

**PENNINGTON BOROUGH  
PLANNING BOARD MINUTES  
REGULAR MEETING – MARCH 11, 2020**

Mr. Reilly called the meeting to order at 7:30 p.m. and announced compliance with the provisions of the Open Public Meetings Act.

**Roll Call:** Nicholas Angarone, Vice Chairman, Mark Blackwell, Deborah Gnatt, Eileen Heinzel, Mayor's Designee, Seung Kwak, Alt. 1, Cara Laitusis, William B. Meytrott, Katherine L. O'Neill, James Reilly, Chairman. Absent: Douglas Schotland

**Also Present:** Edwin W. Schmierer, Mason, Griffin & Pierson, Planning Board Attorney; John Flemming, Zoning Officer; Mary W. Mistretta, Secretary.

**OPEN TIME FOR PUBLIC ADDRESS** – There was no one in the public.

Mr. Reilly announced that Cara Laitusis has been appointed to Class IV and Seung Kwak will take her place as Alternate 1.

**MEMORIALIZATION OF RESOLUTIONS**

**Borough of Pennington**, Block 1003, Lot 15, 275 S. Main Street (Hopewell Valley Regional School District) Minor Subdivision (3/4 +- acre to the rear portion of the Toll Gate School to develop Howe's Arboretum).

Mr. Angarone made a motion, seconded by Mr. Blackwell, to adopt the resolution. Voting yes: Angarone, Blackwell, Kwak, O'Neill, Reilly; Not Voting: Gnatt, Heinzel, Laitusis, Meytrott. Absent: Schotland.

**Jonathan Bichsel**, 9 E. Curlis Ave LLC, 11 E. Curlis Ave LLC, Block 801. Lot 21, R-80 Zone. Application No.19-005. Use Variance for expansion of a nonconforming use.

Ms. Laitusis made a motion, seconded by Mr. Angarone, to adopt the resolution. Voting yes: Angarone, Blackwell, O'Neill, Laitusis, Reilly. Not Voting: Gnatt, Heinzel, Kwak. Abstain: Meytrott. Absent: Schotland.

Mr. Reilly explained that Mr. Kyle was unable to attend this meeting and discussions regarding the vacant land use analysis will take place at the next Planning Board meeting.

**ANNUAL REPORT**

Mr. Reilly stated that the Board's Annual Report is for Borough Council and would include variances that the Board considered and any recommendations that have come up regarding ordinance changes. A list of variances heard in 2018 and 2019 were included with the agenda and some suggestions made by the Zoning Officer. Suggestions that the Board might consider when the reexamination of the Master Plan is being done could also be included. The next reexamination of the Master Plan is due in 2023. Mr. Flemming stated that most towns submit a report annually, but the Board has been going ahead with making recommendations to Council for ordinance changes that they felt were necessary. Mr. Flemming suggested that the Board look at things that come up repeatedly like requests to rebuild garages that are pre-existing and nonconforming. Mr. Reilly suggested that the Application Review Committee could undertake reviewing the report. There was further discussion regarding the report and Mr. Blackwell made a motion that the issue of the annual report be referred to the Application Review Committee for consideration and development of a proposal, Ms. Gnatt seconded the motion. Ms. Laitusis asked about the suggestion regarding lighting and Mr. Flemming stated that the suggestion was mostly from complaints and people asking for exceptions in applications. He noted that there

are sections of the light and noise ordinances that are not enforceable. Mr. Flemming stated that most of the complaints have never reached the level where a request to adjust the ordinance was necessary. Mr. Angarone asked for clarification on what the Board would like the committee to review. Mr. Reilly felt that it would be more practical to review the areas and definitions that the Zoning Officer suggested and include suggestions that have been received from the public. Ms. Heinzl agreed and felt that the Mayor and Council would be interested in hearing about them. After the committee reports back to the Board, the report will be placed on the agenda for discussion and the public would be able to comment. Mr. Flemming noted that the business owners might have suggestions regarding the Town Center.

