

**PENNINGTON BOROUGH  
PLANNING BOARD MINUTES  
REGULAR MEETING  
MARCH 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, Cara Laitusis, James Reilly, Jeanne Van Orman, Doug Schotland, Mark Blackwell, (joined after attendance and first vote) Kate O'Neill (arrived at 8:00pm), Nick Angarone, Joe Lawver

**BOARD PROFESSIONALS PRESENT:** Robert Davidow, Planning Board Attorney Representative, 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 comment, the time for public address was closed.

**COURTESY PRESENTATION**

Pennington School-construction of a pedestrian bridge over the duck pond on the campus.

This plan does not need Zoning Board approval so this presentation is to familiarize this Board with the proposed construction.

James Bash with Van Cleef Engineering presented that this bridge solves a safety issue because currently students have to cross a one-way driveway to get across the campus. This will be a pre-fabricated bridge and the only impervious surface are the footings. DEP is currently reviewing the plans and the construction will not start until they have the permits from DEP. There were no questions from the Board.

**APPLICATIONS**

**412 South Main Street –request for extension of filing minor subdivision deeds.**

Litigation has prevented the deeds from being filed in a timely manner. Mr. Angarone moved to approve the extension to June 1, 2021 and Mr. Schotland seconded the motion.

Roll Call

Angarone-Yes

Blackwell-Yes

Kwak-Yes

Laitusis-Yes  
Lawver-Yes  
Reilly-Yes  
Schotland-Yes  
Van Orman-Abstain

With one abstention, all were in favor of granting the extension to June 1, 2021.

**PB21-001 Rotondo-1 Maple Lane-Variance** continued from February 10 meeting.

Mr. Rotondo has asked to continue the application until the April 14 meeting.

A motion to continue the application to the April meeting was made by Mr. Angarone and seconded by Ms.

Laitusis.  
Roll Call  
Angarone-Yes  
Kwak-Yes  
Laitusis-Yes  
Lawver-Yes  
Reilly-Yes  
Schotland-Yes  
Van Orman-Abstain

With one abstention, all were in favor of continuing the application until the April meeting.

### **ZONING OFFICER REPORT**

All remains quiet which is normal for this time of year.

### **NEW BUSINESS**

We are expecting an application for an over height fence and the applicant would like to submit everything electronically instead of hard copy. Ms. Heinzel spoke with the applicant and the applicant indicated that an electronic application would be more efficient, especially given that the meetings are taking place via Zoom. Mr. Davidow indicated that an electronic submission is permissible as long as a hard copy can be produced if the need arises. He will ask at his firm to see how they have been handling requests for electronic submissions. Mr. Kyle informed the Board that many of the Boards with which he works have been posting all materials on the municipal website. Board members indicated that they do not have a problem with an electronic submission.

### **Application**

**PB 21-002 Markison 107 King George Road** d variance to construct a new residence in excess of FAR limits.

Bob Ridolfi, attorney for the applicant, introduced himself. Mr. Davidow ensured that all notices are in order and the Board has jurisdiction. The application is to construct a primary home at 107 King George Road. Construction is in an R-80 district and the applicant requests to exceed the floor space parameters by 498 square feet. All witnesses were put under oath by Mr. Davidow.

Brian and Joan Markison explained their ties to the Pennington community and why they want to live in the Borough.

Rachel Birch, architect, was accepted as an expert witness after stating her credentials. She testified that she developed the plans and has worked with the Markison family. Ms. Birch presented Exhibit A-1, the full presentation of plans and renderings. She testified that she developed the plan to fit into the architectural style of Pennington. It will be a 4 bedroom house with common areas in the middle. In the presentation, Ms. Birch shared images of homes in Pennington that are a similar style to what is proposed in this application. Mr. Flemming asked about the long-term plans for the basement space and what kind of outdoor lighting is planned. Ms. Birch and Mr. Markison explained that they intend to use the basement as storage, not living space and that there is no landscape lighting planned at this time.

