

PENNINGTON BOROUGH
JOINT PLANNING & ZONING BOARD MINUTES
REGULAR MEETING
July 12, 2023

Mr. Reilly, Board Chair, 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 that access to the meeting had been noticed.

BOARD MEMBERS PRESENT: Mark Blackwell, Hilary Burke, Deborah Gnatt, Andrew Jackson, Amy Kassler-Taub, Katherine O'Neill, James Reilly, Jen Tracy
Absent-Cara Laitusis

BOARD PROFESSIONALS PRESENT: Jim Kyle, Planner, KMA Associates, Ed Schmierer, Attorney, Mason, Griffin & Pierson, Brandon Fetzter, Engineer, Van-Note Harvey, Katie Ronollo, Board Secretary, John Flemming, Zoning Officer, Andrew Fosina, Fire Official

BOARD RESIGNATION

Mr. Reilly announced that Doug Schotland has resigned from the Board effective July 9, 2023.

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 was closed.

NEW BUSINESS

Applications

- **PB 23-005, Scope FLP, Pennington SLM, LLC, 10 Route 31 North**, Variance for an LED sign in the OB Zone

Mr. Schmierer acknowledged that the Board has jurisdiction.

Ryan Kennedy, Lawyer for the applicant, discussed the C-2 variance request noting that the sign requested is compliant with all zoning requirements except for a small section that will be LED. Don Damico, Chief Administrative Officer for Global Neurosciences Group, part owner in the location being discussed, was sworn in as a witness. Mr. Damico testified that a sign with messages will increase safety by providing clear wayfinding, displaying community messages and increasing knowledge of the services offered at the site.

Exhibit A-1, consisting of a zoning map; overhead view of site; photo of current sign; proposed sign location; drawing of proposed sign; and a drawing highlighting the LED portion of the sign was shared.

The sign will be made of painted aluminum and will be internally lit. The LED portion will not scroll, will not have animation and will be able to be controlled remotely via an app. The applicant agrees with the planner's suggested condition that the sign be illuminated only during business hours. The brightness is described as 7,500 nits or 25, 695 lumens and is dimmable. Mr. Kennedy does not feel that there will be any detriments to the community and the changing message will allow the public to find the available services more readily.

Mr. Reilly opened the floor to the Board; there were no questions.

Mr. Kyle discussed his July 7, 2023 memo to the board. He asked the normal business hours. Mr. Damico testified that the typical business hours are 8AM-5PM with some offices open until

8PM. Mr. Damico agreed that the LED portion of the sign would be on only during business hours. Mr. Kyle testified that this is a difficult site to locate and that clarified wayfinding will be beneficial to the public. Regarding negative criteria, Mr. Kyle thinks the applicant has adequately met the requirements. He mentioned that the applicant has agreed to the following conditions:

- No video or animation shall be permitted on the LED sign.
- Message shall consist of text only.
- No scrolling or cascading of messages shall be permitted.
- Transition between individual messages shall be instantaneous.
- Individual messages shall be displayed for a reasonable amount of time to convey multi-line messages.
- The LED portion of the sign shall be turned off after normal business hours.

A Board member asked whether public events would extend later than 8PM. Mr. Damico answered in the negative. As there seems to be no hardship in this circumstance, a board member raised a question about hardship or advancement of the Master Plan being the usual reasons for granting a c2 variance. Mr. Kyle explained that this building/location is unique in this area in that it also serves a public function therefore helps to promote the public health and welfare of the community.

Mr. Kyle recommends a night test to gauge the brightness of the sign to see if it is too bright. The applicant will adjust brightness if necessary.

John Flemming advised that the messages on the LED portion be associated only with events in the building not outside advertising.

Mr. Reilly opened the hearing to the public. There being no comments, the public portion of the hearing was closed.

Board members agreed that a limited function LED sign at this unique site could be supported.

Motion to approve the application with associated conditions was made by Ms. Gnatt and seconded by Mr. Blackwell.

ROLL CALL:

Blackwell Yes	Burke Yes	Gnatt Yes
Jackson Yes	Laitusis	O'Neill Yes
Reilly Yes	Alt. #1 Kassler-Taub Yes	Alt. #2 Tracy Yes

By unanimous vote the application was approved.

- **PB 23-006** Prendergast, **416 Burd Street**, 3 Bulk Variances for a detached garage and a home addition in the R 80 Zone

Mr. Schmierer acknowledged that the Board has jurisdiction.

Mr. Chris Prendergast, 416 Burd Street, the applicant, was sworn in by Mr. Schmierer. Mr.

Prendergast explained that they would like to expand their home to better accommodate a family of four. They propose removal of a screened porch and garage and addition of mud room, eat-in-kitchen, ½ bath, expanded living room and main bedroom on the first floor as well as a detached garage with a full bathroom not to be used as living space. Mr. Kyle shared the building plans to illustrate the proposed changes.

