

PRINCETON PLANNING BOARD
MINUTES OF THE REGULAR MEETING

Thursday, April 20, 2017
PRINCETON – Main Meeting Room
Princeton, NJ

PRESENT: Jenny Crumiller, Julie Capozzoli, David Cohen, Wanda Gunning, Timothy Quinn, Mildred Trotman, Zenon Tech-Czarny

ALTERNATES: Dwaine Williamson

ABSENT: Fern Spruill, Gail Ullman, Louise Wilson

ALSO PRESENT: Allen Porter, Esq., Board Attorney; Lee Solow, Planning Director; Ilene Cutroneo, Board Secretary; Derek Bridger, Zoning Officer

Chairperson Gunning called the meeting to order at 7:30 pm, acknowledging the opening statement as required by the Open Public Meetings Act, stating that notice of this meeting was adopted on December 1, 2016 and published in the December 9, 2016 edition of the Princeton Packet.

ANNOUNCEMENTS: Chairperson Gunning advised that the Master Plan Committee would be meeting on Monday, May 15 at 7:30 pm to hear a presentation from Princeton University on its Campus Plan.

FINDINGS OF FACT:

- a) 39 RANDOM, LLC – 2/16/17
Prelim/Final Major Subdivision & Prelim/Final Major Site Plan
522 & 536 Prospect Avenue; Block 7701, Lots 46 & 47
File # P1616-404SPF/P

Prior to the vote Mr. Porter advised that on page 8, condition 2, the second sentence was incorrect and should be removed from the findings. Motion was made by Mr. Quinn to accept the findings as corrected, seconded by Mrs. Trotman and carried with a voice vote of eight ayes. No one opposed. No one abstained.

- b) JAMES & JUDITH BETLYON – 2/16/17
Minor Subdivision – lot consolidation
369 Riverside Drive; Block 7901, Lots 4 & 6
File #P1616-421MS

Motion was made by Ms. Crumiller to accept the findings, seconded by Mr. Quinn and carried with a voice of eight ayes. No one opposed. No one abstained.

MINUTES

- a) Regular Meeting – March 3, 2016. Motion was made by Ms. Crumiller to accept the minutes, seconded by Ms. Capozzoli and carried with a voice vote of six ayes, among those members eligible to vote. No one opposed. No one abstained. After the vote, Mr. Cohen requested a correction to his comments in the public portion regarding the Hadaya application and a reference correction of a speaker in the same application. Ms. Crumiller moved to accept the minutes as corrected, seconded by Ms. Capozzoli and carried with a voice vote of six ayes among those members eligible to vote. No one opposed. No one abstained.
- b) Regular Meeting – June 16, 2016. Motion was made by Ms. Crumiller to accept the minutes, seconded by Mrs. Trotman and carried with a voice vote of seven ayes among those members eligible to vote. No one opposed. No one abstained.
- c) Regular Meeting – October 6, 2016. Motion was made by Ms. Crumiller to accept the minutes, seconded by Mrs. Trotman and carried with a voice vote of seven ayes among those members eligible to vote. No one opposed. No one abstained.
- d) Regular Meeting – December 1, 2016. Motion was made by Mrs. Trotman to accept the minutes, seconded by Ms. Crumiller and carried with a voice vote of seven ayes among those members eligible to vote. No one opposed. No one abstained.
- e) Regular Meeting – March 16, 2017. Motion was made by Mrs. Trotman to accept the minutes, seconded by Ms. Crumiller and carried with a voice vote of seven ayes among those members eligible to vote. No one opposed. No one abstained.

HEARINGS:

- a) GROSSO HOMES, LLC
Modification to approved application; relief of condition
42 Harris Road; Block 7101, Lot 10.01
File #P1717-462SPFD

Mr. Solow was sworn in and provided the Board background information and an overview of the request. Mr. Solow advised that lot 10.01 was one of the approved lots in the major subdivision granted to AvalonBay Communities in 2015. At the time of approval the Board imposed a condition which was a carryover from the garage approval, requiring that lot 11 remain open, that a conservation easement be placed over the portion of lot 10.01 that was previously lot 11. The applicant, Grosso Homes, constructed a new house on the lot and is requesting relief from the Board's condition so a six foot high, white PVC Vinyl fence can be constructed. Mr. Bridger was sworn in at this time.

