mr. Reilly asked if we should take jurisdiction first or if we should deal with the waivers that are requested on the application checklist first. Ms. Maddox confirmed that jurisdiction should be taken first. Mr. Reilly asked if there were any questions about the waivers. Ms. Kassler-Taub asked if there is a survey of the property and if it was

47 submitted with the application. Mr. Kyle confirmed that there was a recent survey  
48 submitted and Ms. Macellaro included it in the agenda packet she sent out earlier that  
49 week. Mr. Kyle stated that he was going to email it to her so she can get a better  
50 understanding of the property. Ms. Stern asked Ms. Maddox if she is allowed to be  
51 participating in any discussion or voting of this application and Ms. Maddox confirmed  
52 that she is not. The waivers were approved via a motion by Ms. Tracy and a second by  
53 Ms. Kassler-Taub. All were in favor via voice vote.

54

55 Mr. Umberto Nini, Mrs. Rita Nini, Mr. Jim Kyle and Mr. Brandon Fetzer were sworn in by  
56 Ms. Lisa Maddox.

57

58 Mr. Reilly asked Mr. and Mrs. Nini to talk about their project. Mrs. Nini stated that they  
59 purchased 47 Eglantine Ave with plans to renovate the first floor and add a second and  
60 third story. She explained that the architectural plans showed that they exceeded the  
61 gross floor area and they are here tonight to seek relief from the Board. She noted that  
62 some information was missing as per Mr. Kyle's report regarding lot coverage and they  
63 came prepared to share that.

64

65 Mrs. Nini shared Exhibit A-1 which referenced the revised lot coverage data. She  
66 explained that they are not changing the driveway or moving the shed and they will  
67 improve the walkway that is there, but it will not expand the size. Mr. Kyle confirmed that  
68 they comfortably comply with the requirement for the zone of 26.5%, so there is no  
69 issue with coverage.

70

71 Mrs. Nini shared Exhibit A-2 which referenced the diagrams of the front and back  
72 elevations. Mrs. Nini described that there will be living space above the garage and the  
73 third floor will be a loft or a recreation area. She explained that the basement is not  
74 usable for additional living space because it is very small and has a low ceiling. Mr. Kyle  
75 asked if that is going to increase the floor area that is usable above the garage. Mrs.  
76 Nini responded and said that they are not finishing it and it doesn't have the roof height  
77 for it. Mrs. and Mr. Nini confirmed that that space is going to be under seven feet and is  
78 not considered habitable. Ms. O'Neill asked if they can discuss the compatibility of the  
79 proposed design with neighboring homes. Mrs. Nini described that they wanted their  
80 style to be complimentary with other homes, but not exactly the same.

81

82 Mrs. Nini shared Exhibit A-3 which shows the comparison of neighboring homes that  
83 are similar in size and scale. She described how they will use a Hardie plank siding in a  
84 color that is complimentary to other homes in the neighborhood. She showed the  
85 following addresses in Pennington Borough: 49 Eglantine Avenue, 107 King George  
86 Road, 22 Eglantine Avenue, 42 Eglantine Avenue and 32 Eglantine Avenue with the  
87 square foot living space and the number of floors.

88

89 Mrs. Nini shared Exhibit A-4 which is the survey of the property that shows the existing  
90 and proposed renovations. Ms. O'Neill noted that she found it interesting how many  
91 houses in that area have a third floor and it was very helpful. Ms. Kassler-Taub asked  
92 the Nini's to clarify if the porch on the first floor plan behind the garage is a fully  
93 enclosed space. Mr. Nini confirmed that it is and it is included in the square footage.

94

95 Mr. Kyle noted that there is one existing nonconfirming condition related to the front  
96 yard setback to King George Road. He explained that the ordinance reads that any  
97 corner lot has to provide two front yards and the front yard requirement is forty feet. He  
98 stated that it isn't an issue since they are not doing anything to the building that is going  
99 to affect the front yard. He stated that the only issue in front of the Board is the D4 floor  
100 area ratio variance relief. He explained that there are two forms of control, the  
101 percentage of 26.5% in an R-80 zone or a maximum of 3,500 square feet of total floor  
102 area, whichever is less. He stated that they are comfortably under the 26.5%, but they  
103 exceed the 3,500 square feet. He pointed out that their definition of floor ratio excludes  
104 any under roof parking areas like a garage. He stated that they are focusing on if the  
105 property can accommodate the problems associated with an increase in floor area that  
106 they are seeking. He said that they are looking at any negative impact that the increase  
107 of the floor area ratio would have on adjacent properties and if we can reconcile the  
108 grant of the floor area relief with the governing body's intent behind that limitation.  
109