The Board questioned the kitchenette shown on the plans and the need for a full bathroom on the second floor of the garage. Mr. Prendergast explained that he envisions the kitchenette as more of a wet bar with a refrigerator under the counter and no cooking facilities. He said a bathroom separate from the main house is desired in order to have a space to wash the dog, handle muddy children and clean up quickly after runs. He mentioned that since they are embarking on a large

construction project putting in a full bathroom would be cost effective at this time. Additionally, this bathroom could be used while the home is under construction.

The applicant assured the board that the intention was not to use the space a living space but as office space, place space etc. Mr. Prendergast informed the Board he was willing to accept conditions and would be willing to deed restrict the space above the garage so it could not be used as living space or rented.

Responding to a question about utilities for the garage, Mr. Prendergast described a 2 headed split system for heat and air conditioning with the compressor in the rear of the structure within setbacks. The compressor and any other mechanical equipment will be added to the plan.

Mr. Kyle suggests that the deed restriction be worded in a way wherein it could be lifted if the ordinance changes to allow full bathrooms or kitchens in garages. Mr. Kyle asked the applicant to clarify if the side setback was to the eaves of the garage. The applicant will clarify.

Mr. Perry asked if there is a topographic plot plan to show where swales, drainage, etc. Mr. Perry noted that some additional detail including topography and contours is necessary. Once that plan is provided, Mr. Perry will review the plot plan and drainage plan, specifically the downspouts, to ensure that these are in compliance. Due to the large increase in impervious coverage he recommends that all or many of the downspouts drain to a drywell to offset some of the increased run off. Mr. Perry notes that erosion or sediment plan approval may be needed from Mercer County. Even if said plan is not required by the County, Mr. Perry has requested a soil erosion and sediment plan, existing and proposed utilities, and the dimensions of the driveway be shown on the plans.

Board members had questions as to the inspection of the runoff and dry well. Mr. Perry explained that the drywell would not be expected to handle all the run off, just mitigate some of it. He also noted that, in this case, as the Engineer to the Board, he would be responsible for inspection of the drywell.

The Chair opened the hearing for public comment. There being no member of the public interested in commenting, the public comment period was closed.

The majority of the Board supports the variances with the deed restriction condition.

Ms. O'Neill made the motion to approve the application with conditions. The motion was seconded by Mr. Jackson.

ROLL CALL:

Blackwell Yes	Burke Yes	Gnatt Yes
Jackson Yes	Laitusis Absent	O'Neill Yes
Reilly Yes	Alt. #1 Kassler-Taub Yes	Alt. #2 Tracy Yes

The application was approved by unanimous vote.

- **PB 22-003 The Pennington School, 112 West Delaware Ave.** Revised Site Plan Review and Approval

Mr. Schmierer acknowledged that the Board has jurisdiction. Mr. Schmierer swore in the Pennington School witnesses; Jim Bash, Van Cleef Engineering, Dr. Willian Hawkey, Head of School, The Pennington School, Kate Farewell, Project Manager, Zubatkin, Andy Moore, Landscape Architect, Quennell, Rothschild & Partners, Patrick Downey, Traffic Engineer, Dynamic Traffic.

Mr. Goldberg, Stark and Stark, Attorney for the applicant, explained that this application is a revised and improved version of the application which was submitted a year ago. In the

129 intervening year the school has met with members of the Pennington community including the
130 Historic Preservation Commission. The applicant is requesting preliminary and final approval for
131 circulation changes and preliminary site plan approval for the building changes. The applicant
132 understands that final site plan approval will be sought when the building plans are finalized. Mr.
133 Hawkey provided an overview of the project starting with exhibit A-1, areas of change. He
134 highlighted the following changes: a new porch on Old Main, new pedestrian pathways on
135 campus; new traffic circulation including elimination of center driveway and an additional
136 entrance on Burd Street; new signage; proposed addition to Stainton Hall and proposed
137 gymnasium addition. Also shared were exhibits A-2, a rendering of the proposed change to
138 pedestrian entrance at the corner of Burd and Delaware, A-3, proposed elevation at Wesley Drive
139 and Delaware including an increased size of the Wesley Drive entrance and the idea that
140 Delaware Ave. may be expanded for which County permission would be required, A-4, a site
141 plan for a portion of the lawn and paths in front of Old Main.

142 Mr. Bash was accepted as a Professional Engineer based on his stated credentials. Mr. Bash
143 further explained the changes that Mr. Hawkey had outlined noting that the plan showed the
144 maximum coverage allowable while expecting that much of this coverage would not be needed
145 once the building plans are finalized. Mr. Bash mentioned street lighting which might be in the
146 public right of way. These lights will be owned, powered and maintained by the Pennington
147 School. Mr. Bash explained improvements to the sports fields and back areas of campus
148 including a bridge which had been presented to the Board in 2021. He described a grass pave
149 system next to the field in the rear to allow for emergency vehicle access to the field. Per the
150 DEP, this is not considered a road. Mr. Fosina asked about identification and maintenance of the
151 grass pave system. Mr. Bash agreed to clearly identify the area. Mr. Fosina asked about fire
152 vehicle access with the removal of the center road on campus with specific concerns regarding
153 access to the Yen Humanities Building and to Wesley House. He asked if Wesley Road had been
154 evaluated for firefighting apparatus. Mr. Bash replied that simulations had been run with the
155 latest fire standards. Mr. Bash agreed to meet with Mr. Fosina to discuss solutions to the plan
156 which would meet the requirements of the Fire Official.

