

PRINCETON PLANNING BOARD

MINUTES OF THE REGULAR MEETING

Thursday, March 20, 2014

**PRINCETON MUNICIPAL BUILDING – Main Meeting Room
Princeton, NJ**

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

ABSENT: Timothy Quinn

ALSO PRESENT: Allen Porter, Esq., Board Attorney; Lee Solow, Planning Director; 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, stating that notice of this meeting was adopted on December 6, 2013 and published on December 10, 2013.

ANNOUNCEMENTS: Mr. Reed announced that the Master Plan Committee has scheduled a meeting on Thursday, April 17 at 9:30 am regarding school projections and to meet with the School Board's Business Manager. Mr. Reed also advised that staff is in the process of scheduling an evening meeting to begin discussions on the Witherspoon Street corridor.

FINDINGS OF FACT

- a) PRINCETON TERRACE CLUB – 1/16/14
Minor Site Plan w/variances
Washington Road; Block 49.01, Lot 11
File #P1313-046P

Motion was made by Mr. Miller to accept the findings, seconded by Ms. Crumiller and carried with a voice vote of six ayes among those members eligible to vote. No one opposed. No one abstained.

- b) TRUSTEES OF PRINCETON UNIVERSITY – 2/20/14
Minor Site Plan w/variance & Preservation Plan
Dickinson Street; Block 44.01, Lot 28, 31, 33
File # P1313-070P

Motion was made by Mrs. Trotman to accept the findings, seconded by Ms. Crumiller and carried with a voice vote of seven ayes among those members eligible to vote. No one opposed. No one abstained.

- c) TRUSTEES OF PRINCETON UNIVERSITY – 2/20/14
Minor Site Plan w/conditional use
Olden Street; Block 48.01, Lot 20
File # P1313-124P/CO

Motion was made by Mr. Miller to accept the findings, seconded by Mrs. Trotman and carried with a voice vote of seven ayes among those members eligible to vote. No one opposed. No one abstained.

MINUTES

a) Regular Meeting – December 6, 2012. Motion was made by Mrs. Trotman to accept the minutes, seconded by Mr. Miller and carried with a voice vote of six ayes among those members eligible to vote. No one opposed. No one abstained.

b) Regular Meeting – March 6, 2014. Motion was made by Mr. Miller to accept the minutes, seconded by Mrs. Trotman and carried with a voice vote of seven ayes. No one opposed. No one abstained.

HEARING

- a) RAFAEL AND SARA SEGAL
Minor Subdivision w/variances
Lawrenceville Road; Block 9401, Lot 15
File # P1313-073MS

Henry Chou, Esq., was sworn in and advised that he is representing Mr. & Mrs. Causing at 276 Gallup Road. Mr. Chou stated that the municipal staff, Mr. Solow, Mr. Bridger and Mr. West have a conflict with this application as Sara Segal is a member of the Zoning Board of Adjustment. Having such a position with the municipality, Mr. Chou stated that Mrs. Segal has a collaborative relationship with the staff and feels that this is a conflict and the Board should retain outside professionals for this application.

Mr. Porter disagreed with Mr. Chou's position and advised that the municipal professionals work for Princeton and are not employed by a Board. Mr. Porter further stated that if this created a conflict, there would be some reference to this in the Municipal Ethics Law. To respond to this issue, Mr. Solow, Mr. West and Mr. Bridger were sworn in and Mr. Porter asked if they had a direct personal and/or financial interest in the application. Mr. Solow, Mr. West and Mr. Bridger responded that they did not. Mr. Porter also questioned the staff professionals if any of them felt that they were unable to review the application objectively. Mr. Solow, Mr. West and Mr. Bridger advised that they did not.

Ms. Capozzoli advised that she worked with Sara Segal at the same architectural firm approximately eight years ago and feels that she does not have a conflict in reviewing the application objectively.

Mr. Solow was sworn in again, and provided the Board with an overview of the application. Using sheet 2 of 4 from the submission (marked as PB1), Mr. Solow advised that the applicant is seeking to subdivide lot 15 and create two residential lots. Proposed lot 15.01 will contain 1.87 acres and the existing house. Proposed lot 15.02 will contain 2 acres and a new dwelling unit, which will be served by an individual septic system. The plan also proposes that the access drive on lot 10 will be improved and provide a 25 foot wide asphalt driveway. A new 30 foot wide utility and access easement will be provided across proposed lot 15.01 to serve proposed lot 15.02.

Mr. West was sworn in again and added that he has a concern that the driveway is not named as a name would assist emergency services in both Princeton and Lawrenceville should a response be needed. Mr. West advised that the property owners adjacent to the drive did not want to name it. Mr. West also advised that improvements to the drive have been proposed and the applicant submitted engineered plans for the owner of lot 10 to review.

Rafael Segal, owner and applicant, was sworn in. Prior to the start of Mr. Segal's presentation, Mr. Porter advised the Board that the applicant's escrow account is in arrears and the Board has a right to deny the application based upon the deficiency. Mr. Porter also noted that if the fund is not replenished, a lien would be placed on the property. Mr. Segal responded that he wants to see the bills. Mr. Porter explained that the charges are based on encumbrances and the account needs to be replenished. Mr. Segal advised that he would pay the account.

Using a PowerPoint, marked as exhibit A1, Mr. Segal provided the Board with background on the existing residence, based on the Breuer design which was constructed in the gardens of the Museum of Modern Art. Mr. Segal advised that at time of purchase, the dwelling was in need of repair and he and his wife invested in its restoration. The request for the subdivision would provide additional financing to maintain and improve the road, noting that it has extensive damage and that the money would also aid in the preservation of the existing dwelling. Mr. Segal advised that he met with the neighbors and responded to their requests by providing a greater buffer area.

