

**PRINCETON PLANNING BOARD**

**MINUTES OF THE REGULAR MEETING  
Thursday, March 7, 2013**

**PRINCETON - MAIN MEETING ROOM  
Princeton, NJ**

**PRESENT:** Julie Capozzoli, Jenny Crumiller, Wanda Gunning, Bernie Miller, Julie Nachamkin, Timothy Quinn, Marvin Reed, Mildred Trotman, Gail Ullman, Anne Burns

**ABSENT:** No one

**ALSO PRESENT:** Gerald Muller, Board Attorney; Lee Solow, Director of Planning; Ilene Cutroneo, Board Secretary

Chairperson Gunning opened the meeting at 7:40 pm, acknowledging the opening statement as required by the Open Public Meetings Act, stating that notice of this meeting was adopted on January 17, 2013 and published on February 1, 2013.

**ANNOUNCEMENTS:** Mrs. Gunning announced that Master Plan Subcommittee meeting is scheduled for Monday, March 11 at 9:30 am to review the Circulation Element.

**RESOLUTIONS**

- a) PROFESSIONAL SERVICE AGREEMENT – MILLER, PORTER & MULLER, PC litigation, in the matter of: Walter Neumann, Christopher Heges, Zanifa Jussein, Dorothy Koehn, Anita Garoniak and Marco Gottardis vs Princeton University (Arts & Transit) and the Regional Planning Board of Princeton amount not to exceed \$27,000

Motion was made by Mrs. Trotman, seconded by Mrs. Nachamkin to approve the resolution and carried with a voice vote of nine ayes (Mrs. Gunning abstained). No one opposed.

- b) PROFESSIONAL SERVICE AGREEMENT – MILLER, PORTER & MULLER, PC litigation, in the matter of: AvalonBay Communities vs Princeton Planning Board and Princeton Mayor and Council amount not to exceed \$50,000

Motion was made by Mrs. Ullman, seconded by Mr. Miller to approve the resolution and carried with a voice vote of nine ayes (Mrs. Nachamkin abstained). No one opposed.

## MINUTES

- a) Regular Meeting – April 12, 2012. Motion was made by Ms. Crumiller, seconded by Mrs. Ullman to accept the minutes as distributed and carried with a voice vote of six ayes of those members eligible to vote. No one opposed. No one abstained.
- b) Special Meeting – November 12, 2012. Motion was made by Mrs. Trotman, seconded by Ms. Crumiller to accept the minutes as distributed. No one opposed. No one abstained.
- c) Regular Meeting – February 7, 2013. Motion was made by Mrs. Trotman, seconded by Ms. Capozzoli to accept the minutes as distributed. No one opposed. No one abstained.

## DISCUSSION

- a) Ordinance Referrals
  - [1] Green Building Checklist

Mr. Solow noted that the Green Building Checklist has been a collaborative effort between the Princeton Environmental Commission (PEC), Sustainable Princeton and the Planning office. Mr. Solow noted that the Master Plan includes a sustainability section and this ordinance expands on this area. The checklist was reviewed in its original form by the Zoning Amendment Review Committee (ZARC) in the Fall of 2012. Additional changes were made and at the request of the new Princeton Council, the proposed ordinance was submitted for introduction. It was noted that at any time this can be amended, but it was felt by those involved in drafting the ordinance that it would be beneficial in future application filings. It is the hope that applicants will provide a substantial narrative addressing the points found in this checklist.

Staff will be keeping track of applicant responses and the material will be available to the Board members as well as the advisory boards for its review. Until an applicant submits its response, it is difficult to know whether the Board will receive a summary or the full document in its application packets. Mrs. Nachamkin added that the checklist is not mandatory but provides questions hoping to inspire developers to think about these issues.

Chairperson Gunning opened the meeting for public comment.

Daniel Harris, Dodds Lane, read from a prepared statement edits and changes he wanted made to the ordinance. Concerns were raised when one of the changes included the insertion of language making the checklist an 'inherently beneficial use'. Mr. Muller counseled the Board that the term is used in respect to 'D' variances to satisfy the positive criteria; including such a phrase in an ordinance that cannot be mandated may be problematic. Board members continued to discuss the proposed changes and questioned what level of change to an ordinance would create a substantial change which would require a reintroduction of the ordinance. Mr. Muller advised that the determination is made by the municipal attorney.

Board members thanked Mr. Harris for his input, but also noted that they were not comfortable making changes this far into the process and these issues should be raised directly with the governing body. Mr. Miller stated that he was not comfortable making changes on something that has already been recommended by Princeton Council for the Planning Board's consideration. Mr. Miller added that comments are constructive and should be dealt with by staff and PEC at a later date to modify the ordinance.

Mr. Solow advised the Board that most of the changes proposed are grammatical and stylistic which can be made and are not major changes. After additional discussion the Board members did not support making any changes at the time.

Mrs. Gunning closed the public portion at this time.

Initially Mr. Reed made a motion to refer the ordinance back to Council and share Mr. Harris' comments for consideration. Mr. Miller did not support this suggestion and voiced concern that changes may delay the adoption of this ordinance and changes can be made at a later date. Mr. Quinn also expressed concern with the language of 'inherently beneficial' placed in the introduction.

Motion was made by Mr. Reed that the proposed ordinance was consistent with the Princeton Master Plan, seconded by Mrs. Trotman and carried with a voice vote of nine ayes. No one opposed. No one abstained.

## [2] Historic Preservation Fee Schedule

Mr. Solow advised that the Historic Preservation Commission (HPC) proposed that the fee schedule be amended to eliminate the charge of an escrow fee. Ms. Capozzoli advised that the HPC felt it was more reasonable to the residents and made the applications more affordable.

Motion was made by Ms. Capozzoli that the proposed ordinance was consistent with the Princeton Master Plan, seconded by Ms. Crumiller and carried with a voice vote of nine ayes (Mrs. Gunning abstained). No one against.

EXECUTIVE SESSION – Motion was made by Mr. Miller, seconded by Mrs. Ullman to enter into executive session on the following matters:

- a) Litigation, in the matter of: Walter Neumann, Christopher Heges, Zanifa Hussein, Dorothy Koehn, Anita Garoniak and Marco Gottardis vs Princeton University (Arts & Transit) and the Regional Planning Board of Princeton

- b) Litigation, in the matter of: AvalonBay Communities vs Princeton Planning Board and Princeton Mayor and Council

The Board returned to open session at 9:25 pm Mr. Muller advised that he was going to enter into joint defense and confidentiality agreement with regards to the litigation for the Princeton University Arts & Transit application. There was no action on the AvalonBay litigation.

Motion made by Mrs. Ullman to adjourn, seconded by Mr. Miller and carried with a voice vote of nine ayes. No one opposed. No one abstained. Meeting adjourned at 9:30 pm

Respectfully submitted,

Dated: 4/5/13

Ilene Cutroneo, Secretary  
PLANNING BOARD OF PRINCETON

Adopted: 4/18/13

Wanda S. Gunning, Chair  
PLANNING BOARD OF PRINCETON

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