The fence will be in line with the front and back of the house and run northerly (toward Henry Avenue) approximately 35 feet. The fence enclosure is approximately 35' by 50' (1,759 square feet) and falls within the conservation easement which encumbers an area approximately 50' by 100' (5,000 square feet).

Prior to the start of the hearing, Mr. Porter advised that the applicant's engineer (David Schmidt) appeared with him on a matter before the Montgomery Township Planning Board but that this relationship did not require him to recuse himself. Richard Schatzman, Esq., was sworn in and appeared on behalf of the applicant. David Schmidt, PE was sworn in and was accepted as an expert witness. Mr. Schmidt used PB1 (also marked as A1) to review the fencing request. Testimony was presented that the request is being made for the safety of the children residing in the home, it would still meet the open-ness requirement as the public can see through the fence. Mr. Schatzman stated that the conservation easement does not agree with the language in the ordinance.

There was discussion among Board members that the fence would restrict public access. Mr. Porter advised that the area under discussion was always private and never made public. He advised that the Princeton Township Zoning Board required that area to remain 'open' and would remain open with the conservation documents. Board members questioned if a hedge was permitted and Mr. Bridger responded that they are.

The several Board members stated that that most of the properties do not have fences. Ms. Crumiller stated that there is a deed restriction which prohibit fences in the front yard.

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

Kate Warren, 17 Jefferson Road, was sworn in and read a prepared statement to the Board against the request.

Virginia Kerr, Jefferson Road, was sworn in and distributed three exhibits to the Board (O1 – filed conservation deed, O2 – Section 10B-272.68 for G1 zone, O3 – list of properties/locations where fences or hedges exist in Jefferson, Franklin, Moore, Henry, Guyot, Harris, Carnahan area). Ms. Kerr spoke against the application, repeating the neighborhood's concern in maintaining an open area at the corner of Harris and Henry Streets. She stated that the fence is not consistent with the conservation easement, it is not visually desirable and felt that the Planning Board did not have the jurisdiction to consider the easement. Mr. Schatzman responded that the easement is defective as it is not signed by the municipality.

Mr. Quinn questioned whether the Planning Board had jurisdiction to hear the request. Mr. Porter advised that the Board established the condition that the area remain open so the applicant would need to first seek relief from the Board's condition before addressing changes to the conservation easement between the municipality and the applicant.

Heidi Fichtenbaum, Carnahan Place, was sworn in, spoke against the request and stated that the property purchaser was aware of the restrictions as a title search was done prior to the purchase.

Anita Garoniak, Harris Road and Alice Artz, Hawthorne Avenue, were sworn in and spoke against the request citing a frustration of constantly returning to the Board to ensure the area remains open.

Debbie Herrington, Harris Road was sworn in and stated that the fence was inappropriate for the area.

Doug Sawyer, Harris Road was sworn in and advised that the side of the house where the fence is proposed has no door access and questioned why the fenced area wasn't place at the rear of the house.

Hearing no further comments, the public portion was closed. Board members continued to discuss the issues raised by members of the public and the issue whether anything should be placed on that portion of the property. Mrs. Gunning spoke in support to keeping the area an open green space, noting that the fence would not be a visual benefit to the neighborhood. Concerns were raised by some Board members that the applicant is proposing to privatize the space. The Board was reminded that the area was not public open space, only providing a visual protection.

Motion to deny the application was made by Mr. Cohen, seconded by Ms. Capozzoli and carried with the following roll call vote:

FOR: Crumiller, Capozzoli, Cohen, Quinn, Tech-Czarny, Trotman, Gunning, Williamson

AGAINST: No one

ABSTAIN: No one

Mr. Bridger requested guidance from the Board regarding the planting of hedges. Ms. Crumiller stated she felt it was a defacto fence and should not be allowed. Board members agreed that they did not want a natural or artificial enclosure of the space. Some Board members supported low hedges but Mr. Bridger questioned the issue with enforcement.

Motion was made by Mrs. Trotman to adjourn and was seconded by Mr. Cohen. Meeting adjourned at 9:00 pm.

Respectfully submitted,

Dated: 4/25/17

Ilene Cutroneo, Board Secretary
PRINCETON PLANNING BOARD

Approved: 7/13/17

Wanda Gunning, Chairperson
PRINCETON PLANNING BOARD