

PLANNING BOARD OF PRINCETON
MINUTES OF THE REGULAR MEETING

Thursday, May 5, 2016
PRINCETON TOWNSHIP – Main Meeting Room
Princeton, NJ

PRESENT: Julie Capozzoli, David Cohen, Jenny Crumiller, Wanda Gunning, Liz Lempert, Timothy Quinn, Mildred Trotman, Gail Ullman, Dwaine Williamson

ABSENT: Cecilia Birge, Fern Spruill

ALSO PRESENT: Allen Porter, Esq., Board Attorney; Miller, Porter, Muller; Lee Solow, Planning Director; Jack West, Land Use Engineer; Derek Bridger, Zoning Officer; Kerry A. Philip, Recording Secretary

Chairperson Gunning called the meeting to order at 7:30 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.

ANNOUNCEMENTS:

Chairman Gunning advised that there will be meetings of the Zoning Amendment Review Committee and Master Plan Committee in the near future. The dates of those meetings will be posted in a Sunshine Notice on the municipal website when known.

MINUTES

a) Regular Meeting – September 17, 2015: Motion was made by Mrs. Ullman, seconded by Mrs. Crumiller and carried with a voice vote of four ayes among those members eligible to vote, to approve the minutes as amended. No one opposed. No one eligible to vote abstained.

HEARINGS:

a) WEI-CHI CHEN & I-CHEN MEI – continued from 3/17/16
Minor Subdivision w/variances
47 Marion Road East; Block 4703, Lot 45
File #P1515-288MS

Mr. Porter indicated this hearing was continued from the March 17, 2016 meeting and that all witnesses who had previously been sworn were still under oath. Mr. Tarr stated that the PowerPoint presentation from the March 17 meeting was prepared by Mr. Chen (an architect) and was present for cross examination.

Ms. Donato, previously sworn, began her cross examination of the applicant's witnesses, starting with Mr. Falcone. Ms. Donato asked Mr. Falcone to identify the lots that are less than a half-acre in size. Mr. Falcone referenced Exhibit A-3 and stated that 30 out of 76 lots are undersized and of those 30 lots there are approximately 19 lots that are slightly larger than what

is being proposed. Ms. Donato stated and Mr. Falcone confirmed that the applicant is proposing to create 2 lots that are smaller than 21 of the lots in the neighborhood.

Ms. Donato stated that her clients have a PowerPoint presentation (Exhibit O-1). Arnold B. Rabson and Barbara Barnett, 59 Marion Road East, were sworn in. Hard copies of the presentation were distributed to the Board and made part of the minutes herein. Mr. Rabson stated that his concern is that the new homes will be constructed close to the adjacent homes and he disagrees with the applicant that the home has reached the end of its useful life. It was Mr. Rabson's opinion that if the variance is granted it would be detrimental to the public good and that a single house would produce less floor area. Ms. Barnett added that Marion Road is unique as there are 28 homes on this road and only four have been torn down and rebuilt. She noted that all the homes are original designs, and no two homes that are alike. She requested that the Chens refurbish the home and that minor subdivision approval not be granted. Ms. Rabson stated that her property has suffered erosions problems due to the development of 79 Marion Road.

Ms. Donato requested that Elizabeth Waterbury, PP, PE, CME be sworn in as the Objector's witness. The following exhibits were distributed to the Board and used by Ms. Waterbury as she presented testimony: O-2 NJDEP Geoweb aerial imagery regarding runoff patterns; O-3 NJDEP soils map; O-4 chart of ordinance 10B-246 regarding maximum impervious coverage. Testimony was presented that there is diagonal runoff pattern across the Rabson property and that the Chen lot has runoff that impacts the Rabson property. Ms. Waterbury advised that due to the type of existing soils, runoff would be high. Testimony was also presented that the application is not in compliance with RSIS standards. Ms. Waterbury expressed concern with the amount of floor area under the current ordinance based upon the smaller lot size.

Mr. Tarr questioned Ms. Waterbury if a new home design provides an opportunity to design a drainage system that would alleviate drainage problems. Ms. Waterbury agreed and noted that she is not aware of any stormwater management techniques proposed, she believes the stormwater system in place is undersized and more information is needed on the soils.

Wei-Chi Chen, was sworn in and used the following slides to present additional testimony: A-3, printout of Section 10B-1(e) from the Municipal Ordinance as a purpose being advanced by the proposed subdivision; A-4, drawing intended to show that if the subdivision were denied and an 8,000 sq. ft. house built, it would be grossly out-of-scale with the neighborhood; A-5, drawing intended to show that two lots with houses would be harmonious with the Marion Road character. Mr. Tarr added that the applicant is willing to limit the square footage of the two homes to 3,400 SF (not including the garage space).

Chairperson Gunning opened the meeting to the public at this time.