Frank Falcone, Princeton Junction Engineering, reviewed his credentials and was accepted as an expert witness. Mr. Falcone said that he has no issues with the Board's Engineer's memo or the Board's planner's memo and will rectify what is missing. Mr. Falcone specifically mentioned adding illustrations of the downspouts. Mr. Falcone presented Exhibit A-2, the site plan. The lot is 17,479 Square feet. The proposed structure meets all bulk requirements with the exception of the maximum floor area. Mr. Schotland asked about the average of the floor area whereas the ordinance does not mention using averages. Mr. Falcone explained that they established a portion of the perimeter that is 50% of the perimeter and compared that portion to the grading and it was less than 3 feet. The design of the house was specifically made to comply with the ordinance.

Christine Nazzaro Cofone, Licensed Professional Planner, was accepted as an expert witness after sharing her qualifications. Ms. Cofone reiterated that they are seeking only one variance for this application. She advised that the point the Board should consider is whether or not the site could handle the extra FAR without a negative impact. She stressed that all other bulk requirements are met and the site is large enough to handle this structure. There will be adequate light, air and space all around the home. In fact, it meets the percentage of allowable space but exceeds the limit on square footage. Mr. Kyle explained his March 5, 2021 memorandum. As was noted, the important factors are that this application does not exceed any of the other bulk standards, so no other relief is being sought. The limit on FAR was adopted in 2005 and the ordinance reduced to the current level in 2011. He thinks the applicants have provided significant and ample information for the Board to make their decision. Mr. Kyle addressed the grading and the basement. He had discussed the issue with Mr. Falcone and he agrees with the calculations that were included in the plan and the basement should not be considered a story.

Brian Perry, Van Note Harvey discussed his March 2, 2021 memo specifically regarding the new stormwater management requirement. The lot itself is over 1/3 acre and impervious coverage is not increasing. There were some items missing from the

application and Mr. Falcone has testified that he will provide the missing pieces. Mr. Perry has asked for test pits to see if there are any water issues of which to be aware. Mr. Angarone reports that the Environmental Commission has reviewed the plan. They have a question about the 2 swales that might lead to drainage issues. Mr. Perry reviewed the plan and discussed briefly how the swales, etc. are used to help mitigate stormwater impact.

Mr. Reilly opened the meeting to public comment.

George Nash, 49 Eglantine Ave, Pennington, NJ, was sworn in by the Board Attorney. Mr. Nash resides to the north west of the proposed building site. Mr. Nash discussed the current drainage issues and other issues that had to be mitigated when he moved in. He asked if there were any construction or planning factors that would help to avoid future drainage issues. Mr. Markison assured Mr. Nash that any issues which arise will be mitigated. Mr. Perry described that the proposed mitigation on the plot plan are what is usually included in plans and should be enough to help direct run off.

There being no other public comment, the public comment period was closed.

Mr. Reilly discussed the history of the house size limit. The majority of the Board members complimented the design, felt it met all requirements and are inclined to approve the variance. Mr. Angarone mentioned other points from the Environmental Commission; that the Markisons work with their neighbors on any stormwater mitigation and that green infrastructure be used as a first line of defense. They also recommend that wherever possible green building solutions be used. These are not conditions but suggestions.

Mr. Angarone made a motion to approve the variance with the conditions set by Mr. Perry. Mr. Blackwell seconded the motion. To confirm, Mr. Lawver and Ms. Heinzl will not be voting.

Roll Call

Angarone-Yes

Blackwell-Yes

Kwak-Yes

Laitusis-Yes

O'Neill-Yes

Reilly-Yes

Schotland-Yes

**Minutes-** Will be available at the next Board meeting

The motion to adjourn was made by Mr. Angarone and seconded by Ms. O'Neill. All agreed via voice vote.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Robert Reilly", written over a horizontal line.