157 Mr. Bash described that they will use porous pavement on any new permeable surfaces. They
158 will continue to use the existing basins on campus which meet the criteria for green
159 infrastructure. They are proposing 2 new storm basins to help with runoff expectations. He
160 described the proposed bus shelter which will require a setback variance. By encouraging the use
161 of mass transportation, the shelter will provide a benefit to the public. The second variance is for
162 the piers and archway at the edges of the property. These structures will not block the sight lines
163 and will be compatible with current architecture. They will also help drivers see the pedestrian
164 walkways. He said that they are willing to make changes and take the suggestions detailed in Mr.
165 Perry's July 7, 2023 memo.

166 Board member questions included whether the right turn lane on Delaware at Wesley has been
167 approved by the County. Mr. Bash noted that it has not been approved and will be abandoned if
168 not approved. Mr. Bash mentioned that the intensity of traffic on the campus as a whole will not
169 be increased.

170 Patrick Downey, Professional Traffic Engineer, was accepted as an expert witness based on his
171 stated credentials. He highlighted that there will be no new traffic associated with these changes.
172 Driveways are expected to continue to operate at good levels of services with the proposed
173 changes. Mr. Downey testified that the pilot program consisting of the closing of the center
174 drive was completed on a school day, and there were no large traffic concerns noticed.

175 Regarding parking, peak demand is 221 spaces where 241 spaces are represented on the plan.

A question arose about the parking on Burd Street and Green Street. Mr. Downey noted that their parking count only included parking within the campus. Since there is an excess of spots on campus, parking on the streets is not expected to increase.

Jim Kyle commented on his July 7, 2023 memo. There is no relief required for the majority of the requests. The entrance piers and arch will require relief. Details on new signs must be reviewed on final approval. The landscape plan should be altered to meet sight area requirements. Mr. Reilly asked Mr. Kyle to clarify preliminary approval for buildings where the architectural plans do not yet exist. Mr. Kyle described preliminary approval as a “place holder” for future construction.

Mr. Fosina requested that the fire-safety concerns be worked out prior to any final approval being granted.

Mr. Jackson made a motion to carry this application to the August 9, 2023 meeting at 7:30pm to be placed first on the agenda without further noticing being required. Ms. O’Neill seconded the motion. Ms. Ronollo said that the zoom information to access the August meeting will be posted on the Pennington Borough website

ROLL CALL

Blackwell Yes	Burke Yes	Gnatt Yes
Jackson Yes	Laitusis Absent	O’Neill Yes
Reilly Yes	Alt. #1 Kassler-Taub Yes	Alt. #2 Tracy Yes

III.RESOLUTIONS OF MEMORIALIZATION

- **PB 22-005 Harbat, 278 N. Main Street** (Agrain Property) Site Plan Waiver with conditions

Mr. Schmierer advised the Board that the resolution includes conditions around pedestrian safety. Mr. Flemming recommended that a condition be added that the site could not be occupied by PALS until the professionals approve the circulation plan. Mr. Kyle agreed with Mr. Flemming.

A motion to approve the resolution with edits was made by Mr. Jackson and seconded by Ms. Gnatt.

ROLL CALL:

Blackwell Yes	Burke Yes	Gnatt Yes
Jackson Yes	Laitusis Absent	O’Neill Yes
Reilly Yes	Alt. #1 Kassler-Taub Yes	Alt. #2 Tracy Yes

The Resolution was memorialized with edits.

ZONING OFFICER REPORT

No report tonight.

CORRESPONDENCE

Revision request for PB 22-007 pertaining to removal of a dead tree at 161 East Delaware Ave. Mr. Kyle and Mr. Perry agreed that the photos submitted showed that the tree was in serious decline and that approval to remove is recommended. There were no questions from Board members. Mr. Blackwell moved to approve the tree removal with a second by Ms. O’Neill. All were in favor via voice vote.

LANDFILL UPDATE

Mr. Kyle attended the July 10, 2023 Council meeting to discuss the possibility of declaring the landfill an area in need of development via New Jersey's Local Redevelopment and Housing Law. The first step in the process is for council to adopt a resolution authorizing the Planning Board to undertake a preliminary investigation into declaring the landfill an area in need of redevelopment. The preliminary investigation involves looking at the criteria, providing recommendations, having a public hearing to review the report and presenting recommendations to Council. Uses for the site will be discussed in detail after the redevelopment recommendations are discussed.

OLD BUSINESS

MASTER PLAN REEXAMINATION

No update this evening.

MINUTES

Approval of the June 14, 2023 minutes was carried to the August 9, 2023 meeting.

Mr. Blackwell made a motion, seconded by Ms. O'Neill, to adjourn the meeting. All voted in favor to adjourn via voice vote at 11:16 PM.

Respectfully submitted,

Katie Ronollo
Board Secretary