

**PENNINGTON BOROUGH  
PLANNING BOARD MINUTES  
REGULAR MEETING  
July 14, 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, Cara Laitusis, James Reilly, Jeanne Van Orman, Kate O'Neill, Nick Angarone

**BOARD PROFESSIONALS PRESENT:** Edwin W. Schmierer, Planning Board Attorney, Mason, Griffin & Pierson, John Flemming, Zoning Officer, James Kyle, Planner, KMA Associates, Brian Perry, Engineer, Van Note Harvey

**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. There being no public comments, the time for public address was closed.

**RESOLUTION OF MEMORIALIZATION**

**PB 21-006 McMurray Holdings**, minor subdivision and Bulk variance

Ms. Laitusis moved to accept the resolution as written, Ms. O'Neill seconded.

Roll Call:

Angarone-Abstain

Kwak-Yes

Laitusis-Yes

O'Neill-Yes

Reilly-Yes

Van Orman-Abstain

With 5 votes in favor, the resolution was adopted.

**NEW BUSINESS**

**PB 21-008, Glogoff**, minor subdivision

All notice is in order and the Board has jurisdiction.

David Glogoff, applicant, and Ryan Kennedy, applicant's attorney, were sworn in. Mr. Glogoff described his experience in Pennington including serving on the economic development commission and Friends of Hopewell Valley Open Space. The Glogoffs neighbors are selling their property and the Glogoffs approached them regarding a subdivision which would allow the Glogoffs to preserve a line of trees that is currently on the neighbor's lot. Mr. Kennedy explained that this subdivision will not create a new plot but will be a line adjustment. Adding this 20 foot wide area to the Glogoff property will reduce an existing non-conformity regarding a shed and overall lot coverage. Mr. Kennedy showed Exhibit A-1, consisting of 3 slides: 1. A map of the property indicating the properties in question, 2. Current property lines and 3. Proposed property lines. The plan is to move an existing fence to match the new property lines. This is a 6 foot fence that extends beyond the front of the dwelling so it is considered an existing non-conformity that needs a variance. This variance will enhance the Master Plan and planning in general by more appropriately spacing these 2 homes without new development.

Questions from the Board included one about the existing 6 foot fence which is technically in the front yard and one about the existing shed. The fence is not visible at all from the road and has no impact on sight lines, etc. The shed is a non-conforming structure that will be made conforming by the sub-division. Mr. Kyle notes that the site will be at 28.1% lot coverage which is a slight improvement over current lot coverage. The shed will continue to be non-conforming to the rear setback but now will conform to the side setbacks. He noted that the overall effect of the variance would be of benefit to the Borough.

Mr. Reilly asked for public comment on the application. As there were no comments from the public, the public comment portion was closed.

Mr. Reilly asked for comments from the Board. Mr. Angarone commented that he feels that the applicant has met the criteria to allow the variances. Ms. Laitusis noted that saving the trees is an inherent good for the community. Ms. O'Neill, Mr. Kwak, Mr. Schotland and Ms. Van Orman agree with Mr. Angarone and Ms. Laitusis's comments.

Mr. Reilly asked for a motion to address the variances including the fence and the lot line adjustment. Mr. Angarone made the motion to approve with Ms. Van Orman seconding.

Roll Call

Angarone-Yes

Kwak-Yes

Laitusis-Yes

O'Neill-Yes

Reilly-Yes

Van Orman-Yes

Minor subdivision and variances are approved.

**PB 21-010, Karin Eckerson**, Bulk variance to expand a non-conforming building, D variance for use not permitted in the zone

All notice is in order and the Board has jurisdiction.

Ms. Eckerson was sworn in and discussed their recent move to 12 Ingleside. The property has a home and an outbuilding on the lot. The Eckerson's would like to restore the existing outbuilding and do a modestly scaled addition to the building for use as an interior design studio. She noted that the footprint for the outbuilding is oversized for a shed but undersized for a garage. The building "as is" is non-conforming to the rear setback. The addition will be 216 square feet including meeting space and a powder room which will conform with all setbacks. Changes include dormers to enhance light and a portico in front. The new structure will be 718 feet without the portico and 743 feet including the portico. Home occupation is a conditional use. The home occupation ordinance does not address a structure separate from the main dwelling, such as proposed here. Although an addition to the main structure was considered, the applicant desired to re-use the existing building for sustainability and also she will benefit from having a separate space. Ms. Eckerson noted that an existing structure will be improved and the lot coverage will be reduced by the removal of an asphalt area in front of the current out building.

