

**PENNINGTON BOROUGH**  
**30 North Main Street, Pennington, New Jersey 08534**  
**PLANNING/ZONING BOARD**  
**AGENDA - TENTATIVE TO THE EXTENT KNOWN**  
**OCTOBER 14, 2020, 7:30 PM**

**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.

The meeting will be conducted via ZOOM and the connection will be available on the Pennington Borough web site, penningtonboro.org.

**ROLL CALL:** Nicholas Angarone, Vice Chairman ( ) Mark Blackwell ( ) Deborah Gnatt ( )  
Eileen Heinzl ( ) Seung Kwak, Alt. II ( ) Cara Laitusis, Alt. 1 ( ) Joseph Lawver ( )  
Katherine O'Neill ( ) Douglas Schotland ( ) James Reilly, Chairman ( )

Edwin W. Schmierer, Mason, Griffin & Pierson, Planning Board Attorney ( )  
James Kyle, Borough Planner, KMA Associates ( ) Brian Perry, Van Note-Harvey Associates,  
Planning Board Engineer ( ) John Flemming, Zoning Officer ( )  
Mary W. Mistretta, Board Secretary ( )

**I. OATH OF OFFICE – MAYOR JOSEPH LAWVER**

**II. RESOLUTION CONCERNING REMOTE PUBLIC MEETINGS OF THE PENNINGTON PLANNING BOARD**

**III. OPEN TIME FOR PUBLIC ADDRESS**

**IV. ERI - ENVIRONMENTAL RESOURCE INVENTORY**

Discussion and vote regarding transfer of planning consultant funds in the amount of \$2,500.00 to the Environmental Commission for assistance to work on the Environmental Resource Inventory which will become part of the Borough's Master Plan. James Kyle, KMA Associates, Borough Planner, would be working on this.

**V. OTHER BUSINESS**

Update on Vacant Land Analysis – James Kyle

**VI. ZONING OFFICER'S REPORT**

**VII. MINUTES – March 11, 2020**

Adjournment \_\_\_\_\_

**MASON, GRIFFIN & PIERSON**  
A PROFESSIONAL CORPORATION  
COUNSELLORS AT LAW

**MEMORANDUM**

*via Electronic Mail*

To: Mary Mistretta, Secretary  
Pennington Borough Planning Board

From: Edwin W. Schmierer, Esq.  
Board Attorney



Date: October 8, 2020

**Re: Resolution Adopting Remote Public Meeting Procedures**

---

In March 2020, the New Jersey Department of Community Affairs, Division of Local Government Services issued guidelines for conducting remote Land Use Board Meetings. The Division of Local Government Services is now in the process of codifying those guidelines and incorporating them into the New Jersey Administrative Code. We recently received a directive from the State that the remote public meeting guidelines should be formally adopted by Land Use Board to be in compliance with State guidelines.

To this end, I have prepared and enclose herewith a proposed resolution. Attached to the resolution as Exhibit A are the guidelines for the Pennington Borough Planning Board to conduct remote public meetings.

I would suggest therefore, that the Board consider adopting the enclosed resolution at its meeting on October 14, 2020.

Encl.

BOROUGH OF PENNINGTON PLANNING BOARD

RESOLUTION ADOPTING REMOTE PUBLIC MEETING PROCEDURES

WHEREAS, Section 8 of P.L.2020, c.34 provides that whenever a public health emergency, pursuant to the *Emergency Health Powers Act*, P.L.2020, c.11 (N.J.S.A. 26:13-1, *et seq.*), and/or a state of emergency pursuant to P.L.1942, c.251 (C.App.A.9-33 *et seq.*), or a state of local disaster emergency has been declared by the Governor and is in effect, a local public body may conduct a public meeting remotely by electronic means, provided that reasonable public notice and provision for public input is made under the circumstances; and

WHEREAS, P.L.2020, c.34 also provides that the Director of the Division of Local Government Services in the Department of Community Affairs (“DLGS”) shall adopt rules and regulations concerning the conduct of remote public meetings during a public health emergency or state of emergency that are necessary to implement the provisions of the law, which shall include minimum procedures to be followed to provide reasonable public notice and allowance for public input; and

WHEREAS, DLGS promulgated emergency regulations codified as N.J.A.C. 5:39-1.1 through -1.7 that implement P.L.2020, c.34; and

WHEREAS, DLGS issued Local Finance Notice LFN 2020-21 on September 24, 2020 to accompany and explain the new regulations; and

WHEREAS, N.J.A.C. 5:39-1.4(h) requires local public bodies to adopt, by resolution, standard procedures and requirements for public comment made during a remote public meeting and for public comments submitted in writing ahead of a remote public meeting; and

WHEREAS, the Pennington Borough Planning Board (“Board”) desires to establish and adopt the procedures and requirements attached hereto as Exhibit A as its standard procedures and requirements for public comment during a declared public health emergency and/or state of emergency.

