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**PENNINGTON BOROUGH  
PLANNING BOARD MINUTES  
REGULAR MEETING  
October 9, 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, Gian Paolo Caminiti, Jim Davy, Andy Jackson, Amy Kassler-Taub, Kate O'Neill, Jim Reilly, Nazli Rex

**Absent:** Nadine Stern, Jen Tracy, Casey Upson

**BOARD PROFESSIONALS PRESENT:** Lisa Maddox, Attorney, Mason, Griffin & Pierson, Jim Kyle, Planner, KMA Associates, Brandon Fetzer, Engineer, Van Note Harvey & 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.

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

**PUBLIC HEARING**

- Public Hearing on the Preliminary Investigation Report Concerning the Designation of Block 201, Lots 6 and 7, With a Street Address of 2 Route 31 North, Borough of Pennington Tax Map as a Non-Condensation Area in Need of Redevelopment

Ms. Maddox swore in Mr. Kyle. Mr. Kyle explained how Borough Council adopted a resolution in August of 2024 referred to as resolution #2024-8.6 requesting that the Board conduct a preliminary investigation on block 201, lots 6 and 7. He stated that this is essentially looking at the criteria in the local redevelopment and housing law to determine if any of those criteria are met for the two parcels. Mr. Kyle shared figure 1, which is an aerial photograph that shows the properties that we are studying. He explained how lot 6 currently has a two story office building, which was formerly a Wells Fargo Bank branch. He stated that lot 7 is owned by Mercer County, but is included in the study. He described how this property meets criteria B where the property has been more than 50% vacant for a period of at least two years. He stated how the office market is not improving and the vacancy rate for small office buildings continues to climb. Mr. Kyle shared figure 2, which is the recommended boundaries of the Route 31 and Delaware redevelopment area. He explained how lot 7 does not strictly meet any of the criteria in the redevelopment law for designation, but it is necessary for the effective redevelopment of the property.

47 Mr. Jackson asked if the boundary on the west side of the property is in Hopewell  
48 Township or still considered in the Borough. Mr. Kyle showed the boundary and  
49 topographic survey for the property that the owner provided and determined that it is in  
50 Pennington Borough and anything to the left of the line is in Hopewell Township. Mr.  
51 Jackson asked if there was some usable property on the west side of lot 7 to make the  
52 development bigger. Mr. Jackson suggested that we reach out to the Township to see if  
53 they are interested. Mr. Davy stated that it may not be appropriate at this time because  
54 of the litigation issue with the Township.

55  
56 Mr. Jackson made a motion, seconded by Ms. Kassler-Taub to approve the proposal.  
57 All were in favor and the motion was adopted.

58  
59 Mr. Kyle announced that the next step would be for Mr. Schmierer to prepare a  
60 resolution for the Board to consider at their next meeting. He explained that once the  
61 Board determines that Block 201, Lots 6 and 7 meet the criteria for an area in need of  
62 redevelopment then it will go to Council to officially designate it. He stated that he will  
63 then write a redevelopment plan, which is essentially rezoning for these two parcels. Mr.  
64 Reilly summarized that the Planning Board is recommending to the Borough Council  
65 that the 2 Route 31 property be declared as an area in need of redevelopment.

## 66 67 **NEW BUSINESS**

### 68 69 **Applications:**

- 70 ○ Straube Center, Application #24-002, Preliminary and Final Site Plan Approval,  
71 as well as Waiver Relief, having an address of 106 West Franklin Ave, known  
72 and designated as Block 202, Lot 2, Proposing to Build an Elevator on the North  
73 Side of the Largest Building

74  
75 Ms. Maddox swore in potential witnesses and Mr. Fetzer. Mr. Spadaccini questioned if  
76 the affidavit was received and there were two memos in their file and Mr. Kyle  
77 confirmed. Mr. Spadaccini stated that lot 3 is also part of this campus, but is not part of  
78 the application. He described that they are seeking preliminary and final site plan  
79 approval along with variance review for construction of an elevator on the north side of  
80 the largest building. He stated that they would be losing two parking spaces which  
81 would also require a bulk variance. Mr. Paul Pogorzelski stated that he is a licensed  
82 engineer and planner in the state of New Jersey and has been preexisting for 36 years.  
83 He described where the Straube Center was located in relation to Route 31 and West  
84 Franklin Avenue on the aerial map, which is referenced as exhibit A-1. He stated that  
85 they are required to have 233 parking spaces for the 46,468 square feet of building  
86 area.

