

**PENNINGTON BOROUGH  
PLANNING BOARD WORK SESSION - MINUTES  
JULY 17, 2013**

Vice Chairman Reilly called the meeting to order at 7:35 p.m. and compliance with the provisions of the Open Public Meetings Act was announced.

Board Members Present: Mark Blackwell, Keelan Evanini, Eileen Heinzl, Josh Levy (arrived 7:45 p.m.), Thomas Ogren, Katherine O'Neill, Deborah Gnatt, Alternate. Absent: William B. Meytrott, Nadine Stern, Alternate, Winn Thompson, Chairman.

**ROUTE 31 REDEVELOPMENT STUDY, Block 206, Lots 4, 5 & 12. June 2013, Prepared by Maser Consulting, P.A.**

Mr. Reilly chaired the work session and stated that it was being held to review the Route 31 Development Study and that no formal action will be taken at the meeting. Mr. Reilly stated that Mr. Ogren had served on the Grant Oversight Committee that provided feedback and guidance to Maser Consulting in preparing the report and he would chair the discussion.

Mr. Ogren stated that in terms of recommendations there are two basic aspects in the study. One is the land use and zoning aspect and the other is the traffic and transportation. He suggested that the Board should probably focus on the land use issues and the affordable housing overlay. Mr. Ogren stated that one of the report's recommendations was to make a through street from Broemel Place to W. Delaware Avenue that would connect to the existing retail development on Route 31 to integrate the Borough owned property with the Route 31 commercial area. The report recommended a traffic light at Route 31 and Broemel Place and suggested that minor improvements could be made to the traffic light at Route 31 and West Delaware Avenue that would improve traffic flow. Ms. O'Neill commented that a light at Broemel Place may be too close to the light at Delaware Avenue. Mr. Ogren stated that DOT (N.J. Department of Transportation) would have to approve a new traffic light, but if the Borough felt that one was desirable they could bring it to the attention of DOT. Ms. O'Neill also felt that if there was a connector street she would have concerns regarding an exit off of Delaware Avenue. Ms. Heinzl questioned at what point the road improvements would be made and how the Board would address the traffic issues. Mr. Ogren stated that he did not think the Borough would take any initiative on its own to make the transportation improvements, but he felt there should be something in the Master Plan to provide direction to the developer. Ms. Heinzl felt that the suggestions regarding signal improvements and road widening on Route 31 should be explored with DOT as they would help traffic flow. The suggestions should be included in the Master Plan and addressed at the time a site plan is submitted. Mr. Reilly asked who would pay for the suggested changes of traffic patterns and Mr. Ogren stated that it would be the developer's responsibility. Mr. Blackwell had concerns regarding the exit from the site on to Delaware Avenue with the existing hill and the Pennington Market exit/entrance right across the street. He stated a driveway would be one thing, but if it was made a street he did not think it was realistic. He felt that it would be more realistic to enter by the bank. Ms. O'Neill commented that it may not be necessary since Green Street would take people right around to Broemel and the driveway into the development.

Mr. Blackwell stated that there were members from the Fire Company in the audience as they are concerned about the suggested shared parking on their lot and asked if the Fire Company parking would be included. Mr. Ogren responded that the whole area was included in the shared parking. Mr. Blackwell explained to the Board that the Fire Company uses their parking lot for drills, training and testing equipment. It was pointed out that it was also used for events such as picnics and parking when functions are held in the hall. Mr. Ogren stated that they would not be making decisions about the parking tonight, but would be deciding on land use and zoning. Mr. Blackwell asked what would happen to the plan if they lost the Fire Company's 55 parking spaces and Mr. Ogren responded that Borough Council would have to make the decision on Borough property

including parking. Mr. Evanini asked how much of the Fire Company's parking lot was on Borough land and Mr. Blackwell stated that at least 2/3's of the paved area belongs to the Borough. Mr. Ogren stated that the shared parking is only addressing the parking owned by the Borough and not the parking owned by the Fire Company. Mr. Blackwell asked if they lost the Borough land would the building still function with only 22 parking spaces since all the approvals they have received have included the number of spaces on the Borough land. Mr. Ogren stated that this would have to be worked out between the Fire Company and Borough Council. Ms. Heinzl asked if the Planning Board should take a position regrading this and Mr. Ogren stated that it was not part of Land Use.

