

**PENNINGTON BOROUGH  
PLANNING BOARD MINUTES  
REORGANIZATION MEETING  
REGULAR MEETING  
January 10, 2024, 7:30 PM**

Mr. Ed Schmierer, Attorney for the Board, called the meeting to order at 7:32 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.

**REORGANIZATION MEETING**

**OATH OF OFFICE**

The following were give the Oath of Office by Mr. Schmierer: Jim Davy, Class I, Mayor, Term 01/01/2024 – 12/31/2024, Nadine Stern, Class III, Council Representative, Term 01/01/2024– 12/31/2024, Amy Kassler-Taub, Term 01/01/2024-12/31/2027

**BOARD MEMBERS PRESENT:** Mark Blackwell, Jim Davy, James Reilly, Nadine Stern, Amy Kassler-Taub, Kate O’Neill, Andrew Jackson, Jen Tracy, Nazli Rex

**BOARD PROFESSIONALS PRESENT:** Jim Kyle, Planner, KMA Associates, Ed Schmierer, Attorney, Mason, Griffin & Pierson, Kaitlyn Macellaro, Board Secretary

Mr. Schmierer called for nomination of the Planning Board Chair. Mr. Reilly was nominated by Mr. Jackson, seconded by Mayor Davy and approved by unanimous voice vote. Mr. Reilly called for the nomination of Vice-Chair. Mr. Jackson was nominated by Mayor Davy with a second by Mr. Blackwell and approved by unanimous voice vote.

Mayor Davy moved to approve the appointment of the following professionals for 2024. The motion was seconded by Mr. Blackwell and all were in favor via voice vote.

The Professionals for 2024 are:

Edwin W. Schmierer, Esq., Mason, Griffin & Pierson, P.C. was appointed Planning Board Attorney for the year 2024.

James Kyle, PP/AICP, KMA, (Kyle-McManus Associates) was appointed Borough Planner for the year 2024.

Brian Perry, P.E., Van Note-Harvey Associates, PC, was appointed Planning Board Engineer for the year 2024.

Kaitlyn Macellaro was appointed as Planning Board Secretary for the year 2024.

A motion by Mr. Blackwell to adopt the Hopewell Valley News as the official daily newspaper and the Times of Trenton as the backup official daily newspaper to be used only when, through no fault of the applicant or the Board, publication of the Legal Notice

48 was not possible in the Hopewell Valley News was seconded by Ms. Kassler-Taub and  
49 approved via voice vote.

50

51 The schedule of meetings for 2024 was approved via a motion by Mr. Blackwell and  
52 seconded by Mr. Jackson. All were in favor via voice vote. The 2024 schedule of  
53 meetings is as follows: 1/10/2024, 2/14/2024, 3/13/2024, 4/10/2024, 5/8/2024,  
54 6/12/2024, 7/10/2024, 8/14/2024, 9/11/2024, 10/9/2024, 11/13/2024, 12/11/2024,  
55 1/8/2025.

56

57 The Application Review Committee for 2024 was approved as Mr. Reilly, Ms.Tracy and  
58 Ms.Rex via a motion by Mr. Blackwell and a second by Ms. Kassler-Taub. All were in  
59 favor via voice vote.

60

61 Motion to adjourn the reorganization meeting was made by Mr. Blackwell and seconded  
62 by Mayor Davy. All were in favor via voice vote and the reorganization meeting was  
63 adjourned at 7:47 p.m.

64

65 **REGULAR MEETING**

66

67 Mr. Reilly, Chair of the Board, called the Regular Meeting to order at 7:48 p.m. He  
68 welcomed Mayor Davy and Ms. Stern to the Board.

69

70

71 **OPEN TIME FOR PUBLIC ADDRESS**

72

73 Mr. Reilly asked if there was any member of the public who had joined the meeting and  
74 had comments on items not on the agenda. There being no member of the public  
75 wanting to comment, the open period for public comment period was closed.

76

77

78 **RESOLUTIONS OF MEMORIALIZATION**

79

80 Recommendation to designate Block 206, Lots 4,5 and 12 Pennington Borough Tax  
81 Map as a Redevelopment Area.

82

83 Motion to adopt the resolution was made by Ms. Kassler-Taub and seconded by  
84 Mr. Jackson.

85

86 **ROLL CALL:**

|               |                   |                 |
|---------------|-------------------|-----------------|
| Blackwell-Yes | Stern- Abstain    | Tracy- Yes      |
| Jackson- Yes  | Davy- Abstain     | O’Neill-Yes     |
| Reilly-Yes    | Kassler-Taub- Yes | Rex Alt.# 1-Yes |

87

88 Motion approved with 7 votes in favor.

89

90

91 **ZONING OFFICER REPORT**

92

There was no Zoning Officer Report this evening.

