

**PENNINGTON BOROUGH
PLANNING BOARD MINUTES
REGULAR MEETING
APRIL 9, 2025 7:30 PM**

TIME AND PLACE OF MEETING

The Meeting of the Pennington Borough Planning Board was held on April 9, 2025 at 7:30 p.m. via Zoom.

CALL TO ORDER

Jim Reilly, Chairperson to the Planning Board, called the meeting to order at 7:30 p.m. and announced compliance with the provisions of the Open Public Meetings Act.

STATEMENT OF ADEQUATE NOTICE

Adequate notice of this meeting has been posted in Borough Hall and sent to the officially designated newspapers: Hopewell Valley News and The Times of Trenton.

MEMBERS IN ATTENDANCE

Mark Blackwell; Gian Paolo Caminiti; Mayor James Davy; Andrew Jackson – Vice-Chair; Amy Kassler-Taub; Jim Reilly – Chair; Nadine Stern – Borough9 Council; Jennifer Tracy; Nazli Rex, Alt I; Casey Upson, Alt II

ABSENT MEMBERS: Kate O'Neill

PENNINGTON BOROUGH PROFESSIONALS IN ATTENDANCE:

Jim Kyle, Kyle McManus Associates - Board Planner
Brandon Fetzer, Pennoni – Board Engineer
Edwin Schmierer, Mason Griffin & Pierson, PC - Board Attorney
Robin Tillou, Pennington Borough PB Secretary/Land Use Administrator

PUBLIC COMMENTS FOR ITEMS NOT ON THE AGENDA

Daniel Pace, 9 Railroad Place, wanted confirmation his email was received regarding the drafted Community Facilities and Services Plan element.

Vice-Chair Jackson confirmed the email was received.

With no other public comments for items not on the agenda Chair Reilly closed the public forum.

APPLICATIONS

#25-002 CJ and Mary Peters
319 Hale Street – Block 706, Lot 5 – R-80 Residence Zone
Front Yard Setback Bulk Variance

REPRESENTATIVES: CJ and Mary Peters, Owner and Applicant
Jason Kliwinski, AIA, Designs for Life, Applicant's Architect

EXHIBITS: Aerial View – 04-09-25
Pictures of the Home from the Front, Left Side, Right Side and Rear View – 04-09-25
Zoning Regulations and Existing Conditions and Proposed – 04-09-25
Existing Site Plan and Proposed Site Plan – 04-09-25
First Floor Existing/Demo Architectural Drawings
Two Story Addition Architectural Drawings and Materials Being Used
Rear Elevation
Right Side Elevation
Left Side Elevation
(3 Sheets) Precedents of Neighbors Front Porch and Setbacks
Stormwater Explanation
Before and After Front Elevation – 04-09-25
Before and After Left Side Elevation– 04-09-25
Before and After Right Side Elevation – 04-09-25

Nadine Stern, PB/ZBA Member, has been recused from the 319 Hale Street application due to being 200 ft. from the property.

Mr. Schmierer advised the notice packet is in order and the Board has jurisdiction.

Mr. Schmierer swore in the applicants, CJ and Mary Peters, the applicant's architect, Jason Kliwinski, AIA, Designs for Life, and the Board Professionals, Jim Kyle, Kyle McManus Associates - Board Planner and Brandon Fetzer, Pennoni – Board Engineer.

Ms. Peters introduced the application advising that they would like to add an in-law suite for her parents.

Mr. Kliwinski advised of his credentials as being a licensed architect in New Jersey and has been practicing for 20 years.

Mr. Reilly accepted Mr. Kliwinski's credentials.

Mr. Kliwinski displayed the exhibits for the application.

Mr. Kliwinski advised that the property is approximately 80'x158', .2902 acres. The front yard setback being proposed is 32.9 ft. and the requirement is 40 ft. The existing front yard setback is 32.9 which is non-conforming but expanding the porch is expanding the 32.9 ft. front yard setback. The minimum floor area existing is 817 sq. ft. where 900 sq. ft. is required. The existing front porch was constructed and then the zoning must have changed. The proposal will bring the minimum floor area to 1,246 sq. ft. which will make the proposal comply where the existing does not comply. The proposal is a two (2) floor addition in the back, expanding the back deck and adding a ramp, extending the existing front porch to connect to the side so it connects to the two (2) story addition in the rear and adding steps and a walkway in the front. The proposal that needs a variance is the expansion of the front porch. The connector piece of the

front porch to the side porch will be 7.33 ft. deep and 17.3 ft. long, approximately 126 sq. ft. They will be redoing the railing on the front porch and in the rear they are removing the existing steps and railing to expand it. The proposed material is stone veneer 'old county ledger – Huron' by Coronado at the columns. The base of the porch will be blue fiber cement siding. In comparing the surrounding properties neighbors' setback, the average is 36 ft. Regarding the Board Engineer's review letter dated April 8, 2025, the stormwater impact will be negligible. The lot coverage is below the maximum lot coverage, 27% where 34% is allowed. Storm leaders will drain to the rear and the new wrap around porch storm leaders will drain to the side yard primarily which slopes to the rear, not to Hale Street. The hardship is the existing front porch does not comply with the front setback currently.

