

PRINCETON PLANNING BOARD
MINUTES OF THE REGULAR MEETING

Thursday, October 6, 2016
PRINCETON – Witherspoon Hall – Main Meeting Room
Princeton, NJ

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

ALTERNATES: Timothy Quinn, Dwaine Williamson

ABSENT: Cecilia Birge, Fern Spruill

ALSO PRESENT: Allen Porter, Esq., Board Attorney; Lee Solow, Planning Director; Ilene Cutroneo, Board Secretary; Alina Ferrera, Assistant Municipal 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.

ANNOUNCEMENTS: No announcements

EXECUTIVE SESSION: Chairperson Gunning read into the record a resolution authorizing the Planning Board to enter into close session to discuss contract negotiations for legal services. Motion was made by Ms. Crumiller, seconded by Mayor Lempert and carried with a voice vote of nine ayes. No one opposed. No one abstained. At 8:05 pm, the Planning Board returned to open session.

MINUTES:

a) Regular Meeting – September 15, 2016. Motion was made by Ms. Crumiller to accept the minutes, seconded by Ms. Capozzoli and carried with a voice vote of eight ayes. No one opposed. No one abstained.

RESOLUTIONS/FINDINGS OF FACT:

a) Request for Professional Service Agreement:
Miller Porter Muller, PC
re: Hadaya Minor Subdivision Litigation; 289 Jefferson (revote required).

Prior to the vote, it was noted that Mr. Cohen is a 200 foot adjacent neighbor of the Hadaya property and should not have voted on the resolution. Motion was made by Mr. Quinn, seconded by Mrs. Ullman and carried with a voice vote of eight ayes. No one opposed. No one abstained.

- b) AVALON PRINCETON, LLC – 9/15/16
Amended Site Plan
253 Witherspoon Street/Harris Road; Block 7101, Lot 8.01; Block 21.02, Lot 1.01
File # P1616-347PM

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

HEARINGS:

- a) RB HOMES, INC. – carried from 9/15/16
Major Site Plan w/variances
203-205 Nassau Street; Block 47.02, Lot 19
File # P1515-235P

Mr. Solow was sworn in and provided the Board with an overview of the application, using the lighting plan, marked as PB1. The applicant is proposing to demolish the existing building and construct a new three story building to be constructed within the existing building's footprint and with the same floor area ratio as the existing building. Plans have been revised and the applicant indicates that all variances have been eliminated. Mr. Solow reviewed the advisory board memos from SPRAB, PEC and HPC.

Ms. Ferrera and Mr. Bridger were sworn in at this time.

Mr. Cohen questioned why the applicant did not require a parking variance. Mr. Solow advised that the ordinance does not require parking for this application. Eldric Endsby, a representative from HPC, was sworn in and discussed the historic nature of the building supported the preservation as is noted in the Master Plan along with other structures of a similar history that should also be preserved.

John Harrison, PE, Board's Structural Consultant, was sworn in and accepted as a witness. Mr. Harrison reviewed his report and advised that his review could not find any structural support to allow the building to be saved. Tom White, member of HPC, was sworn in and stated it was his opinion that the brick walls could be saved by dropping steel columns and to brace the walls.

Christopher Tarr, Esq., was sworn in and appeared on behalf of the applicant. Daniel Barsky, applicant, was sworn in and used a PowerPoint presentation (marked as exhibit A1) to review the application. The presentation included photographs of the site and area along with images of the site plan. Testimony was presented that the applicant will comply with the staff recommendations and those from SPRAB. Mr. Barsky advised that the applicant would investigate the recommendations from PEC. He agreed to provide bike parking and indicated that the remaining recommendations would be investigate and the applicant would do whatever is feasible.

Ms. Capozzoli expressed concern regarding the building material recommended by SPRAB and that other possibilities should be considered. Ms. Crumiller requested that the

applicant provide covered bike parking. Mr. Barsky advised that if it will work with the FAR it will be provided. Concerns were raised that the site did not provide adequate parking and vehicular access. Mr. Barsky commented that the site will be used by University people and given its location it is very walkable and bikeable.

Mr. Porter asked the applicant how recommendations on the building material can be reconciled. Mr. Tarr advised that the applicant will comply with the board of jurisdiction's recommendation, which would be from SPRAB. Mr. Barsky showed elevation drawings that included various materials, when SPRAB recommended brick. The Board consensus was that anything visible from the street would be brick and the other sides would be hardyplank.

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

Eldric Endersby, previously sworn, requested that representatives from HPC be permitted to record the interior and take measurements of review what is inside the building and recommended salvaging anything that may be saved. Chairperson Gunning advised that anyone entering the building must have insurance that is acceptable to the municipality and must be reviewed by HPC and the municipality.

Hearing no further comments, the public portion was closed. A question was raised if a fire escape would be needed. Mr. Solow recommended that staff work through the details and review the plans. Motion was made by Mrs. Ullman to approve the application with the conditions found in staff reports and discussed during the hearing. The motion was seconded by Ms. Crumiller and carried with the following roll call vote:

FOR: Capozzoli, Cohen, Crumiller, Lempert, Trotman, Ullman, Gunning, Quinn, Williamson

AGAINST: No one

ABSTAIN: No one

Meeting recessed at 9:30 pm and resumed at 9:40 pm with everyone present.

