

PRINCETON PLANNING BOARD

MINUTES OF THE REGULAR MEETING

Thursday, January 15, 2015

**PRINCETON TOWNSHIP – Main Meeting Room
Princeton, NJ**

PRESENT: Cecilia Birge, Julie Capozzoli, Jenny Crumiller, Wanda Gunning, Liz Lempert, Marvin Reed, Fern Spruill, Gail Ullman

ALTERNATES: David Cohen, Timothy Quinn

ABSENT: Mildred Trotman

ALSO PRESENT: Allen Porter, Esq., Board Attorney; Karen Cayci, Special Counsel; Lee Solow, Planning Director; Ilene Cutroneo, Board Secretary; Jack West, Land Use Engineer; Derek Bridger, Zoning Officer

Mr. Porter 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.

OATH OF OFFICE. Mr. Porter administered the Oath of Office as Planning Board members, to Mayor Lempert, Ms. Birge, Ms. Capozzoli, Mr. Quinn, and Ms. Spruill.

REORGANIZATION OF THE BOARD

[1] **Nomination & Election of Chair & Vice Chair.** Ms. Capozzoli presented the report from the Nominating Committee advising that the consensus to elect Mrs. Gunning as Chair and Mrs. Ullman as Vice Chair. Hearing no further nominations, a motion was made by Ms. Capozzoli to elect the slate from the Nomination Committee, seconded by Mr. Reed and carried with the following roll call vote:

FOR: Birge, Capozzoli, Crumiller, Gunning, Lempert, Reed, Ullman, Trotman

AGAINST: No one

ABSTAIN: No one

Mrs. Gunning thanked the Board and the Nominating Committee.

[2] **Appointment of Planning Board Attorney.** Motion was made by Mrs. Ullman to appoint Miller, Porter, & Muller, PC as the Board's attorney, seconded by Mr. Cohen and carried with a voice vote of nine ayes. No one opposed. No one abstained.

[3] **Appointment of Planning Board Secretary.** Motion was made by Mrs. Ullman to appoint Ilene Cutroneo as Planning Board Secretary, seconded by Ms. Capozzoli and carried with a voice vote of nine ayes. No one opposed. No one abstained.

[4] Appointment of Planning Board Special Counsel. Motion was made by Mrs. Ullman to appoint Karen Cayci, Esq., of the firm Herbert, Van Ness, Cayci & Goodell, PC as the Board's special counsel, seconded by Mr. Reed and carried with a voice vote of nine ayes. No one opposed. No one abstained.

ANNOUNCEMENTS: No announcements.

RESOLUTIONS:

- a) Resolution for Special Meetings
- b) Resolution for Fixed Meetings

Motion was made Mrs. Ullman to adopt both resolutions, seconded by Ms. Crumiller and carried with a voice vote of nine ayes. No one opposed. No one abstained.

FINDINGS OF FACT:

- a) 402 NASSAU STREET, LLC – 12/10/14
Minor Subdivision – lack of unanimous decision
Nassau Street; Block 32.02, Lot 6
File #P1414-109MS

Motion was made to approve the resolution by Mrs. Gunning, seconded by Mrs. Ullman and carried with a voice vote of two ayes. No one opposed. No one abstained.

- b) PNC REALTY SERVICES – 12/11/14
Amended Site Plan w/variances & temporary trailer
N Harrison Street; Block 7401, Lot 1
File #P14-9936PD

Motion was made by Mrs. Ullman, 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.

- c) TAMARA GUND – 12/10/14
Minor Subdivision
Random Road; Block 5804, Lot 1
File #P1414-083MS

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

- d) ROESER & KUCEROVA – 12/11/14
Minor Subdivision w/variances
Valley Road; Block 7009, Lot 28
File #P1414-043MS-1

Prior to the vote, Mr. Porter advised of minor word changes and the vote was corrected to include Ms. Crumiller as voting in favor of the application during the hearing. Motion was made by Ms. Capozzoli, seconded by Ms. Crumiller and carried with a voice vote of five ayes. No one opposed. No one abstained.