The following members of the public were sworn in and spoke against the application (no addresses were provided): Julie Brenner, Rich Kahn, Mary Jo Kahn, and Kim Kerr. The concerns raised by the speakers included increase in traffic, higher density than what is permitted, impacts to children residing in the neighborhood and no guarantee that the Chens

would reside in one of the homes after the new construction. Mr. Porter noted that the Board has never placed restrictions on who must reside in the residence as a condition of approval.

The following members of the public were sworn in and spoke in favor of the application (no addresses were provided): John Powell, George Stein, Kim Cratchman, Barbara Fox, Laurel Kantor, Jim Burton, Daniel Kantor, Mike Shaw, Christopher McWilliams, Charles Teng, and Ann Fahey. The comments supported the Chens presentation that due to the size of the lot the applicant should be allowed to construct two smaller residential homes allowing property owners to age in place.

Hearing no further comments, the public portion was closed. Mrs. Gunning asked the Board to present their comments. Board members expressed concerns regarding stormwater management, tree loss, proposed sizes of the new homes, an increase in density, and impact of soils as it relates to the overall drainage. While some Board members expressed concern with the subdivision, other Board members were concerned about the placement of one very large home on this lot. A consensus of the Board members supported the restriction of the size of the dwelling to be no larger than 3,900 sf (including garage) for each lot.

Mr. West responded to comments that many factors, including tree loss, are considered for stormwater management. He added that onsite stormwater management will be difficult on this property but is something that is recommended in his report of 2/17/17 and should be made a condition of approval. Ms. Donato asked to be allowed to submit a brief regarding the drainage as this is an important issue to her clients. Mr. West added that a condition be included that prevents the increase in runoff for both lots after the 2, 10 and 100 year storm calculation. Mr. Porter advised that a plan showing the ability to do this be made a condition preceding approval.

Motion was made by Mr. Williamson to approve the minor subdivision application with the conditions discussed in staff reports and during the hearings, seconded by Mrs. Trotman carried with the following roll call vote:

FOR: Cohen, Gunning, Trotman, Ullman, Williamson

AGAINST: Capozzoli, Crumiller, Lempert, Quinn

ABSTAIN: No one

Mr. Williamson stepped away from the meeting at this time; the meeting continued with a quorum in place.

DISCUSSIONS

a) Ordinance Referrals:

[1] Amendment of the Witherspoon-Jackson Historic District. Prior to the start of the discussion, Mrs. Trotman recused herself advising that she resides in the district and Mr. Porter recused himself advising that he has a client in the district.

Mr. Solow summarized his memorandum dated 4/25/16 and stated that at the 4/18/16 Princeton Council meeting, the amendment to Witherspoon-Jackson Historic District Ordinance was introduced. It was explained that the amendment removes the cemetery lot as it was included in error as the report from the Historic Preservation Commission's consultant recommended that it

not be included. A memorandum from HPC dated 4/5/16 also referenced the consultant's report that it had inadvertently been included in the draft ordinance. Motion was made by Mrs. Ullman to recommend the amendment, seconded by Mr. Quinn and carried with a voice vote of seven ayes. No one opposed. No one abstained.

Mr. Porter and Mrs. Trotman returned to the dais.

[2] Amendment to Fee Schedule. Mr. Solow reviewed his memorandum of 4/27/16 explaining that a \$750.00 fee for Engineering review and inspection of 1-2 family structures is being proposed. Motion to recommend the ordinance was made by Mrs. Ullman, seconded by Mr. Cohen and carried with a voice vote of eight ayes. No one opposed. No one abstained.

Mayor Lempert and Mrs. Gunning recused themselves from the next discussion, advising that their spouses work for the University. Mr. Williamson returned to the dais. Mrs. Ullman chaired this portion of the meeting.

b) Tiger Transit – Annual Report. Mr. Solow advised that a joint staff memorandum was distributed which summarized the University's Annual report. Kim Jackson, Director, Transportation & Parking Services stated that there have been modest changes to some of the routes and was pleased to advise that the ridership numbers has increased. Mrs. Ullman thanked the University for provided the Planning Board with this information. Mrs. Crumiller thanked the University and advised that an Ad Hoc task force is working on mass transit issues. Mr. Bridger requested that the WaWa parking numbers be included in next year's report, noting that this has been a very successful program. Mr. Quinn thanked the University for its report and the inclusion of bicycle paths throughout the campus. Ms. Jackson stated that the University is working to reduce the parking needs with a new parking system so that undergrad first year students would not be able to park on the campus.

Motion was made by Mrs. Trotman and seconded by Mr. Cohen to accept the Transit Report and carried with a voice vote of nine ayes. No one opposed. No one abstained.

Motion was made by Mrs. Trotman, seconded by Mr. Cohen to adjourn. Meeting adjourned at 11:05 p.m.

Respectfully submitted,

Dated: 11/2/16

Ilene Cutroneo, Board Secretary
PLANNING BOARD OF PRINCETON

Approved: 12/8/16

Wanda Gunning, Chairperson
PLANNING BOARD OF PRINCETON