

**PENNINGTON BOROUGH
PLANNING BOARD MEETING MINUTES
SEPTEMBER 11, 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, Joshua Levy (arrived 7:45 p.m.), Thomas Ogren, Katherine O'Neill, James Reilly, Nadine Stern, Alternate. Absent: William B. Meytrott, Deborah L. Gnat, Alternate, Winn Thompson, Chairman. Also Present: Cindy Coppola, Coppola & Coppola Associates, Borough Planner; Mary W. Mistretta, Secretary. Absent: Edwin W. Schmierer, Mason, Griffin & Pierson, Board Attorney; John Flemming, Zoning Officer; Carmela Roberts, Roberts Engineering Group, LLC

Mr. Reilly chaired the meeting.

OPEN TIME FOR PUBLIC ADDRESS - There was no public comment.

Review Draft "Master Plan and Development Regulations Periodic Reexamination Report, September, 2013."

Mr. Reilly announced that the Board would review the Reexamination Report of the Master Plan and decide if they wanted to have a public hearing in October to adopt it. Ms. Cindy Coppola, Borough Planner, stated that there is a requirement to have the Master Plan reexamined next year, but the Board was doing it now to incorporate the Route 31 Redevelopment Study. Ms. Coppola stated that the Board still had concerns relative to some of the language in the Land Use and Design Sections of the Route 31 Study and have agreed to address them at the time that the ordinance is worked on. Ms. Coppola also suggested that this might be at the time that the Board is working with a developer who wants to incorporate certain design standards. Ms. Coppola stated that the section "Recommended Changes to the Master Plan and Development Regulations" at the end of the reexam is very general. The last reexamine was done in 2005 and there have not been any significant changes other than the fact that the landfill is now available for development. One of the minor changes was the State Development and Redevelopment Plan and changing Planning Area 3 to Planning Area 2, but this issue seem to have gone away. COAH is another issue that is in limbo and there are still no rules for the Third Round. Ms. Coppola stated that there were some issues with public sewer and water. Mr. Fetzer indicated that the Stony Brook Sewerage Treatment Plant has been designed and the County has done a Wastewater Management Plan that confirmed that the Borough's plan is current. Ms. Coppola stated that Ms. Roberts, Borough Engineer, stated that the Stormwater Management Plan must be reexamined as part of any Master Plan reexamination that is done. Ms. Roberts also recommended that specific or general comments regarding road widening or realignments and sidewalks should be referenced in the Master Plan. If they are at least referenced the utility company will pay for any utility pole moves that are necessitated by the road widening or sidewalks, but if they are not referenced in the Master Plan the Borough would have to pay for poles to be relocated

Mr. Reilly asked the Board if they had any questions for Ms. Coppola. Mr. Blackwell asked why flooding had not been mentioned in the Route 31 report. There was discussion concerning flooding and whether the stream buffer area was 100 or 150 feet. Mr. Ogren stated that the Mazer report assumed that the buffer was 150 ft. on either side of Lewis Brook. Mr. Levy stated that the developer would have the responsibility to check with NJ Department of Environmental Protection (NJDEP) to see if there were any issues with NJDEP regarding the property. NJDEP would have FEMA flood plan information. Ms. Coppola stated that the study has made a conclusion that the site is potentially developable

with limitations. Mr. Ogren stated that the Reexamination was very well done and comprehensive. He stated that he had a few suggestions on page 8. Improvements were made since 2005 with the construction of new sidewalks on lower King George Road and on the east side of Sked Street south of Sked Street Park. Pedestrian activated flashing signals have been installed at two crosswalks to improve pedestrian safety primarily for school children crossing S. Main Street at Curlis Avenue and crossing W. Delaware Avenue at Green Street.

