

**PENNINGTON BOROUGH  
PLANNING BOARD MINUTES  
REORGANIZATION MEETING  
REGULAR MEETING  
January 11, 2023**

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: Hilary Burke, Class I, Mayor's Designee, Term 01/01/2023 – 12/31/2023, Deborah Gnatt, Class III, Council Representative, Term 01/01/2023– 12/31/2023, James Reilly, Class IV, Term 01/01/2023-12/31/2026, Kate O'Neill, Class IV, Term 01/01/2023-12/31/2026, Amy Kassler-Taub, Alternate #1, Term 01/01/2023-12/31/2023

**BOARD MEMBERS PRESENT:** Mark Blackwell, Hilary Burke, Deborah Gnatt, Cara Laitusis, Katherine O'Neill, James Reilly, Douglas Schotland, Amy Kassler-Taub, Andrew Jackson

**BOARD PROFESSIONALS PRESENT:** Jim Kyle, Planner, KMA Associates, Brian Perry, Engineer, Van Note Harvey, Ed Schmierer, Attorney, Mason, Griffin & Pierson, Katie Ronollo, Board Secretary

Mr. Schmierer called for nomination of the Planning Board Chair. Mr. Reilly was nominated by Ms. O'Neill, seconded by Mr. Jackson and approved by unanimous voice vote. Mr. Reilly called for the nomination of Vice-Chair. Mr. Jackson was nominated by Kate O'Neill with a second by Ms. Laitusis and approved by unanimous voice vote.

Mr. Jackson moved to approve the appointment of the following professionals for 2023. The motion was seconded by Ms. O'Neill and all were in favor via voice vote.

The Professionals for 2023 are:

Edwin W. Schmierer, Esq., Mason, Griffin & Pierson, P.C. was appointed Planning Board Attorney for the year 2023.

James Kyle, PP/AICP, KMA, (Kyle-McManus Associates) was appointed Borough Planner for the year 2023.

Brian Perry, P.E., Van Note-Harvey Associates, PC, was appointed Planning Board Engineer for the year 2023.

Katie Ronollo was appointed as Planning Board Secretary for the year 2023.

A motion by Ms. O'Neill 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 was not possible in the Hopewell Valley News was seconded by Ms. Gnatt and approved via voice vote.

The schedule of meetings for 2023 was approved via a motion by Ms. O'Neill and a second by Ms. Gnatt. All were in favor via voice vote. The 2023 schedule of meetings is as follows: 1/11/23, 2/8/23, 3/8/23, 4/12/23, 5/10/23, 6/14/23, 7/12/23, 8/9/23, 9/13/23, 10/11/23, 11/8/23, 12/13/23, 1/10/24.

The Application Review Committee for 2023 was approved as Mr. Reilly, Mr. Schotland, and Ms. Kassler-Taub via a motion by Mr. Blackwell and a second by Ms. Laitusis. All were in favor via voice vote.

The Master Plan Committee for 2023 was approved as Mr. Jackson, Ms. O'Neill, Ms. Laitusis and Ms. Kassler-Taub via a motion by Mr. Blackwell and a second by Ms. Gnatt. All were in favor via voice vote.

Motion to adjourn the reorganization meeting was made by Ms. Gnatt and seconded by Ms. O'Neill. All were in favor via voice vote and the reorganization meeting was adjourned at 7:50pm.

### **REGULAR MEETING**

Mr. Reilly, Chair of the Board, called the Regular Meeting to order at 7:51pm.

### **OPEN TIME FOR PUBLIC ADDRESS**

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

### **APPLICATION FORMS**

Revised application materials were shared with Board members prior to the meeting. These materials have been reviewed by the Board Planner, Jim Kyle. The goal of the revised materials is to make the application process easier for applicants and to ensure that the array of possible applications is covered. A motion to adopt the new application package knowing there may be administrative edits was made by Ms. Laitusis and seconded by Mr. Jackson. All were in favor via voice vote.

### **APPLICATIONS**

**PB 22-009-Frontier Development, 5 Pennington, LLC., 5 Route 31 North, Block 206 Lot 2, B-H Zone, preliminary and final site plan approval for a Starbucks coffee shop**

Mr. Schmierer confirmed that proof of publication is in order and that the Board has jurisdiction.

95 Tim Prime, Esquire, Prime and Tuvel, Attorney for the applicant, introduced the  
96 presentation team as Paul Mutch, P.E., Stonefield Engineering, and John Corak, LPE,  
97 Stonefield Engineering. Mr. Schmierer swore in Paul Mutch and John Corak. Mr. Prime  
98 noted that there are no variances being sought.

99 Mr. Mutch was accepted as an expert witness. Mr. Mutch shared Exhibit A-1, showing  
100 the existing conditions. He discussed existing non-conformities which will not be  
101 exacerbated with the proposed use. Exhibit A-2, a colorized rendering of the site plan  
102 application, was shared. Mr. Mutch noted the proposed modifications such as increased  
103 parking, improved traffic flow, bringing the site into full ADA compliance, upgrading to all  
104 LED lights, and re-habilitating and maintaining the storm water basin to current  
105 standards. A new trash enclosure will be for both garbage and recycling. Garbage will  
106 be collected daily and re-cycling a few days a week. All deliveries will be scheduled for  
107 non-peak hours. Exhibit A-3 highlights the architectural upgrades and the signage  
108 proposal. There were no questions for Mr. Mutch.

