

PRINCETON PLANNING BOARD

**CORRECTED
MINUTES OF THE REGULAR MEETING
Thursday, April 4, 2013**

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

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

ABSENT: Julie Nachamkin, Anne Burns

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 ZARC has scheduled a meeting for Thursday, April 11 at 9:30 am to review the Land Use Ordinances and a Landscape Subcommittee meeting has been scheduled for Monday, April 9 at 9:30 am. Mrs. Ullman advised on the progress in updating the Board's Rules and Regulations. Several meetings have taken place with Mrs. Gunning, Mrs. Cutroneo and herself to review and make general corrections to the document dealing with ordinance citation, running of the Planning office and general administrative items. Once the first edit is complete the document will be forwarded to Mr. Porter and then a Procedures Committee meeting will be scheduled.

MINUTES:

a) Regular Meeting – May 17, 2012. Motion was made by Mrs. Trotman to accept the minutes, seconded by Mrs. Ullman and carried with a voice vote of six ayes among those members eligible to attend.

Mrs. Ullman requested that the minutes be prepared and submitted to the Board in a more timely fashion.

b) Regular Meeting – February 20, 2013. Motion was made by Ms. Crumiller to accept the minutes, seconded by Mrs. Ullman and carried with a voice vote of eight ayes. No one opposed. No one abstained.

EXECUTIVE SESSION

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

The Board closed the meeting at 7:50 pm to enter into Executive Session. The Board returned to open session at 8:50 pm.

Mr. Muller explained that the Board discussed the possibility of a Consent Agreement which would put a hold on all litigation items, with the exception of the briefing schedule and the jurisdiction matter filed by the objector group Princeton Citizens for Sustainable Neighborhoods.

The Consent Agreement provides for the following: AvalonBay would file a fully engineered site plan, a shortened completeness review period would be established (15 days) and the plans would be sent simultaneously to the Board's advisory groups (without staff reports) for its comments to be provided at the start of the site plan hearings which would start 20 days after the application was determined complete. The Board will have 75 days in which to make a determination on the application. The Consent Agreement does not commit the parties into approving any application and notes that AvalonBay is subject to the MLUL process by requiring public hearing(s) on the application. Mr. Muller described the schedule as follows, with the expectation that AvalonBay would file its application on May 15; the following dates are tentatively set as hearing dates for the application: June 27, July 11, July 18 and July 25. It was noted that there is a quorum problem in the month of August. Another issue in the agreement is that if the Board approves the new application and there is no appeal by a third party, AvalonBay will drop the first law suit. However if new application is challenged or denied, then AvalonBay has the right to litigate the first application.

Mr. Miller advised that AvalonBay had contacted the Mayor and asked to meet with the elected officials to discuss the litigation. Mr. Miller stated that various meetings were held with different participants (municipal and Planning Board attorneys, elected officials, members of the Planning Board – Mrs. Gunning & Mrs. Ullman as well as representative from SPRAB and the Environmental Commission). These meetings were held with different groups over a three week period.

Mr. Miller added that the groups did not review any fully engineered plans and the meetings were an evolution of ideas that were presented from prior meetings to establish the parameters of the Consent Order. He noted that he was encouraged by the designs shown at the different meetings and pointed out a notable change that the one building has been converted to multiple buildings with variable heights and the inclusion of townhomes along Franklin Avenue.

Ms. Crumiller and Mrs. Gunning thanked the members of the public that participated in the original hearings voicing objections and concerns with the design noting that this influence can be seen in the revised plans.

Based upon the discussion, a motion was made by Mr. Reed to authorize Mr. Muller to seek a consent order as discussed with the courts. This was seconded by Mrs. Ullman and carried with the following roll call vote:

FOR: Capozzoli, Crumiller, Miller, Quinn, Reed, Trotman, Ullman, Gunning

AGAINST: No one

ABSTAIN: No one

Motion made by Mr. Miller to adjourn, seconded by Mrs. Ullman and carried with a voice vote of nine ayes. No one opposed. No one abstained. Meeting adjourned at 9:00 pm

Respectfully submitted,

Dated: 5/1/13

Ilene Cutroneo, Secretary
PLANNING BOARD OF PRINCETON

Adopted: 5/16/13

Wanda S. Gunning, Chair
PLANNING BOARD OF PRINCETON

Corrected: 2/20/14

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