87  
88 Mr. Reilly stated that the Application Review Committee recommends that the Board  
89 grant the waivers that were requested. Mr. Kyle explained that he and Mr. Fetzer  
90 reviewed the waiver requests and have no objections to the Board granting those  
91 submission waivers. Mr. Blackwell made a motion, seconded by Ms. O'Neill to accept  
92 the Application Review Committee's recommendation to grant the waivers requested.  
93 All were in favor and the motion was adopted.

95 Ms. Kassler-Taub asked if the length of the ramp is going to fit within the footprint of that  
96 parking space and maintain an accessible route. Mr. Pogorzelski explained that the cab  
97 of the elevator is going to be located between the wall of the building and the existing  
98 curb line. He stated that the five-foot landing area is going to be where the door will  
99 swing open and the ramp will project further on a forty-five degree angle down into that  
100 leveled area. Ms. Kassler-Taub asked if that ramp is currently drawn at the length that it  
101 is anticipated to be. Mr. Pogorzelski said that the architects worked with the lift  
102 manufacturer and they came up with that drawing, and explained that the ramp can be  
103 tweaked if need be.

104

105 Mayor Davy asked about storm water management. He described how Council just  
106 adopted a storm water management strategy policy to look at key spots in the Borough  
107 where there is significant flooding in heavy rains. He stated that those areas are  
108 Brookside and North Main Street, Eglantine and East Franklin Ave and Route 31 and  
109 Delaware Avenue. He stated his concerns about the runoff from this property as it  
110 contributes, to Brookside and North Main Street and Eglantine and East Franklin  
111 Avenue where the water merges into the Lewis Brook behind the Fire House and the  
112 Rescue Squad building. He asked where the storm water drainage is going and if there  
113 is a possibility to increase retention on the property, especially during significant rain  
114 storms. Mr. Pogorzelski stated that they are not increasing any impervious coverage,  
115 and the existing storm water management system collects runoff along Knowles Street  
116 and there is an old-style detention basin behind the Straube building. He explained how  
117 there was a newer detention basin put in when the Cambridge School was being  
118 constructed and that is located on the lower side of the driveway where you turn left into  
119 the site. Mayor Davy stated that he doesn't think it is large enough and he would like to  
120 see some engineering on it. Mr. Spadaccini clarified that they are not increasing one  
121 inch of impervious coverage and Mayor Davy stated that the property may not be  
122 detaining the water the way they should. Mr. Fetzer agreed with Mr. Spadaccini and Mr.  
123 Pogorzelski that they did not increase impervious coverage. Mr. Fetzer suggested that  
124 we look at the engineer report for the whole site and see if it stacks up to current  
125 standards. Mr. Pogorzelski believed that the last time a routing was done was when the  
126 school was being built and he can send that over to Mr. Fetzer for his review. Mr. Kyle  
127 asked Mr. Pogorzelski if the property owner has an obligation for the annual  
128 maintenance monitoring and reporting to the Borough and he agreed. Mayor Davy  
129 asked if those facilities have been maintained and Mr. Pogorzelski said that they  
130 routinely make repairs to the outlet structures and they flush out the pipe systems if  
131 necessary. Mr. Reilly asked if evidence of maintenance being done is required to be  
132 submitted to the Borough. Mr. Kyle and Mr. Pogorzelski agreed that it is a requirement.  
133 Mr. Reilly asked if this has been done and Mr. Fetzer stated that the Borough Clerk may  
134 have records and he will double check with the office. Mr. Reilly asked if this should be  
135 a condition and Mr. Fetzer explained that they can put a condition to make sure they  
136 update any reporting with the Borough. Mayor Davy asked what recourse we have if the  
137 existing stormwater infrastructure on the site is not adequate. Mr. Spadaccini stated that  
138 not adequate and not functioning are two different things. Mr. Fetzer explained that all of  
139 these regulations changed over the years and we can ask that it is maintained at the  
140 level that it is designed at. Mayor Davy asked if it could be contributing to the flooding in  
141 that area if it's not compliant with today's standards. Mr. Kyle recommended to make  
142 sure that the maintenance report is submitted to the Borough and make sure it is  
143 functioning properly and we will talk about this property in a stormwater discussion to try

