

PRINCETON PLANNING BOARD

MINUTES OF THE SUBDIVISION COMMITTEE MEETING

Monday, June 13, 2016

**PRINCETON – WITHERSPOON MUNICIPAL BUILDING – Meeting Room B
Princeton, NJ**

PRESENT: Wanda Gunning, Chair; Julie Capozzoli, Timothy Quinn

ALTERNATE: Dwaine Williamson

ABSENT: No one

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

Meeting was called to order at 9:30 a.m. Mrs. Gunning advised that the meeting was duly noticed under the Open Public Meetings Act.

- a) Daniel & Tamara Skvir
Minor Subdivision
109 Rollingmead; Block 7601, Lot 39
File #P1616-330MS

Present for the applicant: Christopher Tarr, Esq.; James Chmielak, PE; Daniel & Tamara Skvir, applicant.

Mr. Solow provided the committee with an overview of the application and reviewed the recommendations in the joint Engineering and Zoning report dated 5/23/16. The applicant is proposing to create two confirming residential parcels. The existing dwelling will be located on proposed lot 39.02 and a new home will be built on proposed lot 39.01. Mr. West added that a conservation easement be provided for the wetlands.

Mr. Tarr reviewed the applicant's submission noting that the R5 zone permits half-acre lots and the applicant owns an oversized parcel that totals 2.6 acres, which would allow more than just two lots. Mr. Tarr also noted that the applicant has a notarized release from 30 of the 45 residents supporting the subdivision. The applicant agreed to comply with all conditions in the memorandum.

Chairperson Gunning opened the meeting for public comments at this time.

The following spoke in favor of the application: Alison Politcia, Rollingmead; Bill O'Shemey, address not provided.

The following spoke against the application: Sheila Knoll, secretary of the Homeowners Association (HA); John Krenner, 61 Littlebrook; Frank Lavaria, 55 Littlebrook and Michael Libertazo, 61 Littlebrook raising concerns that the applicant did not provide the HA with proof of that two-thirds of residents supported the subdivision, the applicant did not follow proper process for the application with the HA; this subdivision would set a precedent as this is not in compliance with the private covenants that govern the parcel; was not aware entering into a legal contract when signing the paper to support; claims coerced into signing the support agreement; many residents were not aware of the proposed subdivision; that the HA is not able to be represented by legal counsel at this meeting; wants a condition that the applicant must comply with the Carnasa Park covenant.

Gillian Frank, address not provided, spoke regarding the continued use of a path currently on the Skvir parcel allowing children to safely walk to the Littlebrook School. Mr. Tarr advised that this access that was entered into as a license agreement between the Skvirs and the former Princeton Township and can be revoked at any time. Mr. Tarr added that the path is not delineated, but is recognized from its constant use. Mr. West advised that he was not aware of this license agreement and questioned who is responsible for the maintenance and asked for an executed copy of this agreement. Mr. Tarr advised that Mr. Schmierer has a copy of the agreement and that the former Township has insurance for this access.

Mr. Tarr objected to a condition being imposed for compliance with the Carnasa Park covenants referencing NJ Zoning & Land Use Administration book citing case law that the private covenants are not enforced by this board. Mr. Porter agreed and added the Board is not equipped to resolve private covenant disputes. That is a matter for the courts. As presented this application presented complies with all zoning provisions of the municipality.

Ms. Capozzoli requested that the path to Littlebrook School continue. Mr. Quinn expressed concern that the some people were not aware of the application and stated that the matter should be reviewed by the full Board. Mr. Tarr objected to require the applicant to go through a second hearing. Ms. Capozzoli commented that a larger forum for the application may create even more confusion as to what can or cannot be done by the Board.

Motion was made by Ms. Capozzoli to approve the subdivision and was seconded by Mrs. Gunning. The motion failed with the following roll call vote:

FOR: Capozzoli, Gunning
AGAINST: Quinn
ABSTAIN: No one

Chairperson Gunning advised that the vote was not unanimous and therefore the application would be sent to the full Board. Mr. Quinn made a motion to adjourn, seconded by Ms. Capozzoli. Meeting adjourned at 11:00 am.

Respectfully submitted,

Dated: 7/26/16

Ilene Cutroneo, Board Secretary
PRINCETON PLANNING BOARD

Approved: 9/15/16

Wanda S. Gunning, Chair
PRINCETON PLANNING BOARD

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