

**PENNINGTON BOROUGH
PLANNING BOARD/BOARD COUNCIL MINUTES
SPECIAL MEETING
JUNE 24, 2025 7:30 PM**

TIME AND PLACE OF MEETING

The Joint Meeting of the Pennington Borough Council and Planning Board was held on June 24, 2025 at 7:00 p.m. via Zoom.

CALL TO ORDER

Mayor Davy called the meeting to order at 7:00 p.m. and announced compliance with the provisions of the Open Public Meetings Act.

STATEMENT OF ADEQUATE NOTICE

Adequate notice of this meeting has been posted in Borough Hall and sent to the officially designated newspapers: Hopewell Valley News and The Times of Trenton.

MEMBERS IN ATTENDANCE

BOROUGH COUNCIL: Ms. Angarone; Mrs. Chandler; Mayor Davy; Mr. Marciante; Mr. Rubenstein; Ms. Stern

ABSENT COUNCIL MEMBERS: Mr. Valenza

PLANNING BOARD: Mark Blackwell; Mayor Davy; Andrew Jackson – Vice-Chair; Amy Kassler-Taub; Kate O’Neill; Jim Reilly – Chair; Nadine Stern – Borough Council; Jennifer Tracy; Casey Upson Alt II

ABSENT PLANNING BOARD MEMBERS: Gian Paolo Caminiti; Nazli Rex, Alt I

PENNINGTON BOROUGH PROFESSIONALS IN ATTENDANCE:

Walter Bliss, Borough Attorney

Betty Sterling, Borough Clerk

Jim Kyle, Kyle McManus Associates - Board Planner

Edwin Schmierer, Mason Griffin & Pierson, PC - Board Attorney

Robin Tillou, Pennington Borough PB Secretary/Land Use Administrator

INTRODUCTION

Mayor Davy advised that the Planning Board will be taking on the Housing Element and Fair Share Plan amendment to the Master Plan. The Borough Council will then vote to endorse the actions of the Planning Board of the Housing Element and Fair Share Plan.

Mr. Schmierer advised of the reasoning for updating the housing element and fair share plan as per state regulations and the responsibilities of the Planning Board of adopting the Housing Element and Fair Share Plan (HEFSP) and Borough Council endorsing the Planning Board’s action and adopting the spending plan as the borough’s fourth round spending plan. It is recommended that the Borough Council Planning Board members abstain from the Planning Board portion of the agenda and should abstain from voting in the Planning Board adoption of the HEFSP.

PUBLIC COMMENTS

Mayor Davy opened the meeting to the public.

Daniel Teodorescu, Hopewell Township Resident, asked if Pennington Borough had a Borough flag.

Ms. Chandler responded to email her and she can provide the 125th anniversary of Pennington Borough flag. The 100th anniversary flag is no longer available. But there is no official Pennington Borough flag.

With no other public comments for items not on the agenda Mayor Davy closed the public forum.

PRESENTATION OF 4TH ROUND HOUSING PLAN

Mr. Schmierer swore in Mr. Kyle, Board Planner.

Mr. Kyle reviewed the Housing Element and Fair Share Plan (HEFSP) for the Borough Master Plan dated June 11, 2025 by Kyle McManus Associates. The plan can be reviewed at the Planning Board website <https://www.penningtonboro.org/1227/Planning-Zoning>.

Mr. Jackson asked for further detail of the rehabilitation program.

Mr. Kyle stated that a town may participate in the program for the existing affordable housing units that are owned and they will address the code deficiencies for the unit and will repair.

Ms. Kessler Taub asked if meeting the deadline of June 30, 2025 for the adoption of the plan would give immunity to the Borough. And are we obligated to use the locations that are mentioned in the plan.

Mr. Kyle replied yes it provides immunity. The Borough is not obligated to use the locations mentioned in the plan, a zoning ordinance due by March 31, 2025 only would allow a developer to build for affordable housing.

PUBLIC HEARING AND ADOPTION OF HEFSP– PLANNING BOARD

Chair Reilly opened the meeting to the public for comment on the amendment to the Housing Element and Fair Share Plan.

Daniel Pace, Pennington Resident, supports the plan and made a comment regarding the HEFSP online.

Meredith Moore, Pennington Resident, wanted to know why the land use ordinance that is proposed for the living use above garages does not allow it to be a separate living space which could contribute to the affordable housing numbers.

Eric Holtermann, Pennington Resident, asked about the number of units and population due to the development of housing and 12 N. Main Street parking issues. Multifamily units are being constructed, can the Borough have them be affordable housing.