Mr. Reilly asked if there was anyone in the public who would like to comment on the discussion. Mr. Roger Demareski, 1 Walking Purchase Drive, stated that he was a member of the Pennington Fire Company and on the building committee. Mr. Demareski stated that they were thankful to the Borough for allowing them to use the parking area and they wanted to be good neighbors and were open to discussions with either Council or the Planning Board. Mr. Reilly closed the open public portion of the meeting. The Board indicated that they did not know the various functions that the parking lot was used for and thanked the members of the Fire Company for coming to the meeting.

Land Use and Zoning was discussed and reference was made to pg. 10 of the study, the existing Zoning Map. The Borough owned Lot 5 (study area) is zoned R-80 with an affordable housing overlay. The Borough owned Lot 4 on Broemel Place, Lot 12, the small lot with the former Public Works office, are zoned Business Highway. The report is recommending that the entire area be rezoned to Business Highway and the affordable overlay removed from Lot 5 (see page 62 Map 8: Proposed Zoning). A new overlay is suggested over the entire area that would be different from the normal Business-Highway zone requirements. Mr. Ogren referred to a chart distributed to the Board that showed the bulk requirements for the Business Highway, R-80 and the proposed overlay area. TD Bank, Exxon Station and the Mill Shopping Center would remain without any changes to their zoning. The overlay area proposed would be different bulk standards that are based on different planning principles. Smaller commercial property lots are proposed instead of the strip retail areas. The overlay would affect any future development on the Route 31 commercial strip. There was discussion regarding the proposed setbacks as the right-of-way on Route 31 is 150 ft. Mr. Ogren noted that all the grass areas on Route 31 were right-of-way areas and they covered a large area of land. The front setback suggested is 10 ft., but there was discussion that it would be very minimal if Route 31 is ever expanded. Mr. Reilly asked what the overlay would add and Mr. Ogren responded that the overlay would only have to do with the bulk requirements and not the uses which will not change. Mr. Ogren distributed a handout that described the kinds of retail uses that are underserved in the Pennington market right now. Mr. Blackwell asked if this was more recent data than what is included in the report which was from 2007 and contained conflicting data. Mr. Levy pointed out that data was also used from 2012.

Mr. Reilly stated that Ms. Coppola had suggested that the Board discuss the elimination of the affordable housing overlay. Mr. Ogren stated that the Legislature wants to change the COAH regulations and Senator Ray Lesniak had letters in the papers announcing that he was introducing a bill to eliminate COAH. Mr. Ogren stated that it is undecided what will happen to COAH legislatively. The problem is the Borough has a requirement of 87 units of affordable housing and they have been spread out to the Capital Health and landfill sites including the Growth Share element, accessory apartments and group home. Mr. Ogren stated that a large part of the housing obligation has been put on the landfill site, but felt that the landfill site is better suited for commercial development and the Board should look for other ways to satisfy our COAH obligation. He noted that there was the Capital Health site which was a large site and there are probably other sites that could accommodate a group home. Mr. Ogren stated that when the Borough gets around to changing its plan the Borough will have to come up with an alternative assuming the Board is going

ahead with the landfill development. Mr. Ogren stated that if the Board did not want to go ahead with this and wanted to continue with the affordable housing obligation it would be a waste of the consultant's time and money because he does not feel that the two are compatible. Mr. Levy asked why second story apartments could not be built as affordable units. Mr. Ogren stated that it would not get a big number of units and stated that it would be impossible to get the required 32 units unless they used the landfill itself. Mr. Levy agreed that now the Board realizes that it would be impossible to get 32 units with the various constrictions. Mr. Ogren stated that he did not feel that any developer would be willing to spend the money that it would take to clean the landfill and the sewage treatment plant would have to be expanded if the entire site was developed. The development being proposed is small and could probably be handled by the treatment plant. Ms. Heinzl felt that this was an important point and asked how it could be verified. Mr. Ogren stated that they would need a memo from the Executive Director of the Stony Brook Sewerage Authority. Ms. Heinzl asked if the Planning Board was going to decide whether to endorse alternative one or two in the study and there was discussion regarding this. Mr. Levy stated that to him the study gives the Board a basis for discussing the study and deciding what they can do to provide the broadest range of options for a developer to come in. He feels that a developer will not pick alternate one or two, but will come up with their own plan and by giving them the most options will give us the best chances of having the land developed.

