

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

**Wednesday, July 26, 2017**  
**PRINCETON – Main Meeting Room**  
**Princeton, NJ**

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

**ALTERNATES:** Dwaine Williamson. Louise Wilson

**ABSENT:** Jenny Crumiller, Timothy Quinn, Fern Spruill

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

Chairperson Gunning called the meeting to order at 10:00 am, acknowledging the opening statement as required by the Open Public Meetings Act, stating that notice of this meeting was provided on July 13, 2017.

**ANNOUNCEMENTS:** No announcements

**HEARING:**

- a) **PRINCETON CHARTER SCHOOL**  
Conditional Use/Amended Conditional Use for enrollment increase;  
Reasonableness Review for site plan exemption;  
Master Plan Consistency Review

Mr. West was sworn in (Mr. Bridger was sworn in at this time as well) and reviewed the joint memorandum (engineering and zoning) with the Board. Mr. West, using the applicant's plan sheet entitled "Princeton Charter School Temporary Classroom Plan – marked as exhibit PB1, reviewed the submission with the Board. Mr. West noted that the Charter School appeared before the Planning Board in 2007 proposing the construction of 17,000 sf gymnasium and other site improvements an underground detention. Although the building was constructed, the underground detention facility was not. The Board questioned why the detention facility was not constructed. Mr. West advised that he's been advised that Mr. Kiser (former Township Engineer) granted a waiver to the applicant, but has not located anything in writing to support this.

Mr. Porter advised that the applicant's attorney filed a legal memo raising several issues. In the memo, he cited a recent case that Section 31 is not within the Board's jurisdiction. Mr. Porter indicated that the legal issues will be tabled until testimony is completed. Mr. Porter also advised that the conditional use standard regarding local need in determining the student

enrollment is within the State Department of Education and has been addressed with the Charter School receiving approval of its enrollment increase.

The Board questioned whether the parking study was reviewed by the Board's traffic consultant. Mr. West advised that he reviewed the material was satisfied with the results of the study.

Richard Schkolnick, Esq., was sworn in and appeared on behalf of the applicant. Mr. Schkolnick requested that his witnesses be sworn in at this time (Lawrence Patton, Head of School; Richard Brown, PE; Maurice Rached, PE (traffic); Michael Sullivan, PP). Lawrence Patton, the Head of School, testified as to the needed expansion space for incoming students. The school is divided between a kindergarten to fourth grade and a fifth grade to eighth grade. Mr. Patton explained that the fourth grade will be housed in the trailers with the additional new students being in the lower grades. The Charter School will be returning to the Planning Board in the fall for the construction of new facilities to replace the temporary trailers and other site improvements, including for stormwater facilities. It is contemplated that the temporary trailers will be used for no more than two years at which time the trailers will be replaced by the new structure. Mr. Schkolnick advised that a proposal will be presented to the Board for its long term plan and it will address the stormwater issues.

Mr. Patton marked as Exhibit A-1 a letter dated July 20, 2017 addressing certain transportation issues and encouraging walking and the use of busing. He noted that buses are scheduled to pick up younger students at 6:45 am. Many parents object which is the reason most students are driven to school. The Board questioned if the school considered changing its starting time to take advantage of the busing. The Board also questioned the number of students attending who were not Princeton residents. Mr. Patton advised that he did not have that information, adding that the lottery is for Princeton residents. It was noted that if the student moves out of town, they are allowed to remain in school to complete the school year and transportation is paid for by the sending district.

Richard Brown, PE was sworn in and accepted as an expert witness. Using exhibit PB1 and the applicant's sheet showing the location of the trailers (A2), he testified regarding the trailers and drainage for the area on a temporary basis. It was noted that the trailers are not visible from the street. Ms. Wilson questioned why the stormwater management was not constructed with the last improvements. Mr. Brown advised that the former Township Engineer waived the requirements until Phase 2 was constructed. He noted that the prior Phase 2 was never constructed, but stormwater will be addressed for the trailers as well as a full stormwater maintenance plan for the new expansion proposal. Board members asked where the run off from the gym is flowing. Mr. Brown advised that he did not review that information, and stated that the site drains in the southwest direction. Mr. West advised that any new construction is subject to the newly adopted stormwater ordinance.