Mr. Kyle stated 12 N. Main Street has 16 parking spaces in that lot per their deed. And the Borough cannot mandate affordable housing for an existing multifamily home.

MOTIONED TO ADOPT THE HOUSING ELEMENT AND FAIR SHARE PLAN: Mr. Jackson

SECONDED: Mr. Blackwell

ROLL CALL:

AYES: Mr. Blackwell, Mr. Jackson, Ms. Kassler-Taub, Ms. O’Neill, Ms. Tracy, Ms. Upson, and Mr. Reilly

NAYS: None.

ABSTAIN: Mr. Davy and Ms. Stern.

MOTION PASSED

PENNINGTON BOROUGH PLANNING BOARD

RESOLUTION APPROVING AND ADOPTING A HOUSING ELEMENT AND FAIR SHARE PLAN TO SATISFY THE BOROUGH’S FOURTH ROUND AFFORDABLE HOUSING OBLIGATION

WHEREAS, on March 20, 2024, Governor Murphy signed into law P.L.2024, c.2, establishing a new framework for determining and enforcing municipalities’ affordable housing obligations under the New Jersey Supreme Court’s Mount Laurel doctrine and the New Jersey Fair Housing Act (the “FHA”) (N.J.S.A. 52:27D-301, *et al.*); and

WHEREAS, pursuant to N.J.S.A. 52:27D-304.1(f)(1)(b), each municipality was to adopt a binding resolution no later than January 31, 2025, determining its present and prospective fair share obligation for the Fourth Round of Affordable Housing Obligations (“Fourth Round”); and

WHEREAS, the Mayor and Council of the Borough of Pennington (“Borough”) adopted Resolution No. 2025-1.31 on January 27, 2025, identifying its present and prospective fair share obligations for the Fourth Round as follows:

Present Need:	4
Prospective Need:	58

WHEREAS, in accordance with the FHA and Administrative Directive #14-24, issued by the Administrative Office of the Courts on December 13, 2024 (“Directive #14-24”), the Borough filed a Complaint for Declaratory Judgment, *In the Matter of the Declaratory Judgment Action of Pennington Borough, Mercer County Pursuant to P.L. 2024, Chapter 2*, Docket No. MER-L-209-25 on January 28, 2025, identifying its present and prospective fair share obligations for the Fourth Round as set forth above, and committing to adopting and submitting a Fourth Round Housing Element and Fair Share Plan (“HEFSP”) as required by the FHA; and

WHEREAS, on March 25, 2025, the Hon. Robert Lougy, A.J.S.C., issued an Order Fixing Municipal Obligations for “Present Need” and “Prospective Need” for the Fourth Round in accordance with the obligations as set forth above, and authorizing the Borough to proceed with preparation and adoption of its proposed HEFSP; and

WHEREAS, pursuant to N.J.S.A. 52:27D-304.1(f)(2)(a) and Directive #14-24, each municipality must adopt and file as part of its DJ Action a HEFSP, and propose drafts of the appropriate zoning and other ordinances and resolutions to implement its present and prospective obligations, no later than June 30, 2025; and

WHEREAS, the Board’s Planner, James T. Kyle, PP/AICP of Kyle + McManus Associates, prepared a proposed HEFSP, entitled “Housing Element & Fair Share Plan, Borough of Pennington, Mercer County, New Jersey,” dated June 11, 2025 (the “Fourth Round HEFSP”); and

WHEREAS, pursuant to N.J.S.A. 40:55D-28, the Pennington Borough Planning Board, in its capacity as a Planning Board (“Board”), may prepare and adopt or amend a master plan or component parts thereof, after a public hearing, to guide the use of lands within the municipality in a manner which protects health and safety and promotes the general welfare; and

WHEREAS, upon notice duly provided pursuant to N.J.S.A. 40:55D-13, the Pennington Borough Planning Board (the “Board”) held a public hearing on the 2025 Fourth Round HEFSP on June 24, 2025, during which the Fourth Round HEFSP was presented to the Board and public, and opportunity for comments and questions were provided; and

WHEREAS, upon the conclusion of the public hearing, the Board determined that the proposed Fourth Round HEFSP is consistent with the goals and objectives of the Master Plan of the Borough, will guide the use of lands in the municipality in a manner which protects public health and safety and promotes the general welfare in accordance with N.J.S.A. 40:55D-28, and is designed to achieve the goal of access to affordable housing to meet present and prospective housing needs in accordance with N.J.S.A. 52:27D-310; and

WHEREAS, the Board now wishes to memorialize its adoption of the proposed Fourth Round HEFSP, in accordance with the FHA and Directive #14-24;

