

PRINCETON PLANNING BOARD

**AMENDED
MINUTES OF THE SPECIAL MEETING
Thursday, June 27, 2013**

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

PRESENT: Julie Capozzoli, Jenny Crumiller, Wanda Gunning, Bernie Miller, Julie Nachamkin, Marvin Reed, Gail Ullman, Mildred Trotman, Cecilia Birge

ABSENT: Timothy Quinn

ALSO PRESENT: Gerald Muller, Board Attorney; Lee Solow, Director of Planning; Ilene Cutroneo, Board Secretary; Jack West, Land Use Engineer; Derek Bridger, Zoning Officer

Chairperson Gunning opened the meeting at 7:35 pm, acknowledging the opening statement as required by the Open Public Meetings Act, and stating that notice of this meeting was made on June 10, 2013.

ANNOUNCEMENTS: Chairperson Gunning welcomed Cecelia Birge to the Board as its Alternate 1 member (filling the unexpired term of Ms. Burns). Mr. Muller administered the oath of office to Ms. Birge. Mrs. Gunning reminded the Board of its upcoming meetings on July 11, 18 and 25 (if necessary).

HEARINGS:

- a) AVALONBAY COMMUNITIES, INC.
Major Site Plan w/variances
Witherspoon Street; Block 21.02, Lot 1; Block 7101, Lots 8-14
File #P1313-047P

Prior to starting the hearing, Mrs. Gunning outlined the schedule prepared to meet the deadline established by the consent order. The public was advised that the public comment portion will take place at the July 11, 2013 meeting and to facilitate the public portion all electronic presentations will be placed on the municipal computer; therefore those making these presentations must provide them to the Planning office before July 10. Mr. Muller provided the Board with an overview of the court rulings, indicating that it was determined that the Planning Board had jurisdiction of the application and the objector's (PCSN) motion was denied. Mr. Muller reviewed the court order with the Board.

Robert Simon, Esq., was sworn in and indicated that he was represented Princeton Citizens for Sustainable Princeton (PCSN). Mr. Simon advised the Board that PCSN objected to the consent order as well as the timing established and that he is unable to attend the July 11 meeting. Mr. Simon raised the same objections regarding jurisdiction that were raised and

litigated from the first application. Mr. Kasuba objected to Mr. Simon's comments stating that the judge ruled and rejected these jurisdiction issues.

Mr. Solow was sworn in and provided the Board an overview of the application. The current application is the result of a consent order allowing AvalonBay to file a new development application on the hospital site. The consent order established a series of time lines which the Board and staff must comply with as well as limits the evidence AvalonBay must provide on environmental contamination, existing traffic counts and utilities that are not affected by the redesign. Using sheet 5 of 14 (exhibit PB1), Mr. Solow advised that the applicant has filed an application to construct 280 units with 268 apartment style units located in two buildings and 12 townhomes along Franklin Avenue. Mr. Solow reviewed the variances the applicant is seeking as part of this application. Two for signage, exceeding total area and exceeding permitted height. Three for the townhome portion, insufficient setback from the property line, setback to height ratio and insufficient separation between buildings.

Mr. West was sworn in and advised that the underground fuel tanks need to be removed from the site as well as the adjacent properties and requested that the conditions presented in the report from the Board's environmental consultant Sovereign Consulting be made a condition of approval. Mr. West advised that DEP needs to be present when any of the tanks are removed and a report is to be filed with the engineering office.

Summaries of advisory reports were received from William Wolfe, Chair of SPRAB and Wendy Kaczerski from PEC. SPRAB commented on several aspects of the project including the request for variances and had a list of recommended changes to the architectural design of the development. PEC while acknowledging the green building improvements proposed, requested that more sustainable elements be required of the applicant.