110 Mr. Fetzner stated that the one concern he has is to make sure that the property  
111 complies with the Borough's stormwater ordinances. Mr. Kyle noted that Mr. Fetzner's  
112 office should review the grading plan once any building permits are turned in to the  
113 Borough to see where the downspouts are draining to and making sure water isn't going  
114 into a neighbor's property. Ms. Tracy brought up the letter that the Board received from  
115 the Nashes residing at 49 Eglantine Avenue. Mr. Kyle stated that we cannot accept a  
116 letter into the record if there is not someone present to ask the question and the Board  
117 should not take that into consideration. Mr. Reilly confirmed that the letter was sent to  
118 the Board members for correspondence. Ms. Tracy asked if there was anything about  
119 the property that would lend concern during the construction process about additional  
120 water runoff. Mr. Kyle explained that this property is slightly higher than the property to  
121 its north, but as long as a plan is submitted and the downspouts are put in the  
122 appropriate locations and directed to the right places, it should not increase flow.  
123

124 Mr. Blackwell asked if there were sump pumps at the house. Mr. Nini stated that there is  
125 an existing sump pump in the basement and it drains towards the backyard. Mr.  
126 Blackwell asked if this is going to be their house or if they are just working on it and Mr.  
127 Nini confirmed that it is a project.  
128

129 Ms. Kassler-Taub stated that it is not changing the footprint of the existing building and  
130 she has no concerns about the surrounding properties and the increased height.  
131

132 Ms. Rex thanked the Nini's for taking the time to put together and present all of the  
133 necessary documents to the Board.  
134

135 Ms. Upson has no concerns about the increased height and appreciated the Nini's  
136 presentation.  
137

138 Ms. O'Neill noted that the dormer on the third floor is not as well incorporated as the  
139 dormers on neighboring houses, but she doesn't feel like that should be a main concern  
140 for this application.  
141

142 Ms. Tracy stated that the size and scope of the project is consistent with the  
143 surrounding properties and any concerns she had were addressed by Mr. Fetzer and  
144 Mr. Kyle in their reports.

145  
146 Ms. Kassler-Taub asked if revising the roofline would change the square footage. Mr.  
147 Nini stated that it would not at all and they just want to maintain that roofline and liked  
148 the way it looks.

149  
150 Mr. Reilly asked if there is anyone from the public that wants to comment on this  
151 application. There being no members of the public wanting to comment, the open period  
152 for public comment period was closed.

153  
154 Mr. Blackwell asked how they can make it so the people that move into the house don't  
155 close off those rooms that the Nini's propose are not livable. Mr. Kyle confirmed that the  
156 space on the third floor is habitable living space and if anyone wanted to expand floor  
157 area in the future, they would have to come back to the Board.

158  
159 Mr. Blackwell made a motion, seconded by Ms. Kassler-Taub to approve the D variance  
160 with the exception of the recommendation from Mr. Kyle of the drainage plan. All were  
161 in favor via voice vote. As a Class III member, Ms. Stern did not participate in the  
162 consideration (or vote) on this application pursuant to N.J.S.A. 40:55D-25c(2).

163  
164 Mr. Kyle added that the Board will consider a resolution memorializing this application at  
165 next month's meeting and then the Nini's will be cleared to apply for building permits.  
166 Mr. Nini asked if he needs to wait to start work until the resolution is approved. Mr. Kyle  
167 explained that in order to get a building permit, you typically need a zoning approval or  
168 an approval from the Zoning Board. He added that the action isn't official until the  
169 resolution is adopted and the 45-day appeal period is over. He stated that Mr. Nini can  
170 proceed at his own risk within the forty five day appeal period. Mr. Nini asked if he can  
171 submit the building permits to the Construction Department to be reviewed. Mr. Kyle  
172 suggested that Mr. Nini reach out to the Construction Department. Mrs. Nini thanked the  
173 Board for their time and consideration.

174  
175 **MINUTES FOR APPROVAL**

176 The August 14, 2024 minutes were approved via a motion by Ms. O'Neill and a second  
177 by Ms. Tracy. All were in favor with one abstention by Ms. Kassler-Taub via voice vote.

178  
179 Mr. Kyle announced that Council authorized a redevelopment investigation on the Wells  
180 Fargo site. He stated that his intentions are to get his report prepared for the October  
181 meeting and work with Ms. Macellaro to get all necessary noticing out.

182  
183 Ms. O'Neill made a motion, seconded by Mr. Blackwell to adjourn the meeting. All voted  
184 in favor to adjourn via voice vote at 8:29 p.m.

185  
186 Respectfully submitted,  
187 *Kaitlyn Macellaro*  
188 Planning Board Secretary