Chair Reilly opened the meeting to the public.

Speaking as a resident, Nadine Stern stated she is concerned of the ample drainage of stormwater to the rear yard.

Mr. Kliwinski reiterated that they are below the minimum lot size required and the addition is relatively small in footprint. It is approximately 600 sq. ft. The rear yard is large. There should be no issue with stormwater.

Chair Reilly stated the condition of approval could be an inspection by the Board Engineer to ensure the stormwater control measures are appropriate and effective.

Mr. Fetzer stated some things that will lessen the impact of the stormwater on the neighbors are drywells for roof leaders, drywells for sump pump, and different types of plantings that are water absorbing.

Mr. Caminiti stated he does get complaints regularly from residents regarding stormwater and anything that can be done to mitigate those flows now will be beneficial. The outdoor AC unit being moved to the north side in the rear should be looked at to ensure noise compiles.

Chair Reilly advised that no waivers were requested.

MOTION TO APPROVE WITH CONDITIONS: Mr. Blackwell

SECONDED: Mr. Jackson

ROLL CALL: AYES: Mr. Blackwell, Mr. Caminiti, Mr. Davy, Mr. Jackson, Ms. Kassler-Taub, Ms. Tracy, Ms. Rex, Ms. Upson and Mr. Reilly. NAYS: None. ABSTAIN: None.

#25-001 12 N. Main Street Pennington NJ LLC
12 N. Main Street – Block 205, Lot 22 – TC (Town Center) Zone
Subdivision, d(2) Variance, Bulk Variances

REPRESENTATIVES: Ryan Kennedy, Esq., Stevens & Lee
Wayne Ingram, French & Parrello Associates, Applicant's Engineer

EXHIBITS: 9 Slides – Zoning Map Indicating the Property and Zoomed In of Zoning Map of Property
Aerial Site View of Property – Zoomed In Aerial Site View of Property
Subdivision Plat with Zoning Table
Variances Requested for Lot 22.01
Variances Requested for Lot 22.02

Mr. Schmierer announced that notice is in order for this application and the Board has jurisdiction of this application.

Board professionals are still under oath.

Mr. Kennedy introduced the application by stating the property fronts on Main Street and consists of a mixed use building on the front and a unique building behind that. The back piece of the property is used by a company called MetroCon. They have office use on the first floor and the TC zone does not allow office use on the first floor. There will be no changes as far as the use or exterior work on the site except for putting a lot line in-between the two buildings. It was suggested to do this for a possible future redevelopment plan on part of the property by the Borough.

Wayne Ingram, applicant's engineer, advised of his credentials as being a licensed engineer in NJ and has been practicing for over 20 years and has testified before 75 boards including Pennington Borough.

Chair Reilly accepted Mr. Ingram's credentials.

Mr. Schmierer swore in Mr. Ingram.

The exhibits were displayed with Mr. Ingram explaining that there is shared parking for the property with the surrounding properties with access near lot 21. They are proposing to subdivide lot 22 (existing is 15,000 sq. ft.) into lot 22.01 (proposed to be 1,443 sq. ft.) and lot 22.02 (proposed to be 10,686 sq. ft.) As shown on the zoning table there are preexisting nonconforming setbacks and the setbacks being requested will also require a variance for lot 22.01 due to the side and rear yard by virtue of the subdivision with the lot line in the rear changing the yard conditions. For lot 22.01 the rear setback will be 0 ft. and the side setback will be 1.67 ft. The impervious coverage proposed will be 99.2% where 80% is permitted. For lot 22.02 the side yard setback proposed will be 0 ft. and the impervious coverage will be 90.8% where 80% is required. The access easement is shown in pink on the variance requested for lot 22.02 exhibit. Emergency services will have access to the building as they do currently with the subdivision.

Mr. Ingram stated they can comply with all comments on the Board Engineer's review letter. Noting the utility easements will be created by putting a ground penetrating radar to identify where utilities are. Due to inconsistencies with location they will have those easements as blanket easements throughout the subdivision rather than define them.

Mr. Fetzer stated blanket easements are acceptable.

C(1) hardship is being proposed for the bulk variances. Mr. Ingram explained the d(2) use variance reasoning is it is not contributing in any way to how the nonconforming property operates. The use will not be more intense. There are no negative impacts. The positives are it supports the purpose of the zoning vs. purpose a, the general welfare due to paving the way to a redevelopment plan. Purpose m. encouraging coordination and procedure and activities is exactly what they are doing for the step 1 of the redevelopment. No negative impact that alters the intent of zoning. No substantial detriment to the zone/master plan.