NOW, THEREFORE, BE IT RESOLVED by the Pennington Borough Planning Board in Mercer County, New Jersey, that the Procedures and Requirements for the Conduct of Remote Public Meetings during a Declared Public Health Emergency and/or State of Emergency, attached hereto as Exhibit A, are hereby adopted as the standard procedures and requirements for public comment during a declared public health emergency and/or state of emergency.

**CERTIFICATION**

I, Mary Mistretta, do hereby certify that this Resolution was adopted by the Pennington Borough Planning Board at its meeting on October 14, 2020.

---

Mary Mistretta, Board Secretary

## **EXHIBIT A**

### **BOROUGH OF PENNINGTON PLANNING BOARD**

#### **PROCEDURES AND REQUIREMENTS FOR THE CONDUCT OF REMOTE PUBLIC MEETINGS DURING A DECLARED PUBLIC HEALTH EMERGENCY AND/OR STATE OF EMERGENCY**

##### **PUBLIC MEETINGS:**

During a declared public health emergency and/or state of emergency, in-person public meetings shall remain the default for public meetings of the Borough of Pennington Planning Board (“Board”). Room capacity restrictions and gathering limitations pursuant to State and/or Federal guidelines meant to mitigate the risk of contagious infection shall be followed and enforced.

If the meeting cannot be safely held in-person, or the room capacity and gathering limitations are expected to be insufficient for the public meeting, the meeting shall be conducted remotely, or via a hybrid procedure that incorporates both virtual and limited in-person attendance, subject to all social distancing requirements, by members of the public body, municipal staff and professionals, and members of the public.

The Board will conduct all remote meetings and all hybrid meetings as live Zoom Webinars. The meeting connection information will be available on the Borough’s website at <https://www.penningtonboro.org/planning-zoning>. Members of the public may also view and participate in the meeting by joining the webinar via computer or by teleconference.

##### **NOTICE**

Advance notice of the meeting will be provided, specifying the time, date, and location of the meeting. The notice will also state the platform or method by which any remote or hybrid meeting will be held, will provide the teleconference number along with the web address or other means of accessing the remote meeting platform, and will include clear and concise instructions for how public comments can be made and where relevant documents, if any, will be made available for viewing. A copy of the notice will be posted on the Borough’s website at <https://www.penningtonboro.org/planning-zoning>, and on the main entry doors of the Borough Hall, viewable from the outside.

A copy of the notice, meeting agenda (to the extent known), and all documents made available to the public in hard copy or print format, will be available before the meeting for viewing and/or download from the Borough’s website at <https://www.penningtonboro.org/planning-zoning>.

##### **PUBLIC PARTICIPATION**

*Electronic or Written Comments in Advance of the Meeting.*

Members of the public may submit comments or questions in advance of the meeting by sending an email to: Mary Mistretta, Board Secretary at [mmistretta@penningtonboro.org](mailto:mmistretta@penningtonboro.org). Comments may also be submitted in written letter form, delivered to the Board of Pennington Borough Hall, 30 North Main Street, Pennington, New Jersey 08534. All advance comments must be received by 4:00 p.m. the day of the scheduled meeting.

Comments submitted in advance of the meeting shall be read aloud and addressed during the public comment portion of the meeting in a manner audible to all meeting participants and the public. A three (3) minute time limit will apply to the reading of each written comment. Each comment shall be read from the beginning, until the time limit is reached. Multiple submissions by a member of the public shall be cumulatively treated as one submission for purposes of the time limit. The Board may pass over duplicate written comments however, each duplicate comment shall be noted for the record with the content summarized.

### ***Public Comments and Conduct from Remote Participants.***

At the beginning of every remote or hybrid meeting, the Board Chair or designee shall publicly announce the procedures and requirements for making public comment, along with an explanation of the audio muting function of the Zoom platform in use during the meeting.

All participants are required to keep their microphones muted until recognized or directed otherwise. The Board Chair or meeting host will engage the Zoom "Mute" function until the public comment portion of the meeting is reached.

Members of the public participating remotely that wish to make a comment are required to utilize the "Raise Your Hand" feature in Zoom, or if participating by teleconference, by dialing \*9. Once recognized, the participant will be able to unmute their microphone and will be asked to state his/her name and home address before making their comment. The Board Chair or meeting host or designee will manage the order of the comments.

Comments sent via chat will not be accepted and will not be made part of the record or minutes.

If a member of the public becomes disruptive during the meeting, including during any public comment period, the Board Chair shall direct that the individual be muted and warn that continued disruption may result in the individual being prevented from speaking during the meeting or may be removed from the meeting. Disruptive conduct includes sustained inappropriate behaviors such as, but not necessarily limited to, shouting, interruption and use of profanity. If after receiving an initial warning the individual continues to act in a disruptive manner, the individual will be muted, and other members of the public will be allowed to provide their comments or questions. If time permits, the disruptive individual will be allowed to speak after all other members of the public have made their comments. Should the person remain disruptive, the individual may be muted, kept on mute for the remainder of the meeting, or removed from the remote public meeting.