Meeting recessed at 9:30pm and resumed at 9:35 pm with the following in attendance:
PRESENT: Julie Capozzoli, Jenny Crumiller, Wanda Gunning, Bernie Miller, Julie Nachamkin, Marvin Reed, Gail Ullman, Mildred Trotman, Cecilia Birge

ABSENT: Timothy Quinn

ALSO PRESENT: Gerald Muller, Board Attorney; Lee Solow, Director of Planning; Ilene Cutroneo, Board Secretary; Jack West, Land Use Engineer; Derek Bridger, Zoning Officer

HEARING (continued):

- a) AVALONBAY COMMUNITIES, INC.
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Robert Kasuba, Esq., was sworn in and appeared on behalf of the applicant. Mr. Kasuba advised the Board that additional revisions are being made to the plan based upon comments received and will be presented at the July 11 meeting. Jon Vogel, Vice President of AvalonBay Communities, was sworn in and accepted as a witness. Mr. Vogel provided a brief overview of the AvalonBay corporation and described the changes made in the application before the Board. He noted that permeability was the main theme in the redesign of the project and discussed the additional access was provided by a new street through the block and secondary access behind the townhomes. The plan also provides sidewalks throughout for pedestrian access, an increased open space park relocated to the northern corner of Franklin and Witherspoon, reduction in size of the onsite swimming pool. Also discussed were the sustainable features which will be part of the project. He indicated that the applicant would be seeking compliance for LEED home standard on a silver level.

A PowerPoint presentation was used by the applicant's consultants to describe the project and present features revised since the submission (marked as exhibit A1). Jonathan Metz, RA was accepted as an expert witness noting his experience in LEED certification. Mr. Metz described the building design and provided samples of the materials to be used in the construction of the project (marked as exhibit A2). Tom Carman, CLA was sworn in and accepted as an expert witness. Mr. Carman reviewed the open space designs and landscape plans, identifying trees that are being saved on the site. Questions were raised by Board members regarding the retaining walls and the equipment proposed for the park. Mr. Carman advised that there will be a four foot wall as a transition grade for the buildings along Witherspoon Street with plantings on top to prevent anyone walking on the walls. Regarding the playground equipment, Mr. Carman advised that the applicant would work with staff to find appropriate equipment for the neighborhood. Mr. Carman also advised that the applicant would be working with the Arts Council for the placement of public art in the piazza based on recommendations from the SPRAB report.

Jeromie Lange, PE was sworn and accepted as an expert witness. Using exhibit A1, Mr. Lange reviewed the affordable housing component of the project and addressed the variances being requested by the applicant. Testimony was presented regarding onsite circulation, use of the garage and ADA compliance. Using one of the slides from the presentation, Mr. Lange responded to the PEC comments regarding utilities.

Chairperson Gunning opened the meeting to public comments asking only for those speakers who will be unable to attend the future meetings.

Ben Bennett, 76 Kingston Avenue, Brooklyn NY, was sworn in and discussed other projects that AvalonBay had constructed in New York and New Jersey citing violations of fire safety standards. Mr. Kasuba objected to the statements being made indicating that the comments our outside of the Board's jurisdiction and were highly in appropriate. Mr. Muller agreed that these statements were not within the Board's purview. Ms. Crumiller and Mr. reed asked that the speaker be allowed to continue and Mr. Muller told the applicant it was the

Board's decision to allow the speaker to make his statement. Mrs. Nachamkin and Mrs. Trotman both expressed concern with the statements made as the speaker is presenting hearsay.

Mrs. Gunning closed the public portion and announced that the hearing would continue to the July 11, 2013 meeting and no further notice would be needed. Motion was made by Mrs. Trotman and seconded by Ms. Capozzoli to adjourn. Meeting adjourned at 11:15 pm.

Respectfully submitted,

Dated: 8/15/13

Ilene Cutroneo, Secretary
PLANNING BOARD OF PRINCETON

Adopted: 9/19/13

Wanda S. Gunning, Chair
PLANNING BOARD OF PRINCETON

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