Board questions included how clients would access the site, where clients would park and clarification on removal of asphalt. Clients will park in the driveway in front of the garage and will walk back on a foot path to the left of the garage. The new path will be pieces of slate that will not increase the impervious coverage. John Flemming noted that it is not a home occupation but is creating a commercial property in a residential zone and that this variance is transferrable with the land so it could be used as a commercial entity moving forward. There was a question about window placement as it pertains to the neighbor's privacy. Ms. Eckerson replied that the windows in the addition will face the other property. The concept is to expand the one window that faces the neighbor's property and add a little window near the top of the building for extra light. She believes that the window position will not impact the neighbor's privacy.

Ms. O'Neill had a question regarding the use variance and what kind of business could take place in the space in the future. Mr. Kyle noted that the specific use as a design studio with limited clients and no staff, could indicate that any future use would have to come before the Board for approval. Mr. Kyle noted that a conditional use would terminate with a new owner but this is a different situation where a D variance is needed which would transfer with the land and not the owner. Mr. Schmierer suggested the Board look at it like a "use in lieu of home occupation" and add conditions that would compel new owners to come back to the board for use approval.

Mr. Reilly opened the meeting for public comment.

Frank and Valerie Roubo, 8 Ingleside Ave, have joined the meeting and were sworn in. The Roubos have been residents for 21 years and are concerned about the impact on the neighborhood. Ms. Eckerson stressed that she would only have one client at a time and a lot of the consultation is done at the client's space. Mr. Schmierer reiterated that any use approved today could be worded so it would not carry over to a new owner. Ms.

Roubo testified that she is concerned that a commercial enterprise taking place in a residential area would change the tenor of the neighborhood.

Ron Spych, 9 Ingleside Ave, joined the meeting and was sworn in. He is a long-time resident and is happy the neighbors want to improve the property. The concern lies with the non-conformity with the R-80 zoning rules and with the future fate of the space after the Eckersons leave the home. There are traffic concerns on this street and space concerns in general in this area.

There being no other comments, the public portion of the hearing was closed.

The Chairman opened the floor for comment from Board members. Ms. Laitusis believes the neighbor's valid concerns should hold a lot of weight. Mr. Agarone noted that this is a tough decision. The idea that the exact same thing is allowable with an addition to the home makes this even trickier. He is inclined to approve because he feels the impacts to the neighborhood are not significantly more than an in-house occupation would cause. Ms. Van Orman believes the commercial use will be tied to the land and not the applicant. Ms. O'Neill has a strong position on abiding by the Master Plan and encouraging business in the TC district to encourage a vibrant downtown. Mr. Kwak notes the concerns of clients walking close to the neighbor's house and is inclined to vote no. With no further discussion, Mr. Reilly called for a motion on the application. Ms. O'Neill moved to deny the application and Ms. Van Orman seconded. Mr. Reilly clarified that a no vote would approve the application and a yes vote would deny the application.

Roll Call

Angarone-No

Laitusis-Yes

O'Neill-Yes

Reilly-Yes

Seung-Yes

Van Orman-Yes

The motion to deny the application has been approved. The application is denied.

### **ZONING OFFICER'S REPORT**

There may be an appeal coming down which may be interesting. Zoning activity has been pretty quiet with generators being a frequent request. We may want to look at the setbacks in regard to generators, utilities, etc. Home occupation may be another area for review. The Master Plan committee may be a good place to address these things.

### **OLD BUSINESS**

No old business.

### **Minutes**

There are no minutes for review

Pennington Borough Planning Board Minutes – July 14, 2021  
Regular Meeting

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

Respectfully Submitted,

