

PENNINGTON BOROUGH
30 North Main Street, Pennington, New Jersey 08534
PLANNING/ZONING BOARD
AGENDA TO THE EXTENT KNOWN
July 10, 2024, 7:30 PM
Regular Meeting

The meeting connection information will be available on the Borough’s web site at www.penningtonboro.org where instructions regarding the webinar will also be available. Documents will be available for viewing at the Pennington Borough Hall, 30 North Main Street. Members of the public may make comments during the public portion of the hearing. They may also be submitted by email to planning@penningtonboro.org or in written letter form and delivered to the Board at the Borough Hall, 30 North Main Street. **All advance comments must be received by 4:00 p.m. the day of the scheduled meeting. However, any comments concerning an application on the agenda can only be made by attending the hearing on the application and providing testimony at the hearing and cannot be submitted prior the meeting.**

OPENING STATEMENT: 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.

ROLL CALL:

Blackwell	Caminiti	Davy
Jackson	Kassler-Taub	O’Neill
Reilly	Stern	Tracy
Rex-Alt. #1	Vacant-Alt. #2	

I. OPEN TIME FOR PUBLIC ADDRESS FOR ITEMS NOT ON THE AGENDA

II. RESOLUTIONS OF MEMORIALIZATION

- o Recommending that Block 205, Lots 2,3,4,5 and 6 Pennington Borough Tax Map be Declared An Area of Redevelopment

ROLL CALL:

Blackwell	Caminiti	Davy
Jackson	Kassler-Taub	O’Neill
Reilly	Stern	Tracy
Rex-Alt. #1	Vacant-Alt. #2	

- o Jersey Meds Sign Interpretation Block 206, Lot 3, Unit 5 Pennington Borough Tax Map- Appeal Application #PB 22-011

ROLL CALL:

Blackwell	Caminiti	Davy
Jackson	Kassler-Taub	O’Neill
Reilly	Stern	Tracy
Rex-Alt. #1	Vacant-Alt. #2	

III. MINUTES FOR APPROVAL

- o June 12, 2024

ADJOURNMENT: _____

**RESOLUTION OF MEMORIALIZATION
BOROUGH OF PENNINGTON PLANNING BOARD
RESOLUTION FOLLOWING A PRELIMINARY INVESTIGATION RECOMMENDING
THAT BLOCK 205, LOTS 2, 3, 4, 5 AND 6 PENNINGTON BOROUGH TAX MAP BE
DECLARED AN AREA IN NEED OF REDEVELOPMENT**

WHEREAS, pursuant to *N.J.S.A.* 40A:12A-6, the governing body of the Borough of Pennington, The Pennington Borough Council (“Borough Council”) adopted Resolution 2024-3.4 on March 4, 2024, directing the Pennington Borough Planning Board (“Planning Board”) to undertake a preliminary investigation in order to determine whether a certain area within the Borough designated as Block 205, Lots 2, 3, 4, 5 and 6 on the Pennington Borough Tax Map (“Property”) would qualify as an area in need of redevelopment pursuant to the criteria set forth in *N.J.S.A.* 40A:12A-5; and

WHEREAS, pursuant to *N.J.S.A.* 40A:12-6, the Borough Council further determined that should the Property qualify as an area in need of redevelopment said area would be designated as a “Non-Condemnation Redevelopment Area”; and

WHEREAS, the Planning Board authorized its Planning Consultant, Kyle McManus Associates to prepare the aforementioned preliminary investigation report for the Property; and

WHEREAS, Kyle McManus Associates prepared the report entitled: “Preliminary Investigation, Block 205, Lots 2, 3, 4, 5, 6: Prepared for the Pennington Borough Planning Board by Kyle McManus Associates” dated May 24, 2024; and

WHEREAS, said report includes a map showing the boundaries of the proposed redevelopment area and the location of the various parcels of property included therein; and

WHEREAS, the Planning Board scheduled and conducted a public hearing on the preliminary investigation report at its meeting on June 12, 2024, after providing notice in accordance with the requirements of *N.J.S.A.* 40A:12A-6 (3) (d) and making available to the public a copy of said preliminary investigation report; and

WHEREAS, at the hearing on June 12, 2024, the preliminary investigation report was considered by the Planning Board and an opportunity was provided for all persons who were interested in or would be affected by a determination that the Property is a redevelopment area were given an opportunity to testify.

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

1. The Property which is the subject matter of the preliminary investigation report satisfied a criteria for designation as an area in need of redevelopment under *N.J.S.A. 40A:12A-5* since generally the buildings on the Property are substandard, unsafe, unsanitary, dilapidated or obsolescent, or possess any of such characteristics, or are so lacking in light, air, or space, as to be conducive to unwholesome living or working conditions.
2. The Planning Board, therefore, recommends to the Borough Council that the Property should be determined by the Council to be a Redevelopment Area.
3. A certified true copy of this Resolution shall be furnished to the Clerk of the Borough of Pennington on behalf of the Pennington Borough Council.