Mr. Flemming suggested that the reexamination of the Master Plan would be the time to examine suggestions that would involve rezoning. An example would be the Stylianou property on Route 31 which has come up before and the business community has complained about the zoning in the Town Center. Mr. Schmierer noted that if the Master Plan was reexamined in depth it would be good for another ten years, however, if it was done for just one recommendation it would not count. The Board agreed to charge the Application Review Committee to prepare a report for the Board to consider that would then be sent to Council. Mr. Schmierer stated that the report is the role of the Zoning Board and would usually be done at the end of the year with the Board pointing out any issues to Borough Council. In this case it will include 2018 and 2019 so there is a little flexibility on what to include. He felt that if it is done by the end of the year it should be good.

#### **ZONING OFFICER & OTHER BUSINESS**

Mr. Flemming stated that Cugino's, Old Mill Square, W. Delaware Avenue, is requesting permission to install a back-up generator on the side of the property adjacent to the Borough property. There are two platforms with a/c units and a refrigerator that were previously approved. He stated that the generator would not come out any further than the platforms. Mr. Flemming stated that he feels comfortable approving it as it would be placed to the far end of the building and will not be visible from the road. Mr. Schmierer stated that since the Board already approved the side yard setback and the generator will not be increasing the nonconformity or encroach any closer to the approved side yard setback, he felt that the Board could waive the need for another variance and the Zoning Officer could give administrative approval.

Mr. Flemming asked if everyone agreed. Mr. Blackwell made a motion that the Board agreed with Mr. Flemming's approval of the generator for Cugino's as long as it did not expand beyond the approved setbacks; is not visible from the street; and the administrative approval is recorded and placed in the file. Ms. O'Neill asked if this would be the fourth unit along the wall and Mr. Flemming responded that it was, but it would have its own platform. He explained that they will have to obtain construction permits and if they are required to place the generator further back from the building they would be required to come back to the Board for a variance. Mr. Reilly has misgivings about the approval, but felt it was practical. The Board agreed unanimously with Mr. Flemming giving administrative approval for the generator.

In reference to the discussion regarding the reexamine, Mr. Flemming explained a problem that comes up with the Town Center Zone. He stated that the Electrochemical Society previously occupied the building and later the Board approved a real estate office. It is now up for sale or lease and the realtor asked if a medical professional could occupy the second floor which Mr. Flemming approved since it is allowed in the zone. He was then asked about a marketing firm which is an office use and it was previously occupied by an office. He stated that part of the issue was that there are landlords that do not like vacant stores and he agrees with this as vacant stores feed on each other. Whether or not it is an office he feels that it is a benefit to the

town to try to keep the momentum of having the stores occupied. The other school of thought in the TC Zone is that the stores should stay retail because retail feeds on retail. He feels that part of the reexamination of the Master Plan should include review of the Town Center Ordinance and if the allowable uses could be expanded. He suggested that one or two members of the business community be invited to give their opinions.

Mr. Flemming asked if a marketing firm wanted to have space in the former Electrochemical building would they have to come before the Board since it was previously a real estate office. Mr. Schmierer stated that the Electrochemical office was located there before the Town Center Zone was established and he remembered that when the real estate office came before the Board they explained that they were similar to a retail establishment since people were constantly coming and going to buy and lease real estate. The Board agreed that a marketing firm would have to come before the Board.

Mr. Flemming stated that 32 N. Main Street, known as "Big Blue," located in the Town Center Buffer Zone has existing residential units on the second and third floors that were made into condominiums. They would now like to convert the offices on the first floor to residential units and he gave approval since residential is an allowable use in the zone.

**DRAFT – REVISED PLANNING BOARD BYLAWS** - cancelled

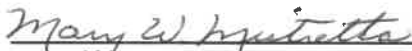
**OTHER BUSINESS** – Mr. Kyle could not make the meeting and requested to make his report on the Vacant Land Analysis at another meeting.

Mr. Reilly announced that we did not receive any applications for the April meeting. The Board agreed that the April meeting should be cancelled.

**MINUTES** – Mr. Angarone made a motion to approve the February 12, 2020 minutes with corrections and amendments, seconded by Ms. O'Neill with Ms. Gnatt abstaining and the minutes were approved.

The meeting was adjourned at 9:00 p.m.

Respectfully submitted,



Mary W. Mistretta  
Planning Board Secretary