NOW, THEREFORE, BE IT RESOLVED by the Pennington Borough Planning Board, as follows:

1. The above recitals are incorporated and made a part hereof as if set forth at length herein.
2. The Board hereby approves and adopts the Fourth Round Housing Element and Fair Share Plan annexed hereto as **Exhibit A** as the 2025 Housing Element and Fair Share Plan components of the Pennington Borough Master Plan;
3. The Board Secretary shall forthwith cause notice of the adoption of this Resolution and the Fourth Round HEFSP to be published in the official newspaper(s) of the Borough;
4. The Board Secretary is hereby authorized and directed to transmit a copy of the adopted Fourth Round HEFSP and a certified copy of this Resolution to the Borough Clerk and Mayor and Council of Pennington Borough;
5. The Board recommends that the Fourth Round HEFSP be reviewed and endorsed by the Mayor and Council of the Borough of Pennington for submission to the Court in connection with the Borough’s pending DJ Action in accordance with the FHA and Directive #14-24.
6. The Board Secretary is hereby authorized and directed to provide a copy of the adopted Fourth Round HEFSP and a certified copy of this Resolution to the Mercer County Planning Board and New Jersey Office of Planning Advocacy, in accordance with N.J.S.A. 40:55D-13.
7. This Resolution shall take effect immediately.

I hereby certify that the above is a true copy of a resolution adopted by the Pennington Borough Planning Board at a public meeting held June 24, 2025.

Robin Tillou, PB Secretary/Land Use Administrator

MOTIONED APPROVING AND ADOPTING RESOLUTION FOR HOUSING ELEMENT AND FAIR SHARE PLAN TO SATISFY THE BOROUGH'S FOURTH ROUND AFFORDABLE HOUSING OBLIGATION: Mr. Blackwell

SECONDED: Ms. Kassler-Taub

ROLL CALL:

AYES: Mr. Blackwell, Mr. Jackson, Ms. Kassler-Taub, Ms. O’Neill, Ms. Tracy, Ms. Upson, and Mr. Reilly

NAYS: None.

ABSTAIN: Mr. Davy and Ms. Stern.

MOTION PASSED

NEW BUSINESS - BOROUGH COUNCIL

**BOROUGH OF PENNINGTON
RESOLUTION 2025-6.12**

RESOLUTION OF THE MAYOR AND COUNCIL OF THE BOROUGH OF PENNINGTON ENDORSING THE HOUSING ELEMENT AND FAIR SHARE PLAN AS ADOPTED BY THE PENNINGTON BOROUGH PLANNING BOARD AND ADOPTING THE SPENDING PLAN ANNEXED THERETO AS APPENDIX 9 AS THE BOROUGH’S FOURTH ROUND SPENDING PLAN

WHEREAS, the New Jersey Supreme Court, through its rulings in Southern Burlington County NAACP v. Mount Laurel, 67 N.J. 151 (1975) and Southern Burlington County NAACP 14 v. Mount Laurel, 92 N.J. 158 (1983), has determined that every municipality in New Jersey has a constitutional obligation to provide through its land use

regulations a realistic opportunity for its fair share of its region's present and prospective needs for housing for low- and moderate-income families; and

WHEREAS, on March 20, 2024, Governor Murphy signed P.L.2024, c.2. into law, establishing a new framework for determining and enforcing municipalities' affordable housing obligations under the New Jersey Supreme Court's Mount Laurel doctrine and the New Jersey Fair Housing Act (the "FHA") (N.J.S.A. 52:27D-301, et seq.); and

WHEREAS, pursuant to N.J.S.A. 52:27D-304.1(f)(1)(b), each municipality was to adopt a binding resolution no later than January 31, 2025, determining its present and prospective fair share obligation for the Fourth Round of Affordable Housing Obligations ("Fourth Round"); and

WHEREAS, the Mayor and Council of the Borough of Pennington ("Borough") adopted Resolution No. 2025-1.31 on January 27, 2025, identifying its present and prospective fair share obligations for the Fourth Round as follows:

Present Need:	4
Prospective Need:	58

WHEREAS, the Borough filed a Complaint for Declaratory Judgment, *In the Matter of the Declaratory Judgment Action of Pennington Borough, Mercer County Pursuant to P.L. 2024, Chapter 2*, Docket No. MER-L-209-25 on January 28, 2025, identifying its present and prospective fair share obligations for the Fourth Round as set forth above, and committing to adopting and submitting a Fourth Round Housing Element and Fair Share Plan ("HEFSP") as required by the FHA; and

