

PRINCETON PLANNING BOARD

MINUTES OF THE REGULAR MEETING

Thursday, December 3, 2015
PRINCETON – Main Meeting Room
Princeton, NJ

PRESENT: Julie Capozzoli, David Cohen, Jenny Crumiller, Wanda Gunning, Liz Lempert, Mildred Trotman, Gail Ullman

ALTERNATES: Timothy Quinn, Dwaine Williamson

ABSENT: Cecilia Birge, Fern Spruill

ALSO PRESENT: Allen Porter, Esq., Board Attorney; Lee Solow, Planning Director; Ilene Cutroneo, Board Secretary

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, 2014 and published on December 10, 2014.

ANNOUNCEMENTS: Mrs. Gunning advised that the office is currently working on the annual report to Mayor and Council, asking Board members to submit to either the office or herself of suggested items to be included.

FINDINGS OF FACT:

- a) RB HOMES, INC. – 9/28/15
Minor Subdivision
Hillside Avenue; Block 7207, Lot 15
File #P1515230MS

Motion was made by Ms. Capozzoli to approve the findings, seconded by Mrs. Ullman and carried with a voice vote of three ayes. No one opposed. No one abstained.

- b) PSC II, LLC – 10/19/15
Minor Subdivision
North Harrison Street; Block 7401, Lot 1
File #P1515-218MS

Motion was made by Mrs. Ullman to approve the findings, seconded by Ms. Capozzoli and carried with a voice vote of three ayes. No one opposed. No one abstained.

- c) AVALON PRINCETON, LLC & AVB PRINCETON HOMES, LLC – 10/15/15
Prelim/Final Major Subdivision w/variances - REINSTATED
Henry Ave, Franklin Ave, Harris Rd;
Block 21.01, Lots 1, 12-14, 22, 25, 2-6, 8-11; Block 7101, Lots 8-14
File #P1515-178SPF

Prior to the vote Ms. Crumiller asked for clarification regarding the conservation easement on lot 11. Mr. Porter advised that the applicant has not yet submitted documents, but the municipality has the right to enforce; and added that when the document are filed it will be reviewed to ensure that the appropriate language has been included.

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

MINUTES:

- a) Special Meeting – October 29, 2015. Motion was made by Ms. Crumiller to accept the minutes, 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.
- b) Special Meeting – November 16, 2015. Motion was made by Ms. Crumiller to accept the minutes, seconded by Mayor Lempert and carried with a voice vote of eight ayes among those members eligible to vote. No one opposed. No one abstained.

DISCUSSION

- a) ORDINANCE REFERRALS:

[1] LAND USE APPLICATION FEES AND AMENDING CHAPTERS 2 AND 10B OF THE “CODE OF THE TOWNSHIP OF PRINCETON, NEW JERSEY, 1968”

Mr. Solow advised that the amendment corrects the conflict found in the Land Use Code and the municipal code regarding some of the land use fees. Mrs. Gunning opened the discussion to the public for comments. Hearing no comments, public portion was closed. Motion was made by Mrs. Ullman to endorse the ordinance as submitted, finding it to be consistent with the Master Plan; seconded by Ms. Capozzoli and carried with a voice vote of nine ayes. No one opposed. No one abstained.

[2] CONCERNING ACCESSORY SIGNS IN PRINCETON’S BUSINESS DISTRICTS AND AMENDING THE "CODE OF THE BOROUGH OF PRINCETON, NEW JERSEY, 1974”.

Mr. Solow advised that this ordinance was to address concerns raised by the use of A-frame signs along the sidewalk. Concerns included difficulties in determining the time frame of placement to comply with the 14 day restriction, issues with size of sign, placement, and number per business. Safety issues were raised by Board members regarding line of sight, weather and

tripping hazards. It was recommended item (3) d (Safety & Stability) be clarified to include tripping hazards and inclement weather conditions which may impact the safety and stability of these signs. Mrs. Gunning opened the discussion to the public for comments. Hearing no comments, public portion was closed. Motion was made by Mrs. Trotman to endorse the ordinance with the amendment as discussed and it was found to be consistent with the Master Plan. The motion was seconded by Mrs. Ullman and carried with a voice vote of nine ayes. No one opposed. No one abstained.

