PRINCETON ENVIRONMENTAL COMMISSION

Minutes of Meeting of October 27, 2010– 7:30pm
Community Room
Township Municipal Building
400 Witherspoon Street, Princeton, NJ 08540

I. Opening Statement

Adequate notice of this meeting as required by Sections 3d and 4a of the Open Public Meetings Act has been provided and filed with the Township and Borough Clerks.

II. Chair Wasserman opened the meeting at 7:38 p.m.

Present were: Wasserman, Hiltner, Machold, Reeves, Hamilton, Ullman, Kaczerski (arrived late) Rojer, Martindell and Lempert (via conference call).

Absent were: Roberts and Eiref

There were 4 members of the public present.

III. Approval of Agenda: A motion was made and seconded and the Commission voted unanimously to approve the agenda.

IV. Minutes:
A motion was made and seconded and the Commission voted unanimously to adopt the minutes of September 22, 2010.

V. Public Comment:
The members of the public present were there to comment on the 2 ordinances that were being present; therefore they held on commenting until the appropriate time.

VI. Discussion/Decisions:
Flag Lot Ordinance:
Wasserman noted that Township Committee introduced a new ordinance addressing flag lots and the public hearing on this ordinance will be held on November 8, 2010. He said the Lee Solow and Bob Kiser are in attendance to explain the ordinance and then the PEC will need to decide if it wants to weigh in on it. Solow described what a flag lot was to the PEC and noted that there are less that 100 flag lots in Princeton Township. He also stated that right now the ordinance does not specifically address flag lots but was asked to develop an ordinance that addresses them. He developers in the past have created a "boot" to avoid variances and public hearings. He explained that minor subdivisions do not need to be noticed – so by creating the "boot" in the lot the properties within 200 feet were not notified. He said the

proposed ordinance states that flag lots are permitted however the "mother" lot needs to be 3 times greater than what the zone requires; and requires a 14 days "regular mail" notice to all properties within 200 feet and has its own set of zoning regulations (i.e. setbacks); and the proposed ordinance also tries to encourage gravel driveways. He explained how the ordinance will provide protection for the adjacent property owners. He said there have been some concerns about "prohibiting" flag lots and it was determined that it was better to regulate them rather than to prohibit them altogether.

Joan McGee, Stony Brook Millstone Watershed, stated that minor subdivisions do require notice just as major subdivisions do, but the ordinance needs to be changed. She also reviewed her previously distributed response to the flag lot ordinance.

Kip Cherry, 24 Dempsey Road, said that she currently has a flag lot in her backyard. She said that when she found this out, she learned that she had no legal means to oppose the creation of the flag lot. She said she does not like flag lots but she is willing to compromise in order to have some type of protection for future flag lots. She described the hurdles she encountered with the flag lot behind her lot. She stated that the Township is better off with the ordinance than without it. She also noted that she thinks Princeton Township should move very quickly on this ordinance.

Kiser noted that it is very important to get this ordinance in place so that he has some tools to work with; right now there are none.

Wasserman closed the public portion of this discussion. He suggested that the PEC move on to the discussion regarding the Impervious Surface Coverage and then come back to the flag lot discussion.

Impervious Surface Coverage:

Solow described the revisions that are being proposed to the Impervious Surface Coverage ordinance (10B-246.1) that was created 3-4 years ago. He noted that the impervious surface coverage percentages are based on the size of the lot and not the zoning district in all residential zones. He said the new percentages being proposed are based on a study done by the Township's storm-water consultant Joe Skupien. He said they looked at 3 years worth of data from building permits and most homes were below the maximum threshold however they are recommending reductions in some areas. He said the intent was not to restrict additions but to regulate the impervious coverage a little bit more, by tightening up the percentages.

Kiser said the outcome will gain detention of the water but not so much that the homeowners need to start removing trees or landscaping to achieve it. He said there is a separate ordinance that was just approved by Township Committee that allows the Township Engineer to review any construction of 500 square feet or more.

Wasserman asked if there were any members of the public who wanted to comment on the revisions being made to the Impervious Surface Coverage ordinance.

Mr. Woodbridge, 681 Prospect Avenue, said he has a concern that the changes to this ordinance will affect the smaller lots. He suggested that there be some sort of exception in the ordinance for the people with smaller lots and what he considers to be de minimus additions to properties.

Mr. Steven Frakt, 561 Lake Drive, said he does not understand the ordinance and perhaps the officials should look more to where the water drains. For instance, he said the water from his lot drains right into Lake Carnegie and not onto someone else's lot. These lots should be looked at differently than the ones that drain water onto an adjacent property.

Wasserman asked Joan McGee to hold her comments until the November 15, 2010 meeting as the PEC would like to cover some other business at this meeting. McGee agreed to do so.

D&R Canal Commission.

Wasserman stated that Township Committee recently passed a resolution in support of the D&R Canal Commission – currently the Governor would like to de-commission them and other parts of the DEP. He said he has a draft resolution that he would like to PEC to consider.

Kip Cherry, Dempsey Avenue, said the D&R Canal Commission looks at things a lot closer than the DEP. The DEP does not have the manpower to keep up with all of the projects.

A motion was made and seconded and the Commission voted unanimously to adopt the resolution in support of keeping the D&R Canal Commission.

Flag Lot Ordinance

Wasserman asked for the PEC's comments on this proposed ordinance and how the PEC should proceed. He reminded the Commission that Township Committee will be considering this ordinance at its November 8, 2010 meeting.

Solow stated that if the PEC decides to recommend substantial changes to this ordinance, the ordinance will not be heard again in a public forum until after the first of the year. He said the intent of this ordinance was to offer more guidance in storm-water management. He also noted that there may be a flag lot application that needs to be heard by the end of the year, if there is no ordinance in place, the Township will not be able to regulate the terms of that subdivision. Kiser echoed Solow's comments and asked the PEC to proceed with some sort of decision on the ordinance.

A motion was made and seconded and the PEC voted unanimously to support the ordinance because they see it as a help in regulating flag lots; however, the PEC reserves the right to revisit this topic more closely at a later date as there are reservations about the impact of said flag lots on storm water runoff and other environmental factors that require additional study and understanding.

Updates and Regular Business:

a) Wasserman stated that the PEC needed to amend its approval of funding for the Leaf Corrals that was approved at the last PEC meeting. He said the PEC approved up to $1,100.00 for the corrals and the actual cost was $1,343.00. A motion was made and seconded and the PEC voted unanimously to amend its approval for the leaf corrals.

b) SPRAB – Thoft said that the PEC should be reviewing the Princeton University Arts & Transit application that will be going to the Regional Planning Board. The university should be submitting that application in the near future.

c) Machold noted that TRI received its tax exemption status and will have a trail for the public to use. She also stated that she was impressed with the Stream Corridor Clean-up that the University will be conducting.

d) Martindell stated that the PEC should set some standards that the University must meet when coming forth with the Arts & Transit application such as: carbon footprint, mass transit opportunities at that location and a public parking garage.

e) Ullman noted that the RPB has heard from the public on this issue, specifically about the dinky. She said the circulation committee will be having a meeting on this issue. She said the DOT should be doing something to improve the dinky service, but the DOT has no money to do so.

f) Ullman said that the zoning review subcommittee is working on the issues and that can be seen by the ordinances that are being proposed. She said Solow is working on this and will be presenting an outline of the issues that need to be addressed.

VII. Adjournment:

A motion was made and seconded and the Commission voted unanimously to adjourn the meeting at 10:05 p.m.

Respectfully Submitted,

Debra Rogers, Secretary

Date Approved: November 15, 2010