Ms. O'Neill asked how we could attract the right developers. Mr. Ogren stated that he was hoping that a developer might be interested in developing a property on Route 31 along with the Borough property. Mr. Reilly asked if the Borough property would be sold to the developer and would it include the old landfill. Mr. Ogren stated that the report addresses the Broemel Place property, former Public Works garage which is on the other side of Lewis Brook. He explained that there is a great division because Lewis Brook requires a 150 ft. buffer on each side and it would be hard to tie one side of Lewis Brook to the other side. The only development on that side could be on the footprint of the Public Works garage. Mr. Ogren stated that there is a wood turtle's habitat at Stony Brook which is within one mile of the site and Lewis Brook is a tributary and that is one of the determining factors of the constrictions. The former Public Works office building could also be developed and sold separately, but would need an easement for access on Lot 5. There is a possibility of there being three separate developments on the site. Mr. Levy asked if it would be worth it to consolidate the lots into one lot, keeping the landfill as a separate lot, as it may be more attractive to a developer. If they wanted to buy the landfill they could, but it would not be a restriction. Mr. Ogren stated that this could be done. The study assumed that the landfill would be used for recreational purposes, but it could also be used for solar panels which DEP approves. There was discussion whether it would be better to include the landfill or not. Mr. Ogren stated that he felt developers would shy away from the landfill because of liability concerns. Mr. Ogren suggested that the Board review the Maser memo dated May 3<sup>rd</sup> regarding Land Use Recommendations, page 3. The R-80 uses will be removed from the site and the Business Highway uses will apply when the zoning is changed. Mr. Blackwell asked if parks and recreation should be a permitted use since there was discussion that the landfill could be a recreational or park area. Mr. Ogren stated that it was included in the permitted uses. Mr. Levy asked if the Board would want drive-through facilities in such a tight area. Mr. Reilly pointed out that since they are conditional uses they would have to get a variance. Mr. Evanini asked why dance studios and health clubs were only allowed on second or third floors. The Board felt that retail stores on the first floor would bring more pedestrian traffic. Mr. Levy questioned if the ordinance should be that restricted. It was agreed that there would be further discussion regarding this.

Mr. Blackwell questioned the proposed parking regulation that did not allow parking in the front yard and what would happen to the existing businesses. Mr. Ogren stated that they will all be grandfathered, however, if a building is rebuilt it would have to adhere to the new requirements.

There was further discussion regarding the requirement of parking in the rear of the store versus the front. Ms. Heinzl pointed out that the Board has allowed Shoppes at Pennington to have studios on the first floor when they have had difficulty renting the space to retailers. Mr. Reilly stated that the Shoppes at Pennington have been having difficulty and the Board discussed if parking facing the highway would have helped business. Ms. O'Neill stated that the shopping area across the street had front yard parking which did not look bad because there was a berm in the front that hid the parking. Mr. Ogren stated that the businesses on Route 31 with parking in the front did not look good because there were no trees or landscaping just solid asphalt and if parking in the front was allowed it could look a lot better with landscaping. There was discussion regarding the recommendations for improved traffic flow which included an additional through lane on Route 31 for both north and south bound traffic. There was also discussion regarding the required amount of parking and Mr. Ogren pointed out that the requirements are less than the existing requirements and he would check the ordinance. Mr. Levy suggested that "green building" should be included and Mr. Ogren pointed out that it is addressed on pg. 105. Mr. Ogren checked the Borough ordinance and pointed out that in our present B-H zoning the requirements for personal business establishments are one space for every 300 square feet and the proposed in the study is one space for every 200 sq. ft. The Board agreed to change the requirement for personal service establishment to one space for every 300 square feet (pg. 59).

Mr. Reilly stated that the next step would be to revise the report and at a later public meeting adopt the report as an attachment to the Master Plan and it would then go to Borough Council. Mr. Ogren stated that he would summarize the suggested changes that were made tonight for discussion at the next meeting. Mr. Levy had concerns about liability if the Board adopts the entire report. It was agreed that Ms. Heinzl would contact Mr. Schmierer, Board Attorney, and ask his advice regarding this. The Board will check with Ms. Coppola, Board Planner, on the procedures that should be followed. Mr. Reilly asked the availability of Board members for the August 14<sup>th</sup> meeting and everyone present was available. There are no applications for this meeting and Ms. Mistretta will check with Mr. Thompson to see if the Board could meet to further discuss the study at the August 14<sup>th</sup> Planning Board meeting.

There being no further business, the meeting was adjourned at 9:50 p.m.

Respectfully submitted,

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Mary W. Mistretta  
Planning Board Secretary