109 Mr. Corak, a traffic and transportation specialist, was accepted as an expert witness. A  
110 full traffic study was conducted at all peak period traffic times. Exhibit A-4, showing all  
111 entrances and exits from the site, was shared. Mr. Corak testified that the expectation is  
112 that NJ Department of Transportation will restrict left turn exits onto Rt. 31 from the  
113 property and that movement of traffic to the south into the Old Mill property will be  
114 restricted to exit only. Mr. Corak testified that their studies show that the use as a  
115 Starbucks will have no substantial negative impact on current traffic. NJ DOT has  
116 jurisdiction on Route 31 and the applicant has submitted an application to the DOT.

117 There were questions and concerns regarding the egress through Old Mill and the flow  
118 of traffic exiting to the right on route 31. There is a license agreement with the owner of  
119 the Old Mill property that allows access to the Old Mill site as an exit only. Mr. Prime will  
120 share a copy of the license agreement with Mr. Schmierer. Traffic circulation to the  
121 north in the parking lot is restricted via bollards and the owner of the site to the north  
122 has not agreed to remove the bollards.

123 After a suggestion from Mr. Kyle, the applicant agreed to investigate providing a modest  
124 reduction in the drive aisle to the rear to improve access to the stormwater basin. Other  
125 suggestions for reducing impervious coverage were provided by Mr. Kyle and Mr. Perry.  
126 Mr. Prime agreed to investigate the feasibility of implementing these suggestions.

127 Recommendations from the Environmental Commission and Pennington Public works  
128 were discussed. Although these suggestions will be taken under consideration, Mr.  
129 Mutch specified that the stormwater management requirements pertain to major site  
130 development applications and thus are not applicable to this site. They will reach out to  
131 Delaware Raritan Canal Commission see if it is a regulated area and will confirm with  
132 the DEP if there is a regulated riparian flood area on the site. There is an easement with  
133 the Borough wherein the Borough has access to the basin to ensure it is being  
134 maintained. The applicant has agreed to maintain the stormwater basin as per the  
135 requirements of the Borough.

136 Traffic and pedestrian safety were discussed as main concerns of Board members. It  
137 was noted that the Pennington Council has sent a resolution to the NJ DOT requesting  
138 all pedestrian signalization at the corner of Delaware and Route 31. The resolution will  
139 be shared with Mr. Corak so he is able to raise the issue with the DOT.

140 Mr. Perry discussed his memo dated January 6, 2023. Mr. Perry asked for clarification  
141 on the number of seats. Mr. Mutch clarified that there is seating for 82; 72 inside and 10  
142 on a patio. Mr. Perry recommends stone berms during construction to protect the

functionality of the storm basin. He clarified that exterior lighting will be in compliance with all ordinances.

A motion to approve the application with conditions was moved by Ms. O'Neill and seconded by Mr. Jackson.

**ROLL CALL:**

Blackwell-No	Burke-Yes	Gnatt-Yes
Jackson-Yes	Laitusis-Yes	O'Neill-Yes
Reilly-Yes	Schotland-Yes	Alt.# 1 Kassler-Taub-Yes

**RESOLUTIONS OF MEMORIALIZATION**

**PB 22-010- Wenzel**, 234 W. Delaware Ave., Block 501 Lot 2, D(1) variance, Change of use from commercial to residential in the B-H Zone.

Motion to adopt the resolution was made by Mr. Blackwell and seconded by Ms. O'Neill

**ROLL CALL:**

Blackwell-Yes	Burke-Not eligible	Gnatt-not eligible
Jackson-Not eligible	Laitusis-Yes	O'Neill-Yes
Reilly-Yes	Schotland-Yes	Alt.# 1 Kassler-Taub-Yes

Motion approved with 5 votes in favor.

**PB 22-011, Jersey Meds**, 7 Route 31, unit 5, Block 206, Lot 3, Conditional use application for a retail cannabis store in the B-H Zone

A motion to approve the resolution was made by Ms. Gnatt and seconded by Mr. Blackwell.

**ROLL CALL:**

Blackwell-Yes	Burke-Yes	Gnatt-Yes
Jackson-Not Eligible	Laitusis-Yes	O'Neill-Yes
Reilly-Yes	Schotland-Yes	Alt. #1 Kassler-Taub- Yes

Motion approved with 8 votes in favor.

**ZONING OFFICER REPORT**

There is no Zoning Officer Report this evening.

**OLD BUSINESS**

**MASTER PLAN COMMITTEE UPDATE**

Mr. Jackson reports that Jim Kyle has provided the first draft of the re-examination report. There will be additions to the report and Jim is working on an updated report. The hope is to present the draft to the Board at the next meeting. There will be an open public hearing on the draft report. The final report is due in September. Removal of the Town Center Buffer Zone and any other Zone changes need to be discussed by the full Board for incorporation into the report. Mr. Jackson discussed that there are plans to relocate the Senior Center and Hopewell Township School Administration building. When either of these moves take place these properties may be eligible to satisfy Pennington's affordable housing requirements. It might be beneficial to look at zoning in these areas before these changes take place. Once the reexam is complete, the goal is to re-do all elements of the plan on an on-going basis and keep the Master Plan as a living document which is revised as needed.

#### **2022 ANNUAL REPORT**

With no changes, Ms. Gnatt made the motion to approve the 2022 Annual Report and Mr. Blackwell seconded. All were in favor via voice vote. The 2022 Annual Report will be shared with Council.

#### **MINUTES**

The December 14, 2022 minutes were approved with noted corrections via a motion by Mr. Blackwell and a second by Ms. Gnatt. All were in favor with one abstention via voice vote.

Mr. Jackson made a motion, seconded by Ms. Gnatt, to adjourn the meeting. All voted in favor to adjourn via voice vote at 10:19p.m.

Respectfully submitted,

*Katie Ronollo*

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Katie Ronollo, Board Secretary