Geoff Brown, PE/PP/RA, was sworn in and accepted as a witness. Using a colored rendering of the proposed subdivision and showing the area surrounding (exhibit A2), Mr. Brown reviewed the subdivision. Using a colored copy of the tax map (exhibit A3), Mr. Brown compared the area, noting there are lots with a similar configuration as to the proposed subdivision and there are four lots which have less than two acres. Testimony was presented that the variances being requested can be considered either C1 or C2. It was Mr. Brown's opinion that the hardship grounds are based that the current lot is four acres in size and the applicant was unable to obtain additional land to bring both lots into compliance after the subdivision is

perfected. In addition, Mr. Brown stated that this property is unique as it has a historically significant structure. Mr. Brown added that the subdivision would reduce the burden of maintaining an oversized lot.

Meredith Bzdak, AIA was sworn in and provided testimony as to the historical significance of the dwelling in the field of modern architecture. Testimony was presented that the future preservation of the home would be advanced by the granting of the subdivision.

Board members questioned whether a new larger dwelling would have any impact on the historic preservation and concern that there are no protections in place to prevent the existing house to be torn down 20 years from now.

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

Henry Chou, Esq., previously sworn, advised that he is representing the Causing's. Mr. Chou argued that the proposal is not supporting a hardship situation as a new lot is being created and facts were not provided to address the negative criteria. Mr. Chou provided the Board with photos showing the existing conditions in the area (12 photos, marked as exhibit O1) and an aerial photo showing there is no foliage on the trees to buffer the new house for his clients' property (exhibit O2)

Robert Korkuch, PE/PP, was sworn in and advised that he was an expert witness for the Causing's, stated that the subdivision exceeds the density of the zone. In addition, testimony was presented that presented an alternative location for the septic system providing for a sufficient buffer. Mr. Korkuch also discussed enhancing the landscaping so headlights in the driveway do not impact adjacent properties and raised issues regarding stormwater maintenance.

Mr. Porter advised that the application is only for minor subdivision and since no building is proposed, all stormwater is reviewed by the Land Use Engineer when construction takes place for the structure and include stormwater management.

Scott Spelker, address not provided, was sworn in and spoke against the subdivision stating that a subdivision should not be used to maintain a home.

Doug Weiss, owner of lot 10, was sworn in and acknowledged that the driveway is in bad shape and that he is in support of the plan and improvements in the easement area.

The following members of the public were sworn in and spoke against the application citing water runoff and the placement of the septic system: Craig Deardorff, address not provided; Mark Weinglass, 288 Gallup Road; Leon Wu, owner of lot 15; Thomas Buzard, 238 Gallup Road; Betty Buzard, address not provided; John Bryson, 301 Gallup Road; Wilfredo Causing, 276 Gallup Road.

Hearing no further comments, the public portion was closed. Mrs. Gunning asked the Board members to provide their comments. Concerns were raised by a majority of the members regarding the proposed location of the septic system and felt that the distance provided from the adjacent properties was not adequate. Board members questioned why the sewer was not extended if it was available on lot 10 and Gallup Road using an easement for access. Mr. Brown advised the Board the applicant did not look into accessing the sewer through an easement and the location proposed for the septic was the only place on the site where it was tested.

Ms. Birge questioned if economic hardship an acceptable reason to support the variances. Mr. Porter responded it was not. Mrs. Ullman and Ms. Crumiller supported the preservation of the house but not to use the subdivision to finance the preservation; both stated they were not convinced it was an argument to support the subdivision. Ms. Capozzoli informed the board that the house has been discussed by HPC and it was difficult to create new historic districts. Mrs. Gunning suggested that a recommendation could be made to have a single site designation; but the applicant did not provide any information if the natural landscaping and its surroundings should be preserved.

Mr. Segal stated he was willing to accept the deed restrictions as recommended by staff, stating that the subdivision is needed to offset the financial cost to maintain the driveway. Board members expressed concern that the improvement of the driveway does not support the request to subdivide a lot. Board members stated it is the responsibility of the owners to maintain their properties without asking for variances.

Ms. Capozzoli and Mr. Cohen discussed modifications to the submission which would aid in the preservation of the existing dwelling. Mr. Solow commented that if the Board wanted to see modifications to the subdivision, it would require the applicant to return at a future meeting or the Board can delegate the review to staff, noting this has been done with other applications.

Motion was made by Ms. Crumiller to deny the minor subdivision application, seconded by Mrs. Ullman and carried with the following roll call vote:
FOR: Birge, Crumiller, Miller, Trotman, Ullman, Gunning
AGAINST: Capozzoli, Reed, Cohen
ABSTAIN: No one

DISCUSSION

- a) Annual Zoning Board of Adjustment Report. Mr. Solow reviewed the report noting that the staff is in the process of addressing the issues raised regarding the prevailing setback and existing undersized lots while working on the zoning ordinance merger.
- b) Annual Tiger Transit Report. Mr. Bridger reviewed the report and advised that staff has not received any complaints and the parking is monitored as projects come online. Motion was made by Mr. Reed, seconded by Mrs. Trotman to accept the report.

Motion was made by Mrs. Trotman, seconded by Ms. Crumiller and carried with a voice vote of seven ayes. No one opposed. No one abstained. Meeting adjourned at 7:40 pm.

Respectfully submitted,

Dated: 3/7/14

Ilene Cutroneo, Board Secretary
PRINCETON PLANNING BOARD

Approved: 9/18/14

Wanda Gunning, Chairperson
PRINCETON PLANNING BOARD

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