Mr. Porter recused himself from the next set of findings and Ms. Cayci advised the Board on this matter.

- e) **INSTITUTE FOR ADVANCED STUDY – 11/6/14**
Amended Prelim Major Site Plan/Subdivision – Phase I & II
Amended Final Major Site Plan/Subdivision – Phase I
Olden Lane/Mercer Road; Block 10401, Lot 1; Block 10501, Lot 1.01
File # P1414-025SPFD & P1414-025PD

Prior to the vote, Ms. Cayci advised the Board that the following changes were made to the findings: date of the permit extension act should be corrected to reflect the June 2016 date, condition (m) on page 24 should reflect that the document be reviewed by the Municipal Attorney and Land Use Engineer, as well as minor grammatical changes.

Motion was made by Ms. Crumiller to accept the findings as amended, seconded by Ms. Capozzoli and carried with the following roll call vote:

FOR: Capozzoli, Crumiller, Gunning, Reed

AGAINST: No one

ABSTAIN: No one

Ms. Cayci left the meeting and Mr. Porter rejoined the dais.

MINUTES:

- a) Subdivision Meeting – 9/16/14. Motion was made by Mrs. Ullman to approve the minutes, seconded by Ms. Capozzoli and carried with a voice vote of three ayes. No one opposed. No one abstained.

HEARINGS:

- a) 402 NASSAU STREET, LLC
Minor Subdivision
Nassau Street; Block 32.02, Lot 6
File #P1414-109MS

Mr. Solow was sworn in and provided the Board with an overview. Using sheet 3 (PB1), Mr. Solow advised that this subdivision appeared before the Subdivision Committee in December and it did not receive unanimous vote for the subdivision, requiring the applicant to appear before the full Planning Board. The applicant is seeking a minor subdivision to create two conforming residential lots and proposed the demolition of the existing dwelling. Since the

December Subdivision Committee meeting, the existing house has been demolished and the applicant received all permits necessary for the demolition.

The Board questioned how the demolition occurred. Mr. Solow advised that the property is not in a historic district and the property owner has the right to file a permit with the building department and upon receipt, demolish the house. It was noted that even if the lot was not being subdivided, the property owner has the right to demolish the structure.

Christopher Tarr, Esq., advised that he is representing the applicant and Daniel Barsky, on behalf of the applicant, would present testimony to the Board. Mr. Tarr and Mr. Barsky were both sworn in. Mr. Tarr advised that the applicant had in a previous case presented a subdivision on Nassau Street to the Board to preserve the existing dwelling, but was denied. Subsequently, in that case, the applicant returned with a conforming subdivision that included the demolition of the home. Mr. Tarr noted the cost in both applications and the applicant, in this case, chose to go forward with a conforming subdivision at this location. Mr. Tarr advised that the applicant has agreed to comply with all conditions in the staff memo and the setback placement as discussed during the Subdivision Committee meeting.

Mr. Barsky presented a PowerPoint presentation (exhibit A1, made part of the minutes herein) of the proposed subdivision. During the presentation, Mr. Barsky discussed the setback placement and approximately 1/3 of the lot would remain undisturbed. Mr. West requested that the applicant provide a conservation easement on the rear portion of the lots as a condition of approval. The applicant had no objections.

Mrs. Gunning opened the meeting to comments from the public at this time.

Timothy Moran, address not provided, was sworn in and advised that he is an adjacent neighbor. Mr. Moran stated that he was not pleased with the demolition of the home and questioned why the demolition was allowed to proceed when there are objections. Mr. Moran also expressed concern about drainage problems and the elevation of the new dwellings.

