

**PRINCETON PLANNING BOARD**  
**MINUTES OF THE REGULAR MEETING**

**Thursday, April 21, 2016**  
**PRINCETON – Main Meeting Room**  
**Princeton, NJ**

**PRESENT:** Julie Capozzoli, David Cohen, Jenny Crumiller, Wanda Gunning, Liz Lempert, Fern Spruill, Mildred Trotman, Gail Ullman

**ALTERNATES:** Timothy Quinn, Dwaine Williamson

**ABSENT:** Cecilia Birge

**ALSO PRESENT:** Allen Porter, Esq., Board Attorney; Lee Solow, Planning Director; Ilene Cutroneo, Board Secretary; Jack West, Land Use Engineer; Derek Bridger, Zoning Officer

Chairperson Gunning called the meeting to order at 7:35 p.m., acknowledging the opening statement as required by the Open Public Meetings Act, stating that notice of this meeting was issued on November 5, 2015 and December 9, 2015.

**FINDINGS OF FACT**

- a) BEATTY HOUSE, LLC – 3/17/16  
Minor Subdivision w/variances  
19 Vandeventer Avenue; Block 28.02, Lot 26  
File #P1515-294MS

Motion was made by Ms. Spruill, seconded by Mrs. Trotman and carried with a voice vote of eight ayes among those member eligible to vote. No one opposed. No one abstained.

- b) JAMES DONAHUE – 3/22/16  
Minor Subdivision  
283 Herrontown Road; Block 1403, Lot 12  
File #P1515-301MS

Motion was made by Mr. Quinn, seconded by Ms. Capozzoli and carried with a voice vote of three ayes among those members eligible to vote. No one opposed. No one abstained.

**HEARINGS:**

Prior to the start of the application hearings, Chairperson Gunning announced that the Stein application will not be heard and will be carried to the June 16, 2016 Planning Board meeting. No further notice will be given.

- a) GEORGE & SUSAN STEIN – carried to 6/16/16 PB meeting  
Minor Subdivision  
147 Terhune Road; Block 7009, Lot 5.03  
File #P1515-296MS
- b) ZIAD & NADA HADAYA – continued from 3/3/16  
Minor Subdivision  
289 Jefferson Road; Block 7009, Lot 3  
File # P1515-299MS

The Board was reminded that this application is being continued from the March 3, 2016 meeting. Mr. Cohen recused himself from the application he resides within 200 feet of the property. Mr. Porter noted that Mr. Solow, Mr. Bridger and the applicant's consultants/witnesses were previously sworn. Mr. Bridger was sworn in.

Mr. Solow advised the Board that as a result of its recommendation from the March 3rd meeting, staff met with the applicant to address possible changes recommended for consideration by the subcommittee. Mr. Solow reviewed a joint report from Mr. West, Mr. Bridger and himself that presented the changes to the application and the revised plans showed that the applicant agreed to comply with: all of item #1; item #2 a through d and item #3 a through d and g. The report by staff with the revisions advised that variances would be needed if the subdivision was approved as amended. The report also recommended that the applicant meet with the neighbors to present the new plan prior to this meeting.

Mr. Goldberg once again reviewed the applicant's process in filing the subdivision application, noting that the original submission was for an as of right subdivision and acknowledged that the Board did not want the zig zag lot line. Mr. Goldberg also advised the Board that Zoning Board made a determination in Mr. Cohen's interpretation of a lot line and upheld Mr. Bridger's interpretation that a lot line if continuous need not be straight. The applicant's engineer Mr. Gazzale (previously sworn) presented the Board with an alternative to the subdivision plan based upon the subcommittee's recommendation. Using exhibits A10 (revised plan 3/30/16) and A11 (drainage diagram), Mr. Gazzale reviewed the changes and explained what the applicant agreed to include as a compromise.

Several Board members expressed concern when Mr. Gazzale advised that the applicant was not complying with the height proposed by the subcommittee. It was felt that it would over shadow the existing homes and not reflect the character of the neighborhood. Concerns were also raised regarding the change in grading proposed with revised subdivision. Dr. Hadaya (previously sworn) advised that he would comply with the grading recommendation and showed a photograph of homes near the lot, noting that the new homes are much larger (exhibit A12).

