

PRINCETON PLANNING BOARD
MINUTES OF THE REGULAR MEETING

Thursday, July 13, 2017
PRINCETON – Main Meeting Room
Princeton, NJ

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

ALTERNATES: Dwaine Williamson, Louise Wilson

ABSENT: Timothy Quinn, Julie Capozzoli, Fern Spruill

ALSO PRESENT: Allen Porter, 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 announced a special meeting is scheduled for Wednesday, July 26 at 10 am. The Princeton Charter School is on the agenda for discussion.

MINUTES

a) Regular Meeting – April 20, 2017. Motion was made by Mrs. Trotman to accept the minutes, seconded by Ms. Crumiller and carried with a voice vote of six ayes, among those members eligible to vote. No one opposed. No one abstained.

HEARINGS

a) **ROI RENOVATIONS & DEVELOPMENT**
Minor Site Plan w/variance
255 Nassau Street; Block 48.01, Lot 22
File # P1717-464P deadline for action: 8/16/17

Prior to the start of the hearing, Mrs. Ullman recused herself, advising that she lives within 200 feet of the property.

Mr. Solow was sworn in and provided the Board with an overview of the application. Using sheet A5, marked as PB1, Mr. Solow advised that the applicant is seeking variance approval to permit a sign/emblem identifying the building. The proposed circular sign with the letters “CP” (Carnevale Plaza) located under the front gable of the building facing Nassau Street. Mr. Solow reviewed the joint report prepared by Mr. West, Mr. Bridger and Mr. Solow that

explained the SB zoning regulations regarding signage. Mr. West and Mr. Bridger were sworn in at this time.

Board members questioned whether the proposal was a design or architectural element of the building. Mr. Bridger advised that the 'CP' is a sign and there is no language in the ordinance to authorize what is being proposed.

Rosalind Westlake, Esq., was sworn in and appeared on behalf of the applicant. Michael Pessolano, PP was sworn in and accepted as an expert witness. Mr. Pessolano's testimony was that in his opinion, the CP is not a sign but an architectural feature of the building which provides the owner flexibility. He presented images (marked as exhibit A1 and A2) to describe an architectural feature. It was also his opinion that since the property is multiuse, each use is entitled to be signed. Mr. Pessolano advised that the street number of the building is located on the column at street level. Mr. Bridger added that in addition to the attached sign, he approved two awning signs which provide identification for the building.

The Board members questioned the need for the additional sign. Mr. Pessolano advised that it is used for identification to announce the property and that the scale of the plaza makes the treatment diminutive. Board members expressed concerns that if this is approved, other buildings will be coming in requesting this variance. Mr. Solow advised that the ordinance did not contemplate this type of signage and established the ground floor to have the predominant sign. It was also noted that each additional sign would require a variance.

Chairperson Gunning opened the hearing to comments from the public at this time. Hearing no comments, the public portion was closed. Concerns were raised by Board members that the granting of the variance would set a precedent and that if Council supports these types of signs an amendment should be made to the ordinance.

Motion was made by Ms. Wilson to deny the request, seconded by Mrs. Trotman and carried with the following roll call vote:

FOR: Capozzoli, Crumiller, Spruill, Tech-Czarny, Trotman, Gunning, Williamson, Wilson

AGAINST: Cohen

ABSTAIN: No one

Mr. Porter left the meeting at this time and Ms. Cayci joined for the next application.

- b) 20 PALMER SQUARE EAST, LLC
Major Site Plan
20 Palmer Square East; Block 20.02, Lot 70
File # P1616-343PM

Prior to the start of the hearing, Ms. Cayci advised that a Palmer Square resident, Scott Siprelle, is objecting to the application and hired attorney Chad Warner. Mr. Warner is questioning the applicant's notice citing it as inadequate and felt that the Board is not able to

accept jurisdiction. He stated that the notice is misleading as to what the proposed use will be and the total square footage of the floor area. Mr. Warner also stated that it is his opinion that the applicant needs a parking variance for this proposal and requested that the applicant re-notice to include these issues. Mr. Warner added that the change of use fell under Section 40:55D-68 of the MLUL and since it was not followed, the application would need a use variance.