Hearing no further comments, the public portion was closed. Mrs. Ullman commented that the application meets all zoning requirements. Ms. Capozzoli stated that she originally objected to the subdivision stating that it contributed to the Kings Highway district but realized that the parcel was not protected. Mr. Porter indicated that there is an issue regarding the stormwater management. Mr. West advised that the stormwater runs from Nassau Street to the rear of the property and the individual lots will continue to drain in the same direction. Mr. Tarr advised that the applicant would approach the neighbors after the stormwater plan is designed and the lots will continue to drain to the rear.

Some Board members requested that the garages not face Nassau Street and that the applicant not be permitted to pile dirt for grading. Mr. Porter reminded the Board that it cannot impose conditions that the applicant is not willing to comply with if they are beyond ordinance requirements.

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

- b) TRUSTEES OF PRINCETON UNIVERSITY
Concept – Site Plan
Broadmead & FitzRandolph; Block 50.01, Lot 18
File # P1414-131C

Prior to the start of the discussion, Mayor Lempert, Mrs. Gunning and Ms. Spruill recused themselves advising that their spouses are employees of the University. Mrs. Ullman chaired the meeting.

Mr. Solow was sworn in and provided the Board with an overview of the concept proposal. Using a colored version of the landscape plan (exhibit PB1), Mr. Solow advised that the applicant is proposing to construct a one story new child care center for 180 children. The applicant is also proposing to improve the connector road to provide a pick up/drop off area as well as landscaping and fencing. Staff advised that no variances were determined at this time. Mr. Solow also advised that the applicant will be seeking silver LEED certification for the project.

Christopher DeGrazia, Esq., was sworn in and appeared on behalf of the applicant. Ronald McCoy, University Architect was sworn in and reviewed a PowerPoint presentation which described the proposal including traffic patterns. Mr. McCoy advised that there is currently a contract with UNow and ULeague for approximately 175 students. It is anticipated that the new facility will be ready for the 2017 academic year. Testimony was presented that there will be no more than 60 staff members at the facility at any time. The child care center will not be open after 7 pm or on weekends. All parking will be provided in Lot 22. Mr. McCoy reviewed the parking design and sustainable improvements with the Board.

A concern was raised regarding the pool across the street and what protection will be in place for the children. Mr. McCoy advised that there is fencing around the perimeter of the site along with a playground fence. Mrs. Ullman called upon Mr. Wolfe for his comments. Mr. Wolfe requested that the University maintain a 60 foot setback. Mr. McCoy responded that the proposed set-back is complying.

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

An unidentified speaker residing at 33 Cedar Lane objected to two way traffic on Broadmead.

Hearing no further comments, the public portion was closed.

Mr. DeGrazia thanked the Board for all comments which will be brought back to the design team. Mrs. Ullman thanked the University for its presentation to the Board.

- c) JOSHUA ZINDER ARCHITECTURE & DESIGN
Concept – Site Plan
Nassau Street; Block 30.02, Lot 89
File # P1414-114C

Mrs. Ullman recused herself from the upcoming application advising that she resides within 200 feet of the property. Mrs. Gunning, Ms. Spruill and Mayor Lempert rejoined the Board with Mrs. Gunning chairing the meeting.

Mr. Solow was sworn in and provided the Board with an overview of the concept proposal. Using the site plan (exhibit PB1) and architectural plan AO1 (PB2), Mr. Solow advised that the applicant is proposing a total addition of 2,082 sf to the building as follows: 507 sf addition to the rear of the building which is currently being used as the outdoor dining area; 1,200 sf second story addition over eastern portion of the building and 375 sf outdoor dining roof deck along the east side of the building with an open staircase to that level. Mr. Solow also advised that the proposal includes a 40 seat increase.

Staff noted that the expansion will require the applicant to provide eight additional parking spaces. The following were identified as possible variances: setback of the building, possible FAR variance (staff requested that the applicant submit detailed calculations for FAR and building coverage). In addition, staff noted that the applicant indicated it will lease off-site parking and staff stated that at the time of the formal application, these space must be clearly identified or the applicant will need to request a variance. Mr. Solow added that when the formal submission is filed, the applicant will also need to provide more detail on the rear and front elevations, information on recycling for the site, lighting and a complete landscaping plan.

