

**PENNINGTON BOROUGH  
PLANNING BOARD MINUTES  
NOVEMBER 8, 2017**

Mr. Thompson called the meeting to order at 7:30 p.m. and compliance with the provisions of the Open Public Meetings Act was announced.

Board Members Present: Nicholas Angarone, Deborah Gnat, Eileen Heinzl, Katherine L. O'Neill, James Reilly, Douglas Schotland, Winn Thompson.  
Absent: Mark Blackwell, William B. Meytrott

Also Present: John Flemming, Zoning Officer (left after his report), Mary W. Mistretta, Secretary  
Absent: Edwin W. Schmierer, Board Attorney, Mason, Griffin & Pierson; Michael Bolan, Planner; Brandon Fetzer, Brian Perry, Van Note-Harvey Associates.

**ZONING OFFICER'S REPORT**

**Pennington United Methodist Church** - Mr. Flemming stated that the Pennington United Methodist Church, 60 S. Main Street, would like to create a labyrinth as a place of meditation available to church members and will be open to the public. It will consist of Belgium blocks and stone and no construction permits will be needed. Mr. Flemming passed out renderings showing how it would look and stated that it will cover a lot of ground, but he feels it would not be considered impervious as no vehicles will be driving over it to cause the stone to be impacted. Reverend Daniel Casselberry, Pastor, stated that the area was previously used as a playground that had been approved. Mr. Thompson stated that there was an ordinance about impervious coverage and suggested that they have an engineer who could write a letter explaining more details and why it would not cause any more impervious than what is already there for our engineer to review. Mr. Reilly asked if there had been any previous problems when the area was a playground and Mr. Flemming stated that there is a slight tilt towards the parking lot where the water would have flowed, but he has not heard of any icing or problems. Mr. Flemming tabled the request and will get further information to submit to the Board. It was suggested that it could come back to the Board as an Interpretation.

**MEMORIALIZATION OF RESOLUTION**

**BUGINO'S PENNINGTON, LLC, d/b/a Bugino's Italian Market, Old Mill Square, 147 West Delaware Avenue, Block 206, Lot 13, Amended Preliminary and Final Site Plan Approval, Variance and Waiver Relief. Application No. P16-005.**

Mr. Thompson reviewed corrections that were submitted after distribution of the resolution. Ms. Heinzl questioned page 5, xii, 2<sup>nd</sup> line "stormwater runoff can be **connected.**" The Board agreed that Brandon Fetzer should be consulted regarding the wording. Mr. Fetzer suggested changing the wording to "stormwater runoff can be **adequately conveyed to and accommodated by.**" Ms. Heinzl made a motion, seconded by Ms. O'Neil to adopt the resolution. Voting yes: Angarone, Gnat, Heinzl, O'Neill, Reilly, Schotland, Thompson. Absent: Blackwell, Meytrott.

**Paul A. Frank, III and Lucinda Anne Tiajolloff, 122 West Welling Avenue, Block 904, Lot 8, R-80 Zone, Application No. P15-003**

The applicants requested a second extension of time for variance approvals they had received on August 15, 2015, memorialized on September 9, 2015. Ms. Heinzl made a motion, seconded by Ms. O'Neill to grant an extension through September 17, 2018. Voting yes: Angarone, Gnat, Heinzl, O'Neill, Reilly, Schotland, Thompson. Absent: Blackwell, Meytrott.

## Historic Preservation Commission

Eric Holtermann, Chair of the Historic Preservation Commission, gave a presentation to the Board regarding the inclusion of the Pennington African Cemetery into the Pennington Borough Historic District. The Pennington African Cemetery was first deeded in 1863 to five black men who were associated with the Bethel A.M.E. Church, however, it is thought that the first burials there were probably in the 1850's. There are over 245 known burials in the cemetery most recently in 1964 and include at least ten Civil War veterans. Many of the headstones have fallen or are underground on the present site. A packet of material was distributed to the Board including "A Brief History" and a list of existing headstones and relationship to residents. There has also been research done in the records of the Blackwell Memorial Home which show that burials in the cemetery go back to the 1890's.