[3] CREATING EXCEPTIONS TO LOT SIZE REQUIREMENTS FOR EXISTING SMALL LOTS IN THE FORMER TOWNSHIP OF PRINCETON AND AMENDING THE “CODE OF THE TOWNSHIP OF PRINCETON, NEW JERSEY, 1968”

Mr. Solow advised that this ordinance amendment was recommended by the Zoning Board of Adjustment (ZBA). The Borough ordinance has a provision which allows lots with insufficient area to proceed to permit if it is able to comply with the other bulk zoning standards. The Township does not have this provision and the Board deals with at least one to two of these types of applications on a monthly basis. Staff advised that due to the nature of these types of applications, it causes false expectations from the neighbors that the applications cannot be denied or significantly modified. Concerns were raised that this provision would applied to adjacent lots in common ownership, when one of the lots is undersized. Staff responded that this amendment only applies to isolated small lots. Mr. Porter suggested that the ordinance be amended to include the word 'isolated'. Mr. Solow responded that the proposed language is identical to what is found in the former Borough ordinance and any change will be substantive and would require the ordinance to be introduced again.

Mrs. Gunning opened the discussion to the public for comments at this time:

Virginia Kerr, Jefferson Road, was sworn in and stated that she objects to the ordinance and that all lots needing variances should be required to go before the appropriate board and that this should not be approved.

Christopher Tarr, Overbrook Drive, was sworn in, speaking for himself as a resident and owner of an undersized lot, he stated that the process is wasteful for everyone, noting that the former Borough process is a good system by handling these types of applications administratively and looked at the building plans time of submission.

Charles Karney, Prospect Avenue, was sworn in and advised that without an ordinance addressing the proportionate FAR, this ordinance will still create issues with neighborhood development.

Yina Moore, Green Street, was sworn in and spoke against this ordinance advising that it creates a broad approach and will not achieve what each neighborhood wants.

Paul Driscoll, Harris Road, was sworn in and stated that by eliminating this variance removes the neighbors' ability to comment.

Mary Clurman, address not provided, was sworn in and did not speak on the proposed ordinance. Instead, Ms. Clurman questioned the recently adopted subdivision findings for the Avalon Bay properties.

Heidi Fichtenbaum, Carnahan Place, was sworn in and stated that she had concerns in general about planning in Princeton and that standards vary to determine development.

Hearing no further comments, public portion was closed. Board members asked staff what standard is used to review by the ZBA. Mr. Bridger advised that there are no standards as no plan is submitted until the property owner/applicant receives approval that the parcel is a buildable lot.

Motion was made by Mr. Cohen to endorsed the ordinance, finding it to be consistent with the Master Plan and recommending that the word 'isolated' be used to clarify the lot term. The motion was seconded by Ms. Ullman and carried with the following roll call vote:
FOR: Cohen, Trotman, Ullman, Gunning, Williamson
AGAINST: Capozzoli, Crumiller, Lempert, Quinn

Mr. Cohen recommended that should Council decide not to adopt this amendment, the ordinance in the former Borough Code that does permit the lot size exemption be removed from the code to create a fairness in the application review process; and this statement be forwarded onto Council in the Board's ordinance recommendations.

- [4] ELIMINATING THE ABILITY TO RECONSTRUCT A BUILDING TO ITS PRIOR NONCONFORMING FLOOR AREA RATIO, AND AMENDING THE “CODE OF THE BOROUGH OF PRINCETON, NEW JERSEY, 1974”

Mr. Solow advised that this amendment is part of the former Borough code and was recommended to be eliminated as it permits the complete reconstruction of a building (even if it exceeds the FAR or any prior variances that were granted). Mrs. Gunning opened the discussion to the public for comments. Hearing no comments, public portion was closed. Motion was made by Ms. Crumiller to endorse the amendment, finding it to be consistent with the Master Plan, seconded by Mr. Cohen and carried with a voice vote of nine ayes. No one opposed. No one abstained.