James Reilly, Chairperson
Pennington Borough Planning Board

This Resolution of Memorialization adopted July 10, 2024

**RESOLUTION OF MEMORIALIZATION
BOROUGH OF PENNINGTON PLANNING BOARD
JERSEY MEDS MANAGEMENT, LLC
SIGN INTERPRETATION APPLICATION
PENNINGTON SQUARE SHOPPING CENTER, UNIT 5
BLOCK 206, LOT 3 PENNINGTON BOROUGH TAX MAP
APPEAL APPLICATION NO. PB22-011**

WHEREAS, Jersey Meds Management, LLC (“Appellant”) has appealed to the Pennington Borough Planning Board acting in its capacity as the Zoning Board of Adjustment for the Borough of Pennington (“Board”) for an interpretation of Section 215-43 of the Pennington Borough Code concerning sign regulation applicable to their licensed retail business within the Pennington Square Shopping Center, Unit 5; Block 206, Lot 3 Pennington Borough Tax Map (“Property”); and

WHEREAS, the Board conducted a hearing on the Appellant’s request for an interpretation of said sign regulations at its meeting on June 12, 2024, pursuant to *N.J.S.A.* 40:55D-70.b; and

WHEREAS, during the course of said hearing on the signage interpretation for the Property, the Board considered testimony presented by:

1. John Flemming, Pennington Borough Zoning Officer;
2. Prathibha Dolly, Appellant Representative;
3. James T. Kyle, PP/AICP, Kyle + McManus Associates, Board Planning Consultant; and

WHEREAS, in addition to considering the testimony presented, the Board reviewed a zoning permit application submitted by the Appellant dated April 5, 2024, wherein the Pennington Borough Zoning Officer, John Flemming, denied a zoning permit for two freestanding signs on the Property; and

WHEREAS, the Board having considered the testimony presented concerning the interpretation of Section 215-43 of the Pennington Borough Code makes the following findings:

1. The Appellant was represented by Ryan P. Kennedy, Esq., Stevens & Lee.
2. The Property is located in the Borough's Highway-Business Zone ("B-H Zone") located within the Pennington Square Shopping Center on Route 31 North.
3. The Appellant received approval from the Board on December 14, 2022, to operate a licensed retail cannabis business on the Property. Said Board approval was memorialized by Resolution adopted by the Board on January 11, 2023. Thereafter, the Pennington Borough Council adopted Resolution No. 2023-6.6 on June 5, 2023, issuing a local license to the Appellant to operate their business on the Property.
4. The Appellant has opened their business on the Property and has requested permission for an additional sign pursuant to Section 215-43(C) for the Property.
5. The Property consists of approximately 1.85± acres of land. On the Property there are two separate principal structures. The Appellant is located in one of the principal structures located on the southerly portion of the Property together with approximately 10 other tenants on the Property. A second principal structure is located on the northerly portion of the Property. Said structure contains three additional tenants. There are multiple driveways providing access to the Property from Route 31.
6. Pursuant to Section 215-43(C), each principal structure on the Property is permitted one freestanding sign which shall not exceed 50 square feet plus 10 square feet for each separately operated use for activity in the principal structure. In no case may the freestanding sign exceed 100 square feet in area on either of two sides.

7. The Appellant's name appears on the existing freestanding sign for the tenants on the Property in the principal structure on the southerly portion of the Property. There is another existing freestanding sign for the three tenants in the separate principal structure on the northerly portion of the Property.
8. The Appellant has argued that its name on the existing freestanding sign on the southerly portion of the Property is not sufficient to identify their business on the Property and customers pass by the southerly entrance to the Property where the Appellant's business is located and are not able to access the Appellant's business once they miss the southerly entrance to the Property since the second entrance towards the northerly portion of the Property prohibits turning movements on the Property to proceed southerly towards the Appellant's business because the internal driveway on the Property is one way in a northerly direction.
9. The Appellant, therefore, has proposed an additional secondary sign not to exceed 20 square feet with their business name at the southerly driveway entrance so that their customers will be informed that access to their business must take place via the southerly driveway entrance. In support of their request, they cite the following last sentence of Section 215-43(C) which reads as follows:

“One additional sign may be permitted at a secondary entrance driveway but shall not exceed 20 square feet in area.”
10. The Appellant, therefore, urges the Board to find that pursuant to Section 215-43, in addition to a permitted freestanding sign for each of the principal structures on the Property, each structure shall be permitted one additional 20 square foot sign at a secondary entrance driveway.

The Board having made the above-referenced findings, voted six (6) in favor, none opposed, with one abstention to permit an interpretation of Section 215-43 to allow the Appellant not only to appear as one of the tenants in the southerly principal structure on the existing freestanding sign but to also erect an additional sign at a secondary entrance driveway near the southerly driveway entrance to the Property so as to appropriately alert the Appellant's customers how to safely and appropriately access the Appellant's business.

This interpretation, therefore, shall permit the Appellant to erect this additional sign with their name located on it. Section 215-43(C) does not have a specific height requirement for the additional sign. As offered by the Appellant, however, the Appellant's additional sign shall be provided closer to the ground as represented by the materials submitted by the Appellant during the course of the interpretation hearing so as not to compete with the existing freestanding sign for the southerly principal structure on the Property. Additionally, the sign must be installed at least five (5') feet from the Route 31 North right-of-way on the Property and shall not interfere with sight distances for the southerly driveway.

A copy of this Resolution shall be furnished upon its adoption to the Applicant through the Applicant's attorney, Ryan P. Kennedy, Esq., Stevens & Lee, as well as to the Pennington Borough Zoning Officer, John Flemming. The record should reflect that this decision is being rendered by the Board in its capacity as the Zoning Board of Adjustment and thus Board Member Mayor James Davy and Council Member Nadine Stern did not participate in the consideration of this interpretation request.

James Reilly, Chairman

Interpretation Decided on June 12, 2024
Resolution of Memorialization Adopted on July 10, 2024

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