93

94

93 **MASTER PLAN COMMITTEE REPORT**

94 Mr. Jackson provided an update including the history behind the formation of the CAC,  
95 vision and goals. CAC and Board members introduced themselves and their street of  
96 residence. The CAC members that were present were Emily Bent, Natalie Shivers,  
97 Suzanne Elliott, Mary Ternoey, Meredith Moore, Tom Timperman, Allison Neary,  
98 Yasmine Zein and Gretchen Overhiser. Mr. Jackson shared the “Master Plan 2025 –  
99 Vision and goals suggestions from the Citizens Advisory Committee and the Master  
100 Plan Committee” for the purpose of gaining consensus on which items within each  
101 element should be further explored, tabled for later discussion, or rejected.

102  
103 The following Land Use Plan ideas contributed by the CAC and the MPC were agreed  
104 on by the Board:

- 105  
106 1. Sustain a mix of residential, public, semi-public and business uses in the Borough  
107 Center. Develop concepts jointly with key community stakeholders. Provide greater  
108 opportunity for economic development.  
109  
110 2. Preserve the charm of existing residential areas, fostering a sense of community.  
111 New residential areas should reflect the scale and character of Pennington, ensuring a  
112 cohesive blend.  
113  
114 3. Any plan for the landfill should improve the drainage and course of Lewis Brook  
115 through the property to alleviate flooding at the Route 31 and West Delaware Avenue  
116 intersection. The tunnel for the brook under the elevated CSX tracks south of Broemel  
117 Place is too small and constricted with roots and debris, leading to flooding under the  
118 Broemel St. railroad bridge. This needs correction if and when the landfill is developed.  
119  
120 4. The Borough will need to address NJDEP Stormwater Management and Flood  
121 Hazard Area Control Act Rule Updates, considering increased flood elevations.  
122

123 There were some ideas on how to make use of the former landfill. Since the Planning  
124 Board has just declared it an area in need of redevelopment, we are going to hold  
125 discussion until the Planning Board is charged by Council to come up with ideas.  
126

127 **Land Use Plan**

128 The following questions were answered and discussed by the CAC, MPC and the  
129 Planning Board members:

- 130  
131 1. Should Pennington Borough be merged with Hopewell Township as Princeton  
132 Borough did with Princeton Township? The State supports mergers to reduce the  
133 number of municipalities. What would be the benefits and the negatives?  
134

135 Tom Timperman shared his opinion to not merge, but to maintain a ‘neighborly’  
136 relationship with Hopewell Township. Mr. Davy stated that there is no current pressure  
137 from the State to merge the two entities. The Board concluded that the response would  
138 be no.  
139

140 2. Should parts of Hopewell Township that are reachable only through  
141 Pennington Borough become part of the Borough? These are Penn View  
142 Heights, Presidential Hill, Woodmere and Linden, East Curlis and East Welling,  
143 Maple, Birch and Oak Streets. Would residents of these communities be  
144 interested? Would the Township consider this? What would be the advantages  
145 and disadvantages to the residents and the Borough? Sewers?  
146

147 Mr. Davy said that incorporating it may get messy, but it may be worthwhile to  
148 consider to sell some services, like trash or street trees. Mr. Jackson noted on  
149 infrastructure and services that they be defensible against climate change. Ms.  
150 Moore inquired about cybersecurity locations and services. Mr. Davy indicated  
151 that the Borough handles all cybersecurity, but not for the community. Mr.  
152 Blackwell stated that the removal of the beaver dam has reduced flooding. Mr.  
153 Jackson believed that it was more than only removing the dam. The Board  
154 concluded that it was going to be on a case by case basis.  
155

156 3. Recent announcements about the new community center to be built on Reed  
157 Road disclosed that some of the space may be rented by HVRSD to  
158 accommodate administrative staff. Moving the school bus parking to the  
159 Hopewell Township municipal complex has also been discussed. This could  
160 mean that HVRSD would eventually vacate the former high school building at  
161 425 South Main St and the associated property. In anticipation of this, there was  
162 energy around ensuring the preservation of at least the façade of the iconic  
163 school building and the adjoining gym as it is a distinctive landmark at the south  
164 entrance to the Borough. It was suggested that the Borough should work with  
165 HVRSD to zone the property accordingly. Ideas presented for consideration  
166 were:

- 167 a. Preserve the ~3-acre field on the east side of the property as open space,  
168 following the precedent of the arboretum behind the Toll Gate school. It is  
169 Contiguous with the Pennington African Cemetery.  
170 b. Find a developer to preserve the building façade and the gym and create a  
171 variety of high-density housing (market rate, affordable and accessible) in the  
172 remaining part of the building and in the school bus parking lot.  
173

174 Mr. Davy shared that he spoke with the superintendent who has no intent on  
175 selling the current HVRSD building and asked that, if they do decide to sell, to  
176 come to Pennington first. Mr. Jackson indicated that the property is R100. Mr.  
177 Davy recommended that we discuss options with Mr. Kyle.  
178

### 179 **Housing Plan**

180 Mr. Kyle is currently developing a new housing plan for the Borough Council.  
181 There are suggestions from the CAC and the MPC that were discussed with the  
182 Planning Board:  
183

- 184 1. Stay current with the changing NJ requirements for municipalities to ensure  
185 that a fair share of affordable housing is available. Support the development of  
186 affordable housing for sale or rental through conversions or new buildings. Permit  
187 accessory dwelling units for extended family use or for income generation.

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Mr. Kyle reviewed current legislation concerning Affordable Housing and indicated it is tabled for now. Mr. Davy shared that there is an old ordinance in place regarding the allowance of ADU's, but does not think it is effective for affordable housing. Mr. Kyle added that the ADU's could offset some current affordability issues, citing a previous report income and rental statistics that the Borough has a very low number of rental units as it is and this is considered a provision for affordable housing.

2. Support community efforts to ensure that Pennington is welcoming, inclusive and accessible for people who are diverse in age, race, ethnicity, religion, abilities and socioeconomic status.

Ms. Stern raised her concern about wording within the document such as "scale and character" [of the Borough] to be coded for exclusion. Mr. Jackson assured her that it is not the purpose or meaning and it refers to physical characteristics. Ms. Stern recommended using different language so that it is not misinterpreted.

3. Drive borough housing towards zero greenhouse gas emissions by 2050, setting reduction targets for the intervening years. Ensure that all new buildings or renovations meet the US Green Building Council's Leadership in Energy and Environmental Design LEED certification standards. Provide information to residents on new technology and on NJ and Federal financial incentives to move from fossil fuel to zero-emissions energy sources when equipment such heating units or cooking stoves need to be replaced.

Mr. Jackson clarified that this is a target, is voluntary, and is not a mandate. He asked that we could agree to reduce greenhouse gas emissions, etc. Ms. Moore raised her concern about LEED and the need to clarify its scope.

4. Remove any impediments for the installation of domestic solar or geothermal energy.

Ms. O'Neill recommended the removal of 'any.' Ms. Moore suggested clarifying the extent instead of 'any.'

5. Support community solar programs and encourage residents to participate.

Everyone agreed on this point with no discussion.

### **Mobility Plan**

Although the MLUL uses the title Circulation for this element, the term Mobility seems to better comprehend the extended modern range of personal transportation beyond cars, buses and trucks. A committee will be formed to develop this plan.

1. To encourage the use of energy-efficient transportation for local trips, the Borough should focus on the safety of road users who are not in cars or trucks.

236 These include pedestrians, bicyclists, skateboarders, and users of electric  
237 scooters and other electric micro-mobility vehicles, etc. Crosswalks with user-  
238 controlled lights should be installed where people frequently cross. All roads  
239 should have dedicated lanes for bicycles and micro-mobility vehicles. Sidewalks  
240 should be well-maintained and free of obstructions. Linkages to surrounding  
241 parks and trails in Mercer County should be enhanced.

242  
243 Ms. Stern recommended removal of “all”, added the opinion that not all roads  
244 require this designation. She stated she prefers “certain” instead of “all.” Mr.  
245 Davy noted that Mercer County’s plan for bicycle paths include Main Street and  
246 Delaware Ave and we should be careful with marking residential roads. Ms.  
247 Moore recommended that we assess the impact on businesses regarding  
248 parking.

249  
250 2. A new trend gaining popularity in many communities is the use of mini-EVs,  
251 also known as micro-cars, EVs, tiny cars, NEVs (neighborhood electric vehicles),  
252 LSVs (low-speed vehicles), as a more affordable second-car alternative to a full-  
253 size car. Informally and incorrectly thought of as electric golf carts, mini-EVs are  
254 enclosed four-seaters, with heat and AC and are street legal. They are currently  
255 limited to 25 mph in the USA and are only allowed on roads with speed limits less  
256 than 35 mph. That means that Pennington residents could not currently use them  
257 to get to the proposed new Community Center on Reed Road and the shops and  
258 businesses at the Pennington Circle and Denow Road. The Borough should work  
259 with Hopewell Township, Mercer County and the State to develop safe routes to  
260 these locations for mini-EVs and for other personal transportation.