- [5] REVISING THE LOT FRONTAGE REQUIREMENTS IN THE FORMER TOWNSHIP OF PRINCETON’S RESIDENTIAL ZONING DISTRICTS AND AMENDING SECTION 10B-247 AND THE SCHEDULE OF ZONING REGULATIONS OF THE “CODE OF THE TOWNSHIP OF PRINCETON, NEW JERSEY, 1974”

Mr. Solow advised that the former Township code currently has a zoning requirement for lot frontage that is often half of the lot width requirement. This can result in lots that change neighborhood character and results in unusual lot lines which zig zag and result in development in unusual locations. Staff has recommended that this provision be amended to have the lot frontage the same as the lot width except that on curved alignments with an outside radius of less than 500 feet, the minimum distance between lot lines, measures at the street line shall not be less than 75% of the required minimum lot width.

Mrs. Gunning opened the discussion to the public for comments. Hearing no comments, public portion was closed. Motion was made by Ms. Capozzoli to endorse the amendment, finding it to be consistent with the Master Plan; seconded by Ms. Crumiller and carried with a voice vote of nine ayes. No one opposed. No one abstained.

- [6] REVISING THE DEFINITION OF FLOOR AREA RATIO AND OTHER TERMS ELIMINATING CERTAIN EXCEPTIONS AND EXCLUSIONS FROM THE CALCULATION OF FLOOR AREA RATIO, AND AMENDING THE “CODE OF THE BOROUGH OF PRINCETON, NEW JERSEY, 1974” AND THE “CODE OF THE TOWNSHIP OF PRINCETON, NEW JERSEY, 1968”

Mr. Solow explained that the current ordinance definitions (both former Borough and Township) provided for certain exceptions with FAR calculations. Staff has received concerns from residents, Board members and elected officials regarding these exemptions as it resulted in larger homes being built. To address some of the concerns, the proposed ordinance amends the definitions of attics, basements, floor area ratio, and story of both the former Borough and Township, in order to create a uniform definition in both codes and eliminate exceptions for garages, sheds and attics.

At the meeting, Mr. Solow handed the following changes as an addendum that were proposed by Mr. Porter.

Suggested changes:

Attic. The part of a building that is immediately below and wholly or partly within the roof framing.

Suggested changes

Floor Area. The total area of all of the stories of all structures on the lot, measured from the outside faces of the exterior walls or from the exterior roof edges where the structure has no walls and including the following, although not by way of limitation: interior balconies and mezzanines, roofed and/or enclosed areas such as sheds, barns, garages, and carports, but with the following exceptions where the primary use is as single-family residence: basements, attics and **in addition** roofed porches with at least one open side to the extent of ~~one~~ two hundred square feet **shall not be counted as floor area be exempt.** **Attic space in a single family or two family residence with a height of 7' or more**

measured from the finished floor to the roof rafter shall be counted as floor area except for an area that is less than one third of the area of the floor directly below. Attic areas in a single family or two family residence with a height of less than seven feet measured from finished floor to roof rafter shall not be counted as floor area.

The Board had no objection to the proposed changes. Mrs. Gunning opened the discussion to the public for comments.

Charles Karney, Prospect Avenue, questioned staff on various second floor examples and asked if it would be considered 'roof area'. Staff responded that it would have to review specific plans, but in general it was thought to be considered as roof area.

Hearing no additional comments, public portion was closed. Chairperson Gunning requested comments from Board members. Mayor Lempert thanked staff and ZARC members for working on the packet of ordinance amendments.

Mr. Cohen expressed concern that the loss of the garage exemption may push more parking onto the streets. He also requested that language be added to address measuring stairwells. Mr. Porter felt that it would be a substantive change and advised that staff should address this for a future amendment.

Hearing no further comments, motion was made by Mrs. Ullman to endorse the amendment, finding it to be consistent with the Master Plan; seconded by Mrs. Trotman and carried with the following roll call vote:

FOR: Capozzoli, Cohen, Crumiller, Lempert, Trotman, Ullman, Gunning, Quinn, Williamson

AGAINST: No one

ABSTAIN: No one

Motion was made to adjourn by Mrs. Trotman, seconded by Mayor Lempert and carried with a voice vote of nine ayes. Meeting adjourned at 9:30 pm.

Respectfully submitted,

Dated: 12/16/15

Ilene Cutroneo, Board Secretary
PRINCETON PLANNING BOARD

Approved:

Wanda Gunning, Chairperson
PRINCETON PLANNING BOARD