A map of the cemetery was included in the packet showing sites that were located by penetrating radar of the site with archaeologists, Hunter Research. They were able to determine over 200 burial sites as well as headstones that sunk below the surface. The idea to include the cemetery in the Historic District came from Bob Craig at the New Jersey Historic Preservation Office who suggested that it would be better to annex it to the existing Historic District rather than making it an independent historic site. It would be easier and would still have the same advantages. Mr. Craig pointed out that there are municipalities all over New Jersey that have historic districts that have noncontiguous pieces and they do not have to fit within the one border. The Historic Commission feels that the importance of including it in the District is to first acknowledge the historic significance of the site and also to acknowledge the importance of this community in the town. It would give it additional identification, increased community engagement and education and also protection on the local and State levels. It would also provide eligibility for grants to help restore some of the headstones, provide additional interpretative signage and archival research. Mr. Holtermann asked the Board if there were any questions. Ms. O'Neill asked if the red Toll Gate House was included in the District. Mr. Holtermann stated that it was not included in the District, but it is his understanding that when the variance and subdivision were approved for that property it was agreed that any changes to that site would include the Commission having oversight as though it were within the District.

Angela Witcher, Chair, Board of Trustees of the Pennington African Cemetery Association thanked the Board for reviewing the request for the Cemetery to be included in the Historic District. She stated that a colorful part of Pennington's past is included in the cemetery as well as the other cemeteries in Pennington. There was anecdotal information included in the information and noted that it was also the final resting place for people outside of Pennington as well since there were not a lot of black cemeteries back then. Mr. Thompson inquired if adding the cemetery to the Historic District would preclude burials in the future. Ms. Witcher stated that they do not have any immediate plans for that as it would take quite a bit to get registered and they cannot find the master map which would make it difficult finding open spaces. Mr. Holtermann stated that this would not prevent them from doing burials in the future. Mr. Angarone questioned if other sites were discussed for the Historic District. Mr. Holtermann stated that the train station was the only individual property in town listed on the N.J. Historic Sites and it predated the historic ordinance. Mr. Thompson stated that the Historic District was a very long process of discussions and it took many years to get to a final agreement. Ms. Witcher stated that there were three benches in the cemetery that were Boy Scout projects and she has heard from teachers who have taken their classes to visit the cemetery. They have done improvements on the driveway this past summer and it may be getting more cars, but most visitors come on foot. The cemetery is one lot that includes the driveway and is a flag lot. Ms. Witcher explained that the person who originally purchased the property was a member of the Bethel AME Church which is one of the oldest AME churches in the State of New Jersey, being

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founded in 1816. The cemetery originally was called the Bethel AME cemetery and in the late 80's or early 90's the cemetery was named the Pennington African Cemetery and incorporated and the association has helped to maintain it.

Catherine Chandler, 123 S. Main Street, stated that she has been doing research regarding the cemetery. The land was owned by Samuel Welling who owned the 234 acre farm with the original farm house located on Curlis Avenue. The men of the church bought the land from him and they know that there were burials there before the land was purchased. They are now researching New Jersey records regarding slave ownership and the possibility that slaves may be buried in the cemetery.

Mr. Thompson had concerns that there are quite a few grave sites that are close to the cemetery property line. He noted that property lines were very vague 150 years ago and the Board might want to consider a buffer zone around some areas especially the north and west side which have grave sites very close to the property line. Mr. Holtermann stated that he would look into this with the archaeologist.

Ms. Heinzl stated that the Borough Council would generate the Ordinance on a first reading and it would be referred back to the Planning Board for review. The Planning Board would then refer it back to Borough Council before their hearing and adoption. Mr. Reilly made a motion to refer the Historic Commission's proposal to include the Pennington African Cemetery in the Pennington Historic District to Borough Council, including the examination of a buffer zone. Ms. Gnatt seconded the motion. Voting yes: O'Neill, Schotland, Reilly, Heinzl, Gnatt, Angarone, Thompson. Absent: Blackwell, Meytrott.

**MINUTES** – Ms. Gnatt made a motion, seconded by Ms. O'Neill to approve the June 14, 2017 minutes with a correction and the minutes were approved.

Ms. Angela Witcher wanted to clarify that the litigation is not settled regarding the Pennington African Cemetery. Ms. Heinzl stated that the Schragger letter the Board had received was only a copy of the order granting summary judgement to the plaintiffs. Ms. Witcher stated that the Judge ruled in favor of the Schraggers, but they are now in the damage phase of the trial. Their lawyer noted that the case is not over as they may choose to appeal the decision. They have 45 days after the damage trial to decide if they want to appeal. Mr. Thompson suggested that their attorney keep Mr. Schmierer updated so that there is a record with the Borough.

The meeting was adjourned at 8:55 p.m.

Respectfully submitted,

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Mary W. Mistretta  
Planning Board Secretary