

**PENNINGTON BOROUGH  
PLANNING BOARD MINUTES  
REGULAR MEETING  
FEBRUARY 10, 2021**

Mr. Reilly, Chairperson, 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:** Seung Kwak, Alt. #1, Cara Laitusis, James Reilly, Jeanne Van Orman, Alt. #2, Kate O'Neill, Nick Angarone, Joe Lawver, Deb Gnatt

**BOARD PROFESSIONALS PRESENT:** Edwin W. Schmierer, Planning Board Attorney, Mason, Griffin & Pierson, John Flemming, Zoning Officer, Eileen Heinzl, Acting Board Secretary

**REGULAR MEETING**

**OPEN TIME FOR PUBLIC ADDRESS**

Mr. Reilly asked if there was any member of the public who had joined the meeting and had comments. Kyle Wood joined the meeting and would like to speak regarding the application, not in open time. There being no other comments, time for public address was closed.

**NEW BUSINESS**

**APPLICATIONS**

**PB 21-001, Rotondo-1 Maple Lane-** Variance to replace Bilco doors and install a patio

Mr. Angarone noted that the application review committee had made some requests of the applicant which were supplied and the ARC has recommended a waiver for not having the full survey. The ARC ruled that that application can be heard with the waivers as requested. If the Board engineer needs to review at a later date this will happen.

Mr. Rotondo has been sworn in. Proof of notice and publication are in order and the Board has jurisdiction. Mr. Rotondo reports that wants to replace Bilco doors into his basement, add walkways and a patio. He reports that the Bilco doors are in need of repair and he would like to make a walk-in entrance to the basement. The plot is very shallow and already non-conforming to the rear and this is where Mr. Rotondo feels that the hardship lies. There are currently no walkways and Mr. Rotondo wants to connect the 2 driveways to the entrance of the home. There is no paved path to the service entrance at the rear of the home. The patio is indicated on the drawings and the walkways will lead to that patio. John Flemming, Zoning Officer for Pennington, was sworn in. He asked about the increase in impervious coverage. Mr. Rotondo said that the proposed impervious coverage is 25.78% for an overage of .78%. Mr. Kwak asked if

Mr. Rotondo had considered alternate, pervious surfaces for the area. Mr. Rotondo has not considered other surface options. Mr. Angarone asked for clarification on lot coverage. Mr. Rotondo answered that the lot coverage is currently 4,668 square feet and the increase will be to 5,744 square feet of coverage where 5,570 (as calculated by John Flemming) is allowed on a 22,277.66 square foot lot. Mr. Rotondo asked that the Board suggest conforming size suggestions for the patio and for the walkways so he does not have to go back and forth with the Board. Mr. Reilly noted that this Board can make suggestions to increase conformity but that the design specifics are up to the applicant.

Mr. Reilly opened the hearing for public comment.

Mr. Kyle Wood, 36 East Welling Ave, Pennington, was sworn in for public comment. Mr. Wood testified that he is the rear neighbor to Mr. Rotondo. He noted that Mr. Rotondo has completed a lot of great work on the home and property. Mr. Wood is concerned with the existing non-conformity of the rear-yard setback. With the new basement entrance, the structure will extend another 8-10 feet into the already non-conforming setback. This change will be noticeable from his property and he also has concerns with the potential for run-off. Mr. Wood reports that his property gets a lot of run off from surrounding properties and he has made efforts to mitigate this issue with limited success.

Mr. Schmierer noted that there are 2 types of bulk variances. One is due to hardship and the other is more flexible wherein the Board rules the plan is beneficial to the community in general and thus allows the relief.

Ms. O'Neill noted that the plans were a bit unclear as to the exact design of the stairwell. She questioned the slab noted at the top of the stairs and Mr. Rotondo explained that the bluestone slab was included for consistency with the house design and so people would not step directly to the grass.

Mr. Wood suggested that there be some design revisions to lessen the infringement into the setbacks, for example, move the stairs parallel to the house. Suggestions for moving the stair placement have been considered and rejected by Mr. Rotondo due to positioning of utilities, etc. Mr. Rotondo stressed that any option considered would need a variance because of the existing non-compliance regarding the rear setback.

Mr. Reilly asked for opinions from the Board. The majority of members would like to see a proposal that reduces the impervious coverage and minimizes the setback infringement. Ms. Laitusis questioned the need for the improved rear entry where many homes do not have outside entrances into the basement. Mr. Flemming suggested that Mr. Rotondo request a continuance, re-tool the application taking into consideration the comments of the Board and come back at a future date. Mr. Rotondo asked that if he replaced the Bilco doors in-kind would he need a variance. Mr. Schmierer confirmed that if the patio is at grade, the stairs are replaced in-kind and the improvements meet impervious lot coverage rules, a variance would not be needed.

Mr. Rotondo requested that the hearing be continued to the March 10 meeting. Mr. Schotland asked for an itemized list of all impervious coverage so this information is clearer to the Board. Mr. Schmierer asked for more specifics on the patio plan. For example, if it involves a retaining wall and steps the patio would be considered a

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structure because it entails a combination of materials not just something on the ground. Mr. Schmierer asked that the revised plans be submitted by February 26.

Ms. O'Neill moved to continue the hearing at the March meeting and Mr. Angarone seconded.

Roll Call

Angarone-Yes

Gnatt-Yes

Kwak-Yes

Laitusis-Yes

Lawver-Yes

O'Neill-Yes

Reilly-Yes

Schotland-Yes

Van Orman-Abstain

Motion was adopted. The application will be continued until the March 10, 2022 meeting.

**ZONING OFFICER REPORT**

Nothing currently to report, but Mr. Flemming expects a few applications coming up soon.

**OLD BUSINESS**

Master Plan Committee has gotten underway.

**NEW BUSINESS**

No new business.

**MINUTES**

A motion to approve the January 12, 2021 minutes, with changes noted by Ms. O'Neill and Mr. Angarone, was made by Mr. Angarone and was seconded by Ms. Laitusis. All were in favor via voice vote.

Motion to adjourn was moved by Mr. Angarone and seconded by Mr. Lawver. All were in favor via voice vote and the meeting was adjourned.

Respectfully submitted,



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