261  
262 Everyone agreed with this aspect.

263  
264 3. If the Borough wishes to increase the use of electrical vehicles by residents, it  
265 needs to support the installation of level 1 and 2 charging stations in homes as  
266 well as level 3 charging stations in central locations. State and utility financial  
267 incentives should be documented and made publicly available to residents. The  
268 small fire risk of charging should be assessed based on state and national data  
269 and addressed for the full range from electric micro-mobility to electric trucks.  
270 The aim should be to facilitate the use of such vehicles, not to ban them.

271  
272 Mr. Davy was concerned about including any language that PSE&G could  
273 leverage toward installation of level 3 stations and wants to eliminate “level 3.”

274  
275 4. The reduced provision of school buses mandates that safe passage be  
276 assured for students walking or riding to and from school. The safety of children  
277 walking to the playgrounds at Kunkel Park, Sked Street and Toll Gate and to the  
278 Penn Brook Swim Club should also be assured. Pennington School boarding  
279 students should feel safe accessing local businesses. Lighting on all streets  
280 should be designed with pedestrian safety as a criterion.

281  
282 Ms. Moore sited the recent changes in the Borough lighting ordinance and  
283 shared opinion that lighting could be too bright and more sidewalks could cause

284 water problems. She stated that sidewalks were not needed everywhere. Ms.  
285 Shivers shared her experience walking with poor lighting conditions. She  
286 recommended that we emphasize better lighting and expand the statement  
287 beyond children to all pedestrians.  
288

289 5. A challenge facing the Borough will be increased traffic from the new BeiGene  
290 labs and other companies that move into the former Bristol Myers Squibb site on  
291 Rocky Hill Road, and from the two new housing developments on Washington  
292 Crossing Road and Scotch Road in Hopewell Township. Good traffic flow at the  
293 intersection of Delaware and Main will be critical to minimize traffic from taking  
294 detours on residential streets such as Welling, Abey, King George and Burd to  
295 avoid delays at this intersection. The Borough will need to remain vigilant on  
296 speed control on Main Street and Delaware Avenue to maintain safety,  
297 particularly for pedestrians, bicyclists and users of electric mobility devices.  
298 Additional speed bumps may be needed on residential streets.  
299

300 Mr. Jackson noted that some roads in the Borough are county roads. Ms. Stern  
301 shared her opinion that protecting some streets could mean more traffic on  
302 others.  
303

304 6. There appears to be little appetite for public transport in Pennington. The only  
305 service is the hourly bus to Trenton, NJ Transit route 624. However, many people  
306 take their cars to Hamilton Station to catch trains north, and to Trenton, West  
307 Trenton and Cornwells Heights for trains going south. Uber and Lyft have  
308 replaced taxis, but their uncertain financial footing and recent stories of  
309 unreliability leave people with questionable choices. The Borough should conduct  
310 frequent surveys to determine where people travel and under what  
311 circumstances they would choose public transport. Options mentioned are  
312 extending train service from West Trenton north via Hopewell with a stop in  
313 Pennington, a local on-call EV minibuss serving the greater Pennington area, bus  
314 service to West Trenton and Hamilton stations that runs frequently and circulates  
315 around the eastern and northern areas of the town.  
316

317 Everyone agreed on this idea.  
318

319 7. Route 31, with its growing heavy truck traffic, continues to be hazardous.  
320 Delays on both Route 31 and West Delaware Avenue at the traffic light are  
321 common, especially at rush hours. Flooding of that intersection is becoming more  
322 frequent. There are also no controlled pedestrian crossings of Route 31 for 2.5  
323 miles between Delaware Avenue and Denow Road. The Route 31 Design Study  
324 conducted in 2002 should be revisited and new ideas should be developed with  
325 the State to address safety and congestion problems. An option mentioned is to  
326 build a bridge to carry Delaware Avenue over Route 31. This will require creative  
327 use of land for access roads and significant funding. It could be integrated with  
328 the replacement of the old bridge carrying West Delaware Avenue over the  
329 railroad tracks.  
330

331 Mr. Jackson shared idea of bridge over 31 to create a stronger connection. Mr.  
332 Blackwell inquired whether Mr. Jackson meant a pedestrian/vehicle bridge Mr.  
333 Jackson described his idea in more detail and its point of origin at the railway.  
334 Ms. Overhiser noted her role at the Pennington School and their plan to  
335 recirculate traffic which will create new traffic patterns on Delaware.  
336