Vice-Chair Jackson stated there is no door that goes between the lot line of a dividing wall. If they do eventually become two (2) separate buildings is there a need to install a fireproof wall?

Mr. Ingram stated it is not a part of the subdivision plan, but could be addressed once it goes for a redevelopment plan.

Vice-Chair Jackson asked if the redevelopment plan falls through then would a new owner be required to have that wall prevent fires to go from one owner to another.

Mr. Ingram stated if the owner sells it then they would have to do their own mitigation between the owner and the buyer. There is no intent at this time to sell the property.

Mr. Caminiti stated there are shared utilities currently, how will it be separated out if there are separate owners.

Mr. Ingram stated the utilities are currently separated and those that are not will be covered in the easements for cross utilities.

Mr. Kyle went over his review letter dated April 8, 2025. He does not see any issues with the relief that is being requested.

Mr. Fetzer stated his comments on his March 28, 2025 review letter could be addressed in resolution compliance and he can work with the applicant's engineer for any further issues.

Chair Reilly opened the meeting to the public for the aforesaid application. With no public comments Chair Reilly closed the public forum.

MOTION TO APPROVE MINOR SUBDIVISION, D(2) USE VARIANCE, 4 BULK VARIANCES AND THE PLANNING VARIANCE FROM SECTION 40:55D-35: Mr. Blackwell

SECONDED: Ms. Kassler-Taub

ROLL CALL: AYES: Mr. Blackwell, Mr. Caminiti, Mr. Jackson, Ms. Kassler-Taub, Ms. Tracy, Ms. Rex, Ms. Upson and Mr. Reilly. NAYS: None. ABSTAIN: None.

MASTER PLAN COMMITTEE UPDATE

COMMUNITY FACILITIES AND SERVICES PLAN

Vice-Chair Jackson reviewed the goals of the drafted Community Facilities and Services Plan element of the Master Plan.

Mr. Blackwell stated the tone for outdoor warning of hurricanes/tornadoes and how long it should go for should be determined.

Ms. Stern stated some items should be reworded, in particular item #6 of the goals to place “considered” where needed.

Chair Reilly opened the meeting to the public.

Dan Pace, 9 Railroad Place, stated the comment regarding the battery storage vs. the gas fire generator at borough hall. His comment referred to the DPW site and if they have battery storage.

Vice-Chair Jackson stated they had put a large battery storage in place with the solar panels so the availability of electricity from that solar would be available to public works.

Mr. Pace stated the element should add that.

Demetri Stylianou, 144-148 W. Franklin Avenue, one of the elements mentioned a consolidation of zoning from W. Franklin Avenue to W. Delaware Avenue to Route 31.

Vice-Chair Jackson will look into that and respond accordingly.

MOTION TO CONDITIONALLY ADOPT THE PROPOSED COMMUNITY FACILITIES AND SERVICES PLAN:

Mr. Jackson

SECONDED: Ms. Tracy

ROLL CALL: AYES: Mr. Blackwell, Mr. Caminiti, Mr. Davy, Mr. Jackson, Ms. Kassler-Taub, Ms. Stern, Ms. Tracy, Ms. Rex and Mr. Reilly. NAYS: None. ABSTAIN: None.

ZONING ORDINANCE AMENDMENT RECOMMENDATIONS

Chair Reilly announced that the ordinance amendments will be tabled to the next meeting.

APPLICATION REVIEW COMMITTEE NEW PROCEDURES

Mr. Kyle explained that the way the ordinance is set up is the Planning Board must deem Planning/Zoning Board applications as complete. New procedures for this Board on completeness reviews is to have Brandon Fetzer, Board Engineer for initial review of the application and advise the Board via memo of his comments. Mr. Fetzer will address any waivers in the memo for the Board to determine as well if waivers are required by the applicant. The application will then go to the Board at a hearing where the Board will then have a completeness determination. In turn there will no longer be an Application Review Committee.

MINUTES

March 9, 2025

Upon a motion from Mr. Jackson and Ms. Kessler-Taub offering a second, the March 9, 2025 minutes were unanimously approved with amendments by those eligible to vote.

ADJOURNMENT OF MEETING

There being no further business, Mr. Caminiti made a motion to adjourn the meeting with Ms. Upson offering a second. By unanimous vote, the meeting was thereupon adjourned at 10:00 p.m.

CERTIFICATE OF SECRETARY

I, the undersigned, do at this moment certify;

That I am the duly elected secretary of the Pennington Borough Planning/Zoning Board and that the minutes of the Planning Board, held on April 9, 2025, consisting of seven (7) pages, constitute a true and correct copy of the minutes of the said meeting.

IN WITNESS of which, I have hereunto subscribed my name to said Planning Board Meeting this May 15, 2025

Robin Tillou

Robin Tillou, Land Use Administrator