- b) DANIEL & TAMARA SKVIR
Minor Subdivision
109 Rollingmead; Block 7601, Lot 39
File #P1616-330MS

Mr. Solow was sworn in and provided the Board with an overview of the application using sheet 1 of the subdivision plan (marked as exhibit PB1). The applicant is proposing to subdivide the parcel into two conforming lots, one for the existing dwelling and the other for new construction. Mr. Solow advised that the application was originally heard by the Subdivision Committee on June 13, 2016. During the Subdivision Committee meeting, the applicant agreed to provide an revocable license agreement across proposed lot 39.01 to provide a safe school crossing. At the Subdivision Committee meeting several neighbors were in attendance, speaking against the application and expressed concern that neighbors did not have sufficient opportunity to participate and the impact of the subdivision on the neighborhood character and streetscape. The property is located in the Carnassa Park section of Princeton, which has separate private restrictions on the parcels. Mr. Porter advised the Board that its

review is based upon current zoning. The Board has no jurisdiction to address the Carnassa Park regulations.

Christopher Tarr, Esq., appeared on behalf of the applicant. Tamara Skvir, applicant and James Chmielak, PE were sworn in as witnesses. Using a PowerPoint presentation (marked as exhibit A1), Mr. Chmielak reviewed the application, noting that the parcel was oversized for the zone and can be divided into two conforming lots. Testimony was presented that the applicant would comply with all requests made in the staff reports.

Ms. Skvir advised the Board that the land has been in her family for many years and she grew up in the existing home. Discussion of the license agreement was raised and Mr. Tarr asked that the area be determined. Mr. Tarr reviewed the slides which provided copies of pages from the NJ Zoning & Land Use Administration book which stated that the Board is not charged with enforcing private restrictions.

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

Alan Zetterberg, 124 Random Road, was sworn in and advised that he is chair of the Housing Board for Carnassa Park. He stated that the Housing Board oversees deed restrictions and disagrees with the staff on the validity of restrictions. Mr. Zetterberg also stated that the applicant's position that it is in receipt of 30 residence releases is not correct and the Housing Board is challenging the releases. He stated he feels an approval of the subdivision is a violation of the law, noting that Carnassa Park has greater setback requirements than what is required in zoning.

Grayson Barber, 68 Locust Lane, was sworn in and requested a permanent access for the school crossing access.

Kathryn Jones, 7 Locust Lane, was sworn and is concerned about flooding and wants an independent engineer to review the plans. She also wants the license for access to be permanent.

Ralph Perry, 83 Random Road was sworn in and expressed concern that additional subdivisions will occur. Mr. Perry also stated that he disagrees with the statement that the Board does not have jurisdictional review regarding the deed restrictions.

Michael Libertezzo, 112 Rollingmead was sworn in and stated he was threatened and coerced into signing the release.

Gregg Hughes, 8 Random Road, was sworn and stated that he was selected to sign as he was new to the neighborhood. Mr. Hughes stated he signed another document and gave it to the Housing Board. He also stated that he did not receive the \$1.00 but instead was given to a child.

Philip Kattua, 41 Roper Road, was sworn in and asked that the applicant resolve the deed restrictions and then return to the Board for the subdivision. Mr. Kattua also advised that the area has a problem with flooding.

Bob Russell, 88 Rollingmead, was sworn and requested that the trees within the permitted setback (15 feet) be preserved on both sides of lot.

William O'Shannessy, Littlebook Road, was sworn in and advised that he consented to the application as the subdivision will have no effect on the neighborhood or neighborhood scheme.

Hearing no further comments, public portion was closed. In response to Board questions regarding the private covenants and zoning, Mr. Porter informed the Board's review is that the applicant complies with the zoning standards. The Board cannot look at financial issues, neighborhood character, private covenants because should the Board deny the application based on those issues it would be vulnerable to a law suit.

Mr. Quinn questioned if the path could be a permanent access. Mr. Tarr advised that the applicant would provide a permanent easement (meandering path) to be determined by staff. Ms. Crumiller asked if the Board could defer action until the covenant issue was resolved. Mrs. Ullman objected to this suggestion stating that the review of the subdivision by the Board is to be based solely on the zoning standards.

Motion was made by Mrs. Ullman to approve the subdivision with the conditions as presented in staff reports and those discussed in the foregoing along with the placement of a permanent path. The motion was seconded by Mrs. Trotman and carried with the following roll call vote:

FOR: Capozzoli, Cohen, Crumiller, Lempert, Trotman, Ullman, Gunning, Quinn, Williamson

AGAINST: No one

ABSTAIN: No one

Motion was made by Mrs. Trotman to adjourn and seconded by Mr. Cohen. Meeting was adjourned at 11:30 pm.

Respectfully submitted,

Dated: 1/18/17

Ilene Cutroneo, Board Secretary
PRINCETON PLANNING BOARD

Approved: 4/20/17

Wanda Gunning, Chairperson
PRINCETON PLANNING BOARD