Keith Hovey, Esq., was sworn in and appeared on behalf of the applicant. Mr. Hovey advised that the applicant has a lease agreement to obtain additional parking. Josh Zinder, RA, was sworn in and accepted as a witness. Mr. Zinder presented a PowerPoint presentation (exhibit A1) to the Board and discussed the improvements to the site.

Ms. Birge questioned whether the proposal will be sustainable. Mr. Zinder advised that the applicant is not seeking LEED certification, but intends to reuse the existing material as much as possible. Multiple concerns were raised numerous times from Board members about the need in providing adequate parking to meet the expansion.

Richard Ryan, owner, was sworn in and stated that he is leasing spaces from 245 Nassau Street and will provide notification. Mr. Reed questioned if the lease agreement was signed. Derek Bridger was sworn in and added that a parking analysis needs to be provided to prove that the lot at 245 Nassau Street can accommodate the parking leases.

Mrs. Gunning asked if a representative from SPRAB wished to make comments on the concept plan. Mr. Wolfe questioned the parking requirements for the project and was advised that it requires one space for every five seats. Mr. Wolfe questioned why the applicant was not required to provide 23 spaces. Mr. Bridger advised that the applicant received variances for parking on prior approvals and the need is only based on the expansion seating. Mr. Wolfe stated he felt that the circulation and parking on this site is dangerous and the Board needs to look closely at the parking provided for this project.

Mrs. Gunning opened the hearing at this time for comments from the public.

Lou Carnevale, owner of 255 Nassau Street, was sworn in and advised that parking and traffic is a problem and stated he wants the applicant to enter into some sort of agreement to use the Verizon site for parking.

Jack Morrison, address not provided, was sworn in and advised that his parking lot abuts the Ivy Inn and is concerned that Ivy Inn customers do not know where to park and stated that he does not want to hire someone to constantly watch his parking lot to enforce who is utilizing his parking lot.

Jeffrey (last name not audible), was sworn in and stated that the customers of Blue Point Grill and Small World use the Ivy Inn parking area. He asked where the Palmer Square businesses park. Mr. Bridger advised that Palmer Square is a different zone and has different requirements.

Public portion was closed. Chairperson Gunning asked the Board to provide final comments. Mr. Quinn questioned whether pedestrian traffic was considered and noticed that bike racks were not being provided. He also cited the recent Subway approval noting that it was granted variance for its parking and while the site has some parking in the rear it is not adequate.

Mrs. Gunning questioned what the applicant can do to reduce noise from the facility and with the proposal of a second story, the noise will be even greater. Mr. Zinder advised that the proposal is to move the 'life' of the building towards Nassau Street and away from the residential area to the rear.

Ms. Crumiller stated she realizes parking is difficult but is concerned about providing parking and wants the applicant to address the issue. She also questioned whether an elevator is being provided for the second floor. Mr. Zinder advised that the same services will be available for both floors, but the applicant is also looking into providing a lift service.

Mr. Hovey advised the Board that the applicant heard that a parking study is crucial to the Board's review and there are discussions to determine if the applicant will move forward with the project. Mr. Ryan told the Board that the parking requirement is crippling the expansion and the business.

Chairperson Gunning thanked the applicant for its presentation. Motion was made by Mr. Quinn to adjourn and was seconded by Mayor Lempert. Meeting adjourned at 10:30 pm.

Respectfully submitted,

Dated: 6/16/15

Ilene Cutroneo, Board Secretary
REGIONAL PLANNING BOARD OF PRINCETON

Approved: 7/9/15

Wanda Gunning, Chairperson
REGIONAL PLANNING BOARD OF PRINCETON

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