Mr. Ogren stated that Carmela Roberts, Borough Engineer, should be asked to reexamine the Stormwater Management Plan, since it is a statutory requirement and give a report to Ms. Coppola to include in the reexamination report. Ms. Roberts stated that she had talked to Donald Fetzner, Borough Engineer for Sewer and Water and he did not feel it was necessary to update information on the sewer and water. Mr. Ogren agreed that it was not necessary to obtain additional information regarding water and sewer since the Route 31 development would be a modest project. Mr. Ogren questioned if the information regarding the streetscape was still valid since the downtown streetscape was being done and it is not consistent with the Carter Van Dyke study done in 2002. It has been tweaked a little, but it is being done in the spirit of the study. Mr. Ogren stated that the roads were not being realigned as suggested in the study. Ms. Heinzl stated that perhaps the study should stay in case they may want to realign the roads or make additional changes in the future. Ms. Coppola stated that it could remain until the time another plan or design is submitted. Ms. O'Neill asked if it would be too general to say that "many of these recommendations remain valid." Ms. Coppola agreed that this could be done and they could be left open-ended so that if there is an issue with an outside agency in the future they can be referred to. The Board agreed to leave the reference in the reexamination. Ms. Stern asked for clarification regarding the Borough's COAH obligation and would they be liable since the obligation is still not met. Ms. Coppola explained that the Borough is doing what COAH required by having affordable units in Pennington Point and affordable units as a requirement if the Capital Health site is developed. The Borough also has 6 accessory apartments as part of its second round and has been able to obtain one. The Borough has an unmet need of 32 units and the affordable overlay on the landfill was done to try to help reduce the unmet need. The problem the Borough has, which COAH recognizes, is that there is a very limited amount of land to develop and provide affordable housing. Ms. Coppola stated that there have been meetings with potential developers regarding the Capital Health site and the Borough did extensive advertising trying to get accessory apartments. Ms. Coppola stated that the Borough is still waiting to hear from COAH regarding the Third Round obligation. Ms. Coppola stated that she strongly recommends that the Board keep the affordable overlay on the landfill unless they find an alternative to relocate the 12 units on another area in the Borough. She suggested that the Borough include the whole area in the overlay and not just the landfill. Ms. Coppola stated that any ordinance that affects the landfill site will have to be approved by COAH. Ms. O'Neill asked Ms. Coppola about her suggestion to include the whole block on Route 31. Mr. Ogren stated that there was an oversight committee that worked with the consultant over the last six months and they did discuss whether to include the whole block and they felt that it was inappropriate to include the properties on the corner. They felt that the gas station and bank would remain for an indefinite time and the little strip mall has limited development potential and does not tie in with the circulation pattern that is part of the plan.

Mr. Reilly felt that the Board should decide at this time if it wanted to move ahead with the proposed Reexamination of the Master Plan with the couple of additions that were discussed. Mr. Blackwell made a motion to schedule a public hearing at the next Planning Board meeting on October 9th on the proposed Master Plan and Development Regulations Periodic Reexamination Report, September, 2013 with the suggested changes discussed.

Mr. Ogren seconded the motion. Voting yes: Evanini, O'Neill, Ogren, Heinzl, Blackwell, Levy, Stern, Reilly. Absent: Meytrott, Gnatt, Thompson. Ms. Mistretta or Mr. Ogren will contact Ms. Roberts requesting her to reexamine the Stormwater Management Plan, as required by statute, and make a report to Ms. Coppola to include in the reexamine of the Master Plan.

MINUTES – Ms. O'Neill made a motion, seconded by Ms. Heinzl to approve the August 14, 2013 minutes and the minutes were approved by voice vote.

Mr. Blackwell stated that he had concerns regarding the curb that was made between the property line and the sidewalk in front of the hair stylist at the corner of Main Street and Delaware Avenue as it may cause a tripping hazard.

There was a loss of power and the recorder stopped abruptly. There being no further business, the meeting was adjourned at 8:45 p.m.

Respectfully submitted,

Mary W. Mistretta
Planning Board Secretary