Maurice Rached, PE, was sworn in and accepted as an expert witness. Mr. Rached advised that the additional students will not impact the traffic and that the school is looking into ways to improve AM traffic.

Michael Sullivan, PP, was sworn in and accepted as an expert witness. Mr. Sullivan presented two photo boards (A3 – 10 photos of the area and A4 – aerial photo of the locations), testifying that the proposal has no impact to the area. Testimony was presented that if needed additional screening can be provided. Mr. Sullivan advised that the proposal is consistent with the Master Plan and that the request is reasonable in accommodating student enrollment. Mrs. Ullman asked if the review standards applies to the expanded enrollment of the school. Mr. Porter advised that it is not within the purview of the Board as the state approves enrollment numbers.

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

Rachel Selig, parent of a student, was sworn in and commented that the parents have formed a community to work together to solve problems. Ms. Selig advised that parents drive the student as no crossing guards are provided and the bus system scheduling is not helpful

Tony Gleason, address not provided was in sworn, advising that he is a parent of a student and criticized the Board in requiring this hearing. He stated that he wants the board to pledge its assurance to provide a fair review since the members were all appointed by the mayor. Mr. Porter advised that his comments were not appropriate.

Hearing no further comments, public portion was closed.

Mr. Porter advised that Mr. Schkolnick filed a letter questioning the Board's jurisdiction, citing case law. It is Mr. Schkolnick's interpretation of the ruling that if the municipality did not assign Capital Improvement Review (Section 40:55D-29) jurisdiction to the Planning Board, the Board does not have jurisdiction to review under Section 40:55D-31 for consistency with the Master Plan. The letter also went on to state the Charter School is being treated differently from the Public Schools as it relates to conditional use issues. Mr. Schkolnick advised that he researched the back files for the Charter School, finding that the original submission requested and received conditional use approval, until the 2007 application, when no further reference to conditional use was made. He also noted that he requested files on the public schools but noted there were no records as to the approval process, noting that the schools are all in residential zones and expanded with no record of conditional use approval. Mr. Schkolnick is requesting that the Charter School receive the same review as the public schools.

Mr. Porter noted that stormwater treatment is still an outstanding issue that needs to be addressed. Mr. Schkolnick stated that the Charter School would return to the Board for stormwater review. The Board questioned the length of time that the trailers would be in place, suggesting no more than two years. Mr. Schkolnick wasn't certain that the school would be able

to comply; Mr. Porter recommended that the Board specify up to three years for the trailer placement.

Board members continued to express concern about the school not providing the stormwater management at the site as originally required. Mr. Schkolnick advised that the applicant will work with Mr. West regarding the trailer placement and the connection to the rain garden. Mr. West also recommended that the applicant be given early start for the trailer installation prior to the adoption of the findings. The Board had no objections.

Motion was made by Ms. Capozzoli to approve the trailer installation as discussed, seconded by Mr. Cohen and carried with the following roll call vote:

FOR: Capozzoli, Cohen, Gunning, Tech-Czarny, Trotman, Ullman, Williamson, Wilson

AGAINST: No one

ABSTAIN: No one

Board members at this point had questions regarding the need for conditional use approval for Charter School submissions. Mr. Porter noted that the issue for future submissions that the conditional use criteria should apply to all public school applications as well as Charter School applications. Board members still had many questions as to submission requirements and how it would be applied. Mrs. Trotman made a recommendation to continue this portion of the discussion to a future meeting. Mrs. Ullman agreed and felt that the School Board should be present for this discussion as well.

It was noted that the discussion on the legal issues would be deferred to October 5, 2017. Mr. Schkolnick provided an extension to October 6 if needed. Motion was made by Mrs. Trotman to adjourn and seconded by Mr. Cohen. Meeting adjourned at 12:00 pm.

Respectfully submitted,

Dated: 12/20/17

Ilene Cutroneo, Board Secretary  
PRINCETON PLANNING BOARD

Approved: 2/15/18

Wanda Gunning, Chairperson  
PRINCETON PLANNING BOARD