Richard Goldman, Esq., was sworn in and appeared on behalf of the applicant. Mr. Goldman stated that he disagreed with the points made by Mr. Warner stating that the applicant is compliance with the ordinance. Mr. Goldman added that the applicant's professionals evaluated the prior use's parking and that of the new use, indicating that the system of credits as per the ordinance was applied. Mr. Bridger was sworn in and stated that there are no variances based upon the definition of FAR and parking. In addition, Mr. Bridger discussed the long standing interpretation for parking determination when a change of use occurs.

Board members questioned the parking determination as to how it would meet the need to service the patrons. Ms. Cayci advised the Board that she disagreed with Mr. Warner and stated the Zoning Officer has testified regarding the parking and by ordinance he is entrusted to interpret the zoning statutes. Ms. Cayci also stated that she disagreed that Section 55D-68 applies to this application.

Mr. Solow was sworn in and provided the Board with an overview of the application. Using exhibit Sheet CE-5, marked as PB-1, Mr. Solow reviewed the submission with the Board. Testimony was presented that the applicant is proposing to renovate and reuse the former Post Office building to relocate its restaurant and brewpub providing approximately 297 seats. Interior renovations to the building include utilizing the basement, lobby, alcove areas and second level for its patrons as well as providing an elevator and installation of a kitchen. Also proposed is the removal of the existing loading dock to be replaced with a glass enclosed entry, landscaping, lighting, sidewalk connections and the placement of four new HVAC units, three new exhaust units and one new air intake fan on the roof. The hours of operation proposed are: 11:30 am to 1 am weekdays, 11:30 am until 2 am Friday and Saturday and noon to midnight on Sundays. Mr. Solow also advised that the applicant stated that deliveries will be made to the brewery twice monthly using the Palmer Square East side of the property and brought to the basement. Food deliveries will be daily and will utilize the new lift at the southeast corner of the building. Trash will be stored in a refrigerated area in the building and brought to curbside.

Mr. Solow reviewed the reports received from SPRAB and PEC. Ms. Capozzoli reviewed the report from HPC.

Mr. West was sworn and reviewed the report from the Traffic Safety Committee recommending eliminating the proposed loading zone and relocating it to Palmer Square south. Board members questioned if the size of delivery vehicles can be restricted. Mr. West advised that the size probably cannot be restricted, but the Board can restrict the hours of delivery. Mr. West also requested that a condition be included requiring the staff not to put the trash and/or recycling at the curb until the truck arrives (similar as to what is required at the Agricola site).

Mr. Goldman advised that the proposed application is an adaptive reuse and only major change is to create an open and lively area. Mr. Goldman discussed the FAR issue raised by Mr. Warner and stated that FAR calculation is based on the stories and defined to exclude basements. The basement of the prior use (Post Office) was calculated in the FAR. However, the ordinance was changed and the calculations based on the number of stories (using the new definition of stories) in the building. Mr. Goldman further stated that the submission complies with the ordinance.

Thomas O'Shea, PE, was sworn in and accepted as a witness. Mr. O'Shea used exhibit A1 (PowerPoint presentation) to review the engineering issues, noting it was very minor and discuss the recommendations in staff and advisory board reports. Testimony was presented that the applicant was willing to move the loading area to Palmer Square South, provide additional street lights which will blend with the lights already installed in Palmer Square. The applicant agreed to the requests made in the Engineering/Zoning report and indicated that they would work out the details with Mr. West. The applicant also agreed to provide a bike rack on Palmer Square East.

Mr. Warner cross examined Mr. O'Shea regarding the loading area, traffic movement templates, delivery information, parking for bars and restaurants, years of experience in engineering site plans and what the typical parking standards would be. Mr. O'Shea advised that he has 35 years of experience and has designed bars and restaurants. He also repeated his testimony regarding the design and proposed changes for the loading area and rear of the building. Mr. Goldman objected to the line of questioning stating that the site was designed to the existing ordinance.

Electrical issue and sound system failed. Meeting adjourned at 9:20 pm.

Respectfully submitted,

Dated: 1/18/18

Ilene Cutroneo, Board Secretary
PRINCETON PLANNING BOARD

Approved: 2/15/18

Wanda Gunning, Chairperson
PRINCETON PLANNING BOARD