144 and resolve the bigger issue. Mr. Spadaccini stated that the problem is that the County  
145 and State have not kept up with their responsibilities. He asked Mr. Fetzer if he is okay  
146 with not submitting the letters of no interest from the County and NJDOT. Mr. Fetzer  
147 said he has no problem with that.

148  
149 Mr. Reilly asked if there was any member of the public who had joined the meeting and  
150 had comments about this application.

151  
152 There being no member of the public wanting to comment, the open period for public  
153 comment period was closed.

154  
155 Mr. Kyle summarized that there were a number of existing nonconforming conditions  
156 related to this property that were unaffected and do not need variance relief in his  
157 opinion. He explained that they were previously granted variance relief for parking and it  
158 was approved for 136 parking spaces where 233 were required. He concluded that they  
159 addressed everything that he requested or required in his review memo.

160  
161 Mr. Fetzer stated that most of his concerns in his memo were addressed. He said that  
162 signage and circulation were two of the big things to keep our eye out for.

163  
164 Ms. Maddox asked Mr. Spadaccini to confirm if they wouldn't have to obtain the letters  
165 of no interest for any additional outside approvals. Mr. Spadaccini agreed and said that  
166 if there is a disagreement between Mr. Fetzer and Mr. Pogorzelski then they will come  
167 back to the Board or just go get them.

168  
169 Ms. O'Neill made a motion, seconded by Mr. Blackwell to address the application with  
170 the condition that Mr. Fetzer outlined and the suggestions in the memos from the  
171 Borough's consultants. All were in favor. Motion adopted.

172  
173 **RESOLUTIONS FOR MEMORIALIZATION**

- 174  
175 ○ Nini, D Variance, 47 Eglantine Ave, Block 302, Lot 4, Pennington Borough Tax  
176 Map- Appeal Application #PB 24-001

177  
178 Mr. Blackwell made a motion, seconded by Ms. O'Neill to approve the resolution of  
179 memorialization. All were in favor with one abstention by Mr. Jackson. Motion adopted.

180  
181 **MASTER PLAN COMMITTEE UPDATE**

182 Mr. Jackson explained that the MPC are working on twelve elements and four have  
183 been conditionally adopted by the Planning Board. He announced that they are still on  
184 track to have the Master Plan completed by the middle of 2025. He stated that the  
185 Committee will be meeting in a few days to talk about the economic development draft  
186 plan.

187  
188 He pointed out that in the minutes for August, we never conditionally approved the  
189 Green Buildings and Sustainability Element. Ms. Macellaro said she would look back at  
190 the recording.

191  
192

193 **MINUTES FOR APPROVAL**

194 The September 11, 2024 minutes were approved via a motion by Ms. O'Neill and a  
195 second by Ms. Kassler-Taub. All were in favor with two abstentions by Mr. Caminiti and  
196 Mr. Davy via voice vote.

197

198 Mr. Blackwell made a motion, seconded by Mr. Caminiti to adjourn the meeting. All  
199 voted in favor to adjourn via voice vote at 8:41 p.m.

200

201 Respectfully submitted,

202 *Kaitlyn Macellaro*

203 Planning Board Secretary