

PRINCETON PLANNING BOARD

MINUTES OF THE REGULAR MEETING

Thursday, June 5, 2014

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

PRESENT: Cecilia Birge, Jenny Crumiller, Wanda Gunning, Timothy Quinn, Mildred Trotman
Gail Ullman, David Cohen

ABSENT: Julie Capozzoli, Bernie Miller, Marvin Reed

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: Mrs. Ullman updated the Board on ZARC's progress with the Historic
Preservation ordinance.

MINUTES

- a) Special Meeting – December 18, 2012. Motion was made by Ms. Ullman to accept the
minutes, seconded by Ms. Crumiller and carried with a voice vote of three ayes among those members
eligible to vote. No one opposed. No one abstained.
- b) Special Meeting – December 19, 2012. Motion was made by Mrs. Ullman to accept the
minutes, seconded by Ms. Crumiller and carried with a voice vote of three ayes. No one opposed.
No one abstained.
- c) Regular Meeting – July 11, 2013. Motion was made by Mrs. Trotman, seconded by Ms.
Crumiller to accept the minutes and carried with a voice vote of five ayes among those members
eligible to vote.

HEARING

- a) TRUSTEES OF PRINCETON UNIVERSITY & ACC OP (PRINCETON) LLP
Amended Site Plan
Bayard Lane; Block 14.01, Lot 1; Block 15.04, Lot 7; Block 16.01, Lot 1, Block 17.04, Lot 102
File #P1414-031PD

Prior to the start of the application, Mrs. Gunning and Ms. Birge recused themselves.
Mrs. Gunning advised that her husband works for the University and Ms. Birge advised that she
resides within 200 feet of the application. Mrs. Ullman chaired the meeting.

Mr. Solow provided the Board with an overview of the application. Using exhibit PB 1 (sheet ELEC1) and PB 2 (sheet L1.31), Mr. Solow advised that the applicant is requesting permission for the placement of 21 electrical transformers within the required setbacks. Mr. Solow noted that at the time of the application's original approval, it was thought that the transformers would not be impacting the zoning compliance. PSE&G would be making the placement determination.

Mr. West and Mr. Bridger were sworn in.

Richard Goldman, Esq. was sworn in and advised that he is appearing on behalf of the applicant. Mr. Goldman informed the Board that the transformers were not designed by PSE&G at the time of the original application, requiring the application to return for their placement.

Thomas O'Shea, PE was sworn in and reviewed the transformer placements with the Board using exhibit A-1, overall plan showing all of the units in both phases and exhibit A-2, overall plan showing the transformers colored by size and by phase (Phase I has green demarcations and Phase 2 have blue). Mr. O'Shea confirmed the applicant's need for variances based upon the placement of the transformers.

Stephen Lederach, CLA, was sworn in and reviewed the landscaping proposed for the transformer areas. Mr. Goldman added that PSE&G is handling the installation of the transformers and the applicant recognizes the need for them to be landscaped and asked that this not hold up the progress on the project.

Mrs. Ullman opened the meeting to the public at this time.

Kathleen Carol, John Street was sworn in and asked what the noise level of the equipment is since her property is within five feet of the lot line. Mr. Goldman advised that the setback requirement by ordinance is five feet, but most of the transformers are placed further back. Mr. O'Shea added that the placement of the transformers range from 80 to 160 feet from the John Street properties and there is no expectation of any noise.

Hendricks Davis, John Street, was sworn in and questioned the reasoning in providing underground service. Mr. O'Shea advised that there is a requirement that all utilities be placed underground for all new developments. Mr. Davis commented that all utilities should be placed underground.

Hearing no further comments, the public portion was closed.

Ms. Crumiller responded to Mr. Davis' final suggestion and advised that the cost is prohibitive to place wires underground throughout the community and the cost to connect is both with the municipality as well as the individual property owners. Motion was made by Ms. Crumiller to approve the application with the conditions discussed in the foregoing and the staff reports, seconded by Mr. Cohen and carried with the following roll call vote:

FOR: Birge, Crumiller, Quinn, Trotman, Ullman, Cohen

AGAINST: No one

ABSTAIN: No one

Prior to the start of the next application, Mrs. Ullman recused herself advising that she resides with 200 feet of the application. Ms. Birge rejoined the Board and Mrs. Gunning was recused herself. Mrs. Trotman chaired the meeting.

b) ROI RENOVATIONS & DEVELOPMENT

Major Site Plan w/variances

Nassau Street; Block 48.01, Lots 7 & 8

File #P1414-001P

Mr. Solow, Mr. Bridger and Mr. West were sworn in and Mr. Solow provided the Board with an overview of the application. Using sheet 3 of 9 from the applicant's submission (exhibit PB1), Mr. Solow advised that the applicant proposes to renovate a portion of the existing building and construct a new three story addition to the building. The flat portion of the roof will house a roof garden for the residents and the HVAC units. The proposal includes a bank to be located on the first floor (4,500 sf) and a total of 23 units throughout the building. Four of the proposed residential units will be affordable under COAH requirements. A total of 50 parking spaces are being provided along with a new curb cut on Nassau Street as access from lot 16 will no longer be provided. The applicant is also proposing landscaping, lighting and a small plaza fronting Nassau Street as well as space a future kiosk.

Brian Stankus, PE, the Board's traffic engineer, was sworn in and added that his primary concern is regarding the new curb cut on Nassau Street and asked the applicant to address this concern.

John Hague, Esq. was sworn in and appeared on behalf of the applicant. Mr. Hague raised the issue regarding the need for a special question to be decided by the Board of Adjustment for the driveway location. Mr. Hague disagreed with this position as the applicant is limited in its placement of the driveway based upon DOT and that the applicant should only be requesting a variance for this driveway placement.