WHEREAS, on March 25, 2025, the Hon. Robert Lougy, A.J.S.C., issued an Order Fixing Municipal Obligations for "Present Need" and "Prospective Need" for the Fourth Round in accordance with the obligations as set forth above, and authorizing the Borough to proceed with preparation and adoption of its proposed HEFSP; and

WHEREAS, pursuant to N.J.S.A. 52:27D-304.1(f)(2)(a), each municipality must adopt a HEFSP and propose drafts of the appropriate zoning and other ordinances and resolutions to implement its present and prospective obligations no later than June 30, 2025; and

WHEREAS, pursuant to Administrative Directive #14-24 issued by the Administrative Office of the Courts on December 13, 2024, "[after] the entry of an order determining present and prospective fair share obligations, the municipality must file with the Program its adopted housing element and fair share plan... within 48 hours after adoption or by June 30, 2025, whichever is sooner"; and

WHEREAS, the Borough's Planner, James T. Kyle, PP/AICP of Kyle + McManus Associates, prepared a proposed HEFSP, entitled "Housing Element & Fair Share Plan, Borough of Pennington, Mercer County, New Jersey," dated June 11, 2025 (the "Fourth Round HEFSP"); and

WHEREAS, upon notice duly provided pursuant to N.J.S.A. 40:55D-13, the Pennington Borough Planning Board held a public hearing(s) on the Fourth Round HEFSP on June 24, 2025, and adopted the HEFSP on the same day; and

WHEREAS, a true copy of the Fourth Round HEFSP and Resolution of the Planning Board adopting the HEFSP is annexed hereto as Exhibit "A"; and

WHEREAS, pursuant to N.J.S.A. 52:27D-329.2, each municipality is required to include in its HEFSP, "a spending plan for current funds in the municipal affordable housing trust fund and projected funds through the current round."; and

WHEREAS, in accordance with N.J.S.A. 52:27D-329.2, the Borough of Pennington's Fourth Round HEFSP includes the *Fourth Round Spending Plan of the Housing Element and Fair Share Plan* ("Spending Plan"), as Appendix "9";

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Pennington, County of Mercer, State of New Jersey, as follows:

8. The Borough hereby endorses the Fourth Round HEFSP as adopted by the Pennington Borough Planning Board, annexed hereto as **Exhibit A**;
9. The Borough hereby adopts the *Spending Plan* annexed to the Fourth Round HEFSP as Appendix 9, as the Borough's Fourth Round Spending Plan, in accordance with N.J.S.A. 52:27D-329.2;
10. The Borough hereby authorizes and directs its professionals to take all actions required by N.J.S.A. 52-27D-301, et seq. and Administrative Directive #14-24, including:

- a. Filing the HEFSP as adopted by the Pennington Borough Planning Board with the Superior Court pursuant to the Borough’s Declaratory Judgment action filed under Docket No. MER-L-209-25 within 48 hours of its adoption; and
 - b. Filing the implementing ordinances and compliance submissions, pursuant to the provisions of the FHA, by June 30, 2025.
11. The Municipal Attorney, Municipal Planner, and such other municipal officials as may be necessary or required are authorized to take all actions to draft and file documents necessary to comply with all Fourth Round affordable housing obligations, including an Affordable Housing Trust Spending Plan, and effectuating ordinances and resolutions.
12. The Borough reserves the right to amend the HEFSP, in the event that such amendment is necessary to comply with all Fourth Round affordable housing obligations.
13. This Resolution shall take effect immediately.

Record of Council Vote on Passage									
COUNCILMAN	AYE	NAY	N.V.	A.B.	COUNCILMAN	AYE	NAY	N.V.	A.B.
Angarone		X			Rubenstein	X			
Chandler	M				Stern	X			
Marciante	S				Valenza				absent

A discussion was had by the Borough Council members regarding objections and support of the plan and confirming that the plan is not binding once the resolution is adopted. Council Member Chandler made a motion to approve Resolution 2025-6.12, second by Council Member Marciante with all members present voting in favor with the exception of Ms. Angarone who voted no.

PUBLIC COMMENT

Mayor Davy opened the meeting to the public.

Pat Totaro, Pennington Borough Resident, expressed concerns over the Senior Center location for affordable housing.

ADJOURNMENT OF MEETING

At 9:30 pm, with no further business to address, Mr. Marciante made a motion to adjourn the meeting, second by Mrs. Chandler offering a second with all members present voting in favor.
p.m.

Respectfully submitted,

Elizabeth Sterling
Borough Clerk