Chairperson Gunning opened the meeting for comments from the public at this time.

Kip Cherry, 24 Dempsey Avenue, previously sworn in and stated that she feels that the development is out of character of neighborhood with the placement of the second home. She also commented that any new construction should be done at existing grade. Commenting on the revised plan versus the original submission, Ms. Cherry stated that the new proposal maintains the setback for the neighborhood and that the zig zag line is not in keeping with the zone plan.

Julia Hughes, Cuyler Road, was previously sworn in and still objected to the subdivision.

Frank Wiener, Loomis Court, was sworn in and opposed the application citing stormwater problems.

David Mickelson, previously sworn spoke against the application.

Kenneth Cea, Loomis Court, was sworn in and expressed concern as to what would be constructed.

Martin Kahn, Jefferson Road was sworn in and stated that the Board is being coerced into approving this application and still feels that the zipper lot is challengeable as not permitted.

David Cohen, Terhune Road, previously sworn stated that he supported the conditions established by the committee and felt that the applicant needed to provide plans and elevations before any approval is granted.

Julia Rubin, 360 Jefferson Road was sworn in and stated that the decisions made will have long term consequences in the neighborhood.

Hearing no further comments, the public portion was closed. Meeting recessed at 9:50 pm and resumed at 10:00 pm.

The Board continued to discuss the proposed alternatives and stormwater issues raised by members of the public. The applicant agreed to add a rear landscape buffer to block the neighboring view. Mr. Goldberg advised that the applicant is willing to work with the Board to come to a compromise for the subdivision. Mayor Lempert and Ms. Crumiller continued to state that the zig zag subdivision was not permitted as of right and that Section 10B-182 should be used to deny the application. Staff advised that Section 10B-182 is a design standard to be treated as a waiver, not a zoning standard and based on the zoning standards the zig zag lot line is in compliance with the zoning. Board members continue to raise concerns about the application citing that an approval would set a precedent as there are two other applications with an similar configuration.

Mr. Quinn commented that if the applicant met the recommendations of the subcommittee regarding the height and size of the house perhaps there would have been more support for the subdivision. Chairperson Gunning suggested making the building size and height a condition of the approval. Mr. Goldberg advised that the applicant cannot meet proposed

height limit. Mr. Gazzale added that a substantial amount of fill would have to be used for the height requirement and a retaining wall would also have to be constructed.

Mr. Goldberg questioned Mr. Bridger about his title and how long he has held the position. He also questioned whether Section 10B-182 has ever been used with this type of application. Mr. Bridger advised that his title is Zoning Officer and has been since 2001. Mr. Bridger stated that the section has never been used to his knowledge. Mr. Porter asked Mr. Bridger whether the zig zag lot configuration was ever presented prior to the Valley Road subdivision. Mr. Bridger responded it had not. Mr. Goldberg stated that he feels the design standard is not applicable.

Motion was made Mrs. Ullman to approve the alternate subdivision plan with the variances as amended. The motion was seconded by Mrs. Trotman and denied with the following roll call vote:

FOR: Trotman, Ullman, Gunning, Williamson

AGAINST: Capozzoli, Crumiller, Lempert, Spruill, Quinn

ABSTAIN: No one

With the failure of the motion to approve the alternate plan, a motion to approve the zig-zag lot line subdivision was made; however a second to the motion was not provided. After additional discussion, a motion was made by Mr. Quinn to deny the application and it was seconded by Ms. Crumiller and carried with the following roll call vote:

FOR: Capozzoli, Crumiller, Lempert, Spruill, Ullman, Quinn, Williamson

AGAINST: Trotman, Gunning

ABSTAIN: No one

Motion was made by Mr. Quinn to adjourn, seconded by Mrs. Trotman. Meeting was adjourned at 10:30 pm.

Respectfully submitted,

Dated: 10/31/16

Ilene Cutroneo, Board Secretary  
PRINCETON PLANNING BOARD

Approved: 12/8/16

Wanda Gunning, Chairperson  
PRINCETON PLANNING BOARD