Alfred Travino, RA, was sworn in and accepted as a witness. The following exhibits were used by Mr. Travino's during his testimony regarding the development:

- A-1 The applicant's Sheet A-1 first floor plan last revised 5/15/14
- A-2 The applicant's Sheet A-2 second floor plan last revised 5/15/14
- A-3 The applicant's Sheet A-3 third floor plan last revised 5/15/14
- A-4 The applicant's Sheet A-4 (east and north elevations last revised 5/15/14)
- A-5 Revised elevations, dated 5/14/14
- A-6 The applicant's Sheet A-5 roof plan last revised 5/15/14.

Mr. Travino testified that the applicant would comply with the comments received from SPRAB, but will not be seeking LEED certification for the building.

Lawrence Murphy, PE, was sworn in and provided sworn testimony regarding the revisions to the plan with the following exhibits:

- A-7 The applicant's Site Plan (3 of 9) with the landscaping overlaid last revised 5/15/14
- A-8 Sheet prepared by applicant detailing the revisions to the plans to incorporate the SPRAB recommendations, last revised 5/15/14
- A-9 An enlarged plan showing the plaza area with the kiosk and other amenities, last revised 5/15/14

Mr. Murphy addressed the comments regarding the drive and stated that in his opinion it was safe and provided an adequate distance with ample visibility for pedestrians. He also advised that the applicant will work with the Landscape Subcommittee and comply with the ordinance. Staff requested that the plans be revised to incorporate all proposed changes. Board members questioned whether the development will provide parking for bicycles. Mr. Murphy advised that there would be space available inside the building on the first floor along with using the store facilities. Questions were also raised about the kiosk and Mr. Murphy advised that nothing is finalized until a tenant has been found. Mr. Solow requested that the applicant should return with a concept review of the plaza and kiosk and once the tenant has been found, an application should be filed with the Planning Board.

Rosalind Westlake, Esq., corporate council for ROI Renovations & Development, was sworn in and accepted as a witness. Ms. Westlake explained the history of access to this site and the prior license which allowed the Davidson Food Market to use the Lot 16 access. Additional information was provided regarding discussions and correspondence between the applicant and Princeton University regarding the need for a permanent easement. Ms. Westlake advised that the University was not willing to grant a permanent easement, but was willing to grant a time-limited license (presenting the following exhibits A-1, letter dated 9/5/13 to William Wolfe, Chair of SPRAB from Michael McKay, Princeton University Vice President for Facilities; A-12, transcript excerpt of Mr. Goldman's testimony from 10/23/13 Princeton Zoning Board of Adjustment hearing).

Mr. Stankus commented that although he would prefer the driveway remain where it is currently located, the proposed change is not problematic. Board members commented that they were concerned that the new driveway location would not be safe for pedestrians.

Craig Peregoy, PE; was sworn and advised that he was handling DOT permitting applications for the applicant. Mr. Peregoy, advised that DOT informed him the only way to obtain an access permit for the existing drive is if there is a permanent easement in place (exhibits A13, copy of the cover letter and filing of DOT permit request and A14- NJDOT letter dated 6/4/14).

Richard Preiss, PP, was sworn in and accepted as a witness. Mr. Preiss presented testimony in support of the (C) (2) variance request by the applicant, citing this placement is a typical condition and is consistent with the area.

Lawrence Murphy, PE, was sworn in and accepted as a witness. Mr. Murphy reviewed the report from Mr. Dobromilsky regarding the fencing and landscaping.

Richard Goldman, Esq., representing the University, was sworn in and provided the Board with the background on the access to the property. Mr. Goldman advised that a request was received from Davisons Market for access using a 20 year license agreement and he acknowledged that the agreement had expired but the University allowed the use to continue. It was noted that nothing was heard from the applicant until 2011 regarding the need to have permanent access to the property. Mr. Goldman informed the Board that University was willing to work with the applicant regarding the non-permanent easement and in obtaining financing for the project.

Mrs. Trotman opened the meeting for public comment at this time.

Andrea Stein, 23 Murray Place, was sworn in and stated that this project will have a huge impact on the neighborhood as it is very visible and wants the backyards developed with as much landscaping as possible, provide taller trees and requested restriction on allowing Saturday construction.

Sam Bunting, 99 Dempsey Avenue, was sworn in and spoke in support of the density and the project in general. Mr. Bunting requested that the applicant provided covered bike parking and storage for the bikes of its residents.

Hearing no further comments, the public portion was closed. The Chair opened the meeting to additional Board comments regarding the application. Several Board members questioned whether the applicant could provide more bike storage (parking) on the site, recommending areas in the basement, roof and/or outdoor covered storage. The applicant indicated that it would look into seeing what could be provided for bike storage. Board members also continued to discuss their disappointment in the applicant's not being able to use the University driveway to access the site. Mr. Hague emphasized that the type of access being offered by the University would prevent the applicant from financing the project.

Motion was made by Ms. Capozzoli to approve the application with the conditions as outlined in the staff and advisory reports and what was discussed in the foregoing, seconded by Mr. Quinn and carried with the following roll call vote:

FOR: Birge, Crumiller, Quinn, Trotman, Cohen

AGAINST: No one

ABSTAIN: No one

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 12:00 am.

Respectfully submitted,

Dated: 12/5/14

Ilene Cutroneo, Board Secretary
PRINCETON PLANNING BOARD

Approved: 2/4/15

Wanda Gunning, Chairperson
PRINCETON PLANNING BOARD

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