

**PENNINGTON BOROUGH
PLANNING BOARD MEETING MINUTES
REORGANIZATION AND REGULAR
JANUARY 13, 2016**

Mr. Schmierer, Board Attorney, called the meeting to order at 7:35 p.m. and announced that it was in compliance with the provisions of the Open Public Meetings Act.

Attending: Mark Blackwell, Eileen Heinzl, William B. Meytrott, Thomas Ogren, James Reilly, Winn Thompson, Douglas Schotland. Absent: Deborah Gnatt, Joshua Levy, Katherine O'Neill

Mr. Schmierer gave the following the Oath of Office:

Eileen Heinzl –	Class I, Mayor's Designee, expires 12-31-2016
William Meytrott –	Class III, Borough Official, expires 12-31-2016
Winn Thompson –	Class IV – 4 year term expires 12-31-2019
Thomas Ogren –	Class IV – 4 year term expires 12-31-2019
Douglas Schotland –	Alternate I, Unexpired term 12-31-2016

Mr. Blackwell nominated Winn Thompson as Chairman of the Planning Board, seconded by Mr. Meytrott. There being no further nominations, the Board voted unanimously with Mr. Thompson abstaining.

Mr. Blackwell nominated Mr. Reilly as Vice Chairman of the Planning Board, seconded by Ms. Heinzl. There being no further nominations, the Board voted unanimously with Mr. Reilly abstaining.

Mr. Blackwell made a motion to appoint the following as professionals for the Planning Board, seconded by Mr. Meytrott and the Board voted unanimously to appoint the following professionals for the calendar year 2016:

Edwin W. Schmierer, Esq. and Cory K. Kestner, Esq., Mason, Griffin & Pierson as Planning Board Attorneys.
Michael P. Bolan as Borough Planner
Carmela Roberts, Roberts Engineering Group, LLC as Planning Board Engineer.

Mr. Thompson made a motion, seconded by Mr. Blackwell to appoint Mary Mistretta Planning Board Secretary and the Board unanimously agreed.

Mr. Ogren made a motion, seconded by Mr. Meytrott to designate Hopewell Valley News as the official weekly publication and the Times of Trenton as the official daily newspaper to be used only when through no fault of the applicant or the Board it was not possible to publish a Legal Notice in the Hopewell Valley News and/or it is a timing issue.

Mr. Reilly made a motion seconded by Mr. Ogren to approve the Planning Board and Application Review Committee dates attached. Planning Board meetings are scheduled for the second Wednesday of the month at 7:30 p.m., except for the October meeting which will be held October 19th.

The following were appointed to the Application Review Committee: Eileen Heinzl, Thomas Ogren, Katherine O'Neill, James Reilly and Deborah Gnatt as alternate.

Ms. Heinzl made a motion, seconded by Mr. Blackwell to close the reorganization meeting.

REGULAR MEETING

Mr. Thompson called the Regular meeting to order. There was no one in the public for public address.

APPLICATION

American Properties at Pennington, LLC, 105 West Franklin Avenue, Block 102, Lot 1, MR Zone. Preliminary/Final Major Subdivision & Site Plan, Variances, Application No. P15-009. The applicant requested that the application be carried to the February meeting. Ms. Heinzl made a motion to continue the application to the February 10, 2016 meeting, seconded by Mr. Ogren. Voting yes: Blackwell, Heinzl, Ogren, Reilly, Thompson, Schotland; Abstain: Meytrott; Absent: Gnatt, Levy, O'Neill.

MINUTES – Mr. Reilly made a motion, seconded by Ms. Heinzl to approve the December 9, 2015 Planning Board minutes with a correction and the minutes were approved.

WORK SESSION

Pennington Planning Board Bylaws - A draft of Pennington Planning Board Bylaws written by Mr. Ogren had been distributed to the Board for their comments. The Board discussed the Bylaws and made suggestions including the addition of the education requirement for new Board members. The Board agreed that the Bylaws were a work in progress and changes or additions could always be made. Mr. Blackwell made a motion, seconded by Mr. Reilly to adopt the Pennington Planning Board Bylaws with the suggestions that were made and the Board unanimously agreed.

COAH - Ms. Heinzl informed the Board that the Borough withdrew their declaratory judgement complaint without prejudice and the Borough could refile again in the future. Mr. Reilly questioned the vulnerability that this places the Borough. Mr. Schmierer explained that this does open the window for a builder's remedy lawsuit because the Borough is not under the protection of the court, but the risk is pretty de minimis. Mr. Schmierer explained that there is an application before the Board which includes affordable housing and the Borough does not have a lot of vacant land that would attract a developer to sue the Borough. He felt that it made a lot of sense for smaller municipalities like Pennington and Hopewell to step out of the lawsuits and they will eventually get COAH numbers after the other municipalities in the County are finished in the courts. At that point the Borough Planner can take the methodology that gets approved and apply it to the Borough. The Borough could then go back to the court to get their plan approved.

Mr. Thompson had a Board procedural question regarding an application's phasing of a project and the infrastructure. Mr. Schmierer stated that it would be a fair question to ask the developer about phasing and how the infrastructure would be built. If there was phasing the Borough's professionals would have to agree that the proposed infrastructure would serve the first phase. This would be outlined in the Developer's Agreement which have to be approved by Mayor and Council and if there was a problem it would have to go back to the governing body.

A copy of Mr. Bolan's memorandum dated December 13, 2015 addressed to Walter Bliss, Borough Attorney, regarding suggested Ordinance amendments was distributed to the Board. Mr. Bliss will put them in Ordinance form for introduction by Council and they will then be sent back to the Board for review.

There being no further business, the meeting was adjourned at 8:40 p.m.

Respectfully submitted,

Mary W. Mistretta
Planning Board Secretary