337 **Additional ideas from the CAC for discussion:**

338 1. Create spaces for young people to gather beyond the Toll Gate playground.  
339 Middle and high school students gather at Toll Gate after school to play  
340 basketball or to hang out. While we have a few different playgrounds for the  
341 younger ones in Pennington, we do not have a space for middle and high school  
342 students to gather, play games and socialize.  
343

344 Everyone agreed on this idea.  
345

346 2. Pennington should have a place that provides opportunities for learning, social  
347 connections, culture, and leisure for all. It should be rich in arts, community  
348 activities, and entertainment. The proposed new community center on Reed  
349 Road may address this to a certain extent.  
350

351 Everyone agreed on this idea.  
352

353 3. Preserve the ~3-acre field on the east side of the HVRSD property at 425  
354 South Main St. as open space, following the precedent of the arboretum behind  
355 the Toll Gate School. It is contiguous with the Pennington African Cemetery.  
356

357 Mr. Davy recommended that we preserve all options with this property, including  
358 this scheme. Mr. Kyle agreed that we keep it open and we don't know what we  
359 will be dealing with in the 4<sup>th</sup> round.  
360

361 **New Focus Areas of the Public Works Department:**

362 1. Take responsibility for the provision of wireless technology. The importance of  
363 internet access, cell phones and streaming services to our daily lives, and  
364 particularly in the case of an emergency, mandate that residents should receive  
365 reliable basic services. Control over the size, location, and the appearance of  
366 wireless facilities should be a Borough responsibility administered by Public  
367 Works.  
368

369 Ms. Rex asked if there were other departments for this. Ms. Stern noted that  
370 wireless is not a public utility. Mayor Davy stated that too many municipalities do  
371 this, and we do not have the bandwidth for this type of scope. Mr. Blackwell  
372 shared thoughts about how this is off-base for the Borough. The group concluded  
373 this to be a no after discussion.  
374

375 2. As mobile equipment needs replacing, plan to move to electric alternatives in  
376 support of the goal to make Borough operations carbon neutral by 2035.  
377



378 Mr. Blackwell raised his concern that the current backup generators are natural  
379 gas and the concern is that will not be usable post-mandate. There was a  
380 concern by a few attendees that this could lock us into issues in scenarios like  
381 emergencies and /or create forced obsolescence (cars, generators, etc.). This  
382 topic got tabled for a later time as not everyone was on board.  
383

384 3. Establish a shade tree nursery and a tree information resource for residents -  
385 an old idea but perhaps more important now with the new shade tree ordinance  
386 and the interest in eliminating invasive species. Planning of tree planting on all  
387 public and private property is important to prevent future hazards such as large  
388 trees too close to buildings and roads, and fires due to over-dense planting of  
389 trees at fire risk in droughts.  
390

391 Everyone agreed on this idea.  
392

393 4. Take every opportunity to put utility lines underground – another old idea but  
394 still valid to improve streetscapes.  
395

396 Ms. Moore shared thoughts on increasing vulnerability of above ground utilities  
397 due to more extreme climate events.  
398

399 Everyone agreed on the Conversation of Natural Resources Plan, The Green  
400 Buildings and Environmental Sustainability Plan, The Recycling Plan, The  
401 Economic Development Plan and the Historic Preservation Plan.  
402

403 There was some discussion if the HVRSD Admin Building at 425 South Main  
404 Street should be declared historic. Ms. Shivers shared thoughts that we should  
405 not start with only protecting the façade, but the whole building. She stated that  
406 we should not start with a compromise in this plan.  
407

408 **OLD BUSINESS**

409 There was no old business to discuss.  
410

411 **MINUTES**

412 The September 13, 2023 minutes were approved via a motion by Mr. Blackwell  
413 and a second by Ms. O'Neill. All were in favor with two abstentions by Mr. Davy  
414 and Ms. Stern via voice vote.  
415

416 The October 11, 2023 minutes were approved via a motion by Ms. O'Neill and a  
417 second by Mr. Jackson. All were in favor with three abstentions by Mr. Davy, Ms.  
418 Stern and Mr. Blackwell via voice vote.  
419

420 Mr. Blackwell made a motion, seconded by Mr. Jackson to adjourn the meeting.  
421 All voted in favor to adjourn via voice vote at 9:38 p.m.  
422

423 Respectfully submitted,  
424 Kaitlyn Macellaro  
425 Planning Board Secretary