**These minutes not yet Approved by the Princeton Council**

# PRINCETON COUNCIL MEETING
**June 10, 2013**

A meeting of the Mayor and Council was held on this date at 7:00 p.m. in the Main Meeting Room in the municipal complex, 400 Witherspoon Street, Princeton, NJ 08540.

## NOTICE OF MEETING

The Clerk read the following statement.

The following is an accurate statement concerning the providing of notice of this meeting and said statement shall be entered in the minutes of this meeting. Notice of this meeting as required by Sections 4a, 3d, 13 and 14 of the Open Public Meetings Act has been provided to the public in the form of the 2013 Schedule of Regular Meetings. On January 1, 2013 at 2:15 p.m., said schedule was posted on the official bulletin board in the Municipal Building, transmitted to the Princeton Packet, the Trenton Times, the Trentonian, the Town Topics, and filed with the Municipal Clerk.

## ROLL CALL

The Municipal Clerk then called the roll.

Present: Mesdames Butler, Crumiller, Howard and Messers Liverman, Miller and Simon and Mayor Lempert.

Absent: None.

Also Present: Mr. Bruschi, Ms. Monzo, Mr. Kiser, Mr. Schmierer and Captain Sutter.

## PLEDGE OF ALLEGIANCE

The audience participated in the Pledge of Allegiance.

## STAFF INTRODUCTIONS: Elisa Neira

Ms. Monzo introduced to Council Elisa Neira, Princeton's new Executive Director of Human Services. Ms. Neira said that she was very excited and looking forward to beginning work.

Ms. Howard said that the recent "Send Hunger Packing" program was a great success. Ross Wishnick said that bowls of fruit will be placed in classrooms at the schools.

**COMMENTS FROM THE PUBLIC**

Karina Wilkinson, Food and Water Watch, discussed with Council the issue of the TRANSCO pipeline and the possibility of e filing for intervener status. She said that non interveners cannot challenge FERC in Court. Ms. Crumiller asked if TRANSCO had filed yet. Ms. Wilkinson said no they hadn't, not until September.

Ann Yasuhara, 66 Pine Street, Not In Our Town, discussed with Council the Avalon Bay project and the issues of racism and other forms of discrimination and the impact of the project on the surrounding neighborhoods.

(Ms. Yasuhara's letter attached to this set of minutes)

Alexi Assmus, Maple Street discussed with Council the evolution of concept plans and the creation of the Site Plan Ordinance for the MRRO zone and its affect on the Avalon Bay project.

( Ms. Assmus letter attached to this set of minutes)

Daniel Harris, 28 Dodds Lane discussed with Council Avalon Bay's Plan B, and the inequitable distribution of Affordable housing units.

(Mr. Harris' letter attached to this set of minutes)

Kate Warren, Jefferson Road also discussed Avalon Bay Plan B.

(Ms. Warren's letter attached to this set of minutes)

**13-174 A CLOSED SESSION RESOLUTION (7:50 p.m.)**

Ms. Howard offered a motion for Council to enter into Closed Session. The motion was seconded by Mr. Liverman, and carried by four affirmative votes. Ms. Butler and Ms. Crumiller voted in the negative.

RESOLUTION
TO GO INTO CLOSED SESSION
(Open Public Meetings Act Sec.3)

BE IT RESOLVED by the Mayor and Council of Princeton:

1. This body will now convene into a closed session that will be limited only to consideration of an item or items with respect to which the public may be excluded pursuant to section 7B of the Open Public Meetings Act.

2. The general nature of the subject or subjects to be discussed in said session is as follows:

Personnel: Conflict of Interest Attorney

Stated as precisely as presently possible, the following are the time when and the circumstances under which the discussion conducted at said session can be disclosed to the public:

Within 90 days or upon settlement of litigation, if applicable

The above referenced issue was discussed by the Princeton Council.

**8:20 P.M. WORK SESSION** - Conflict of Interest Attorney

It was the consensus of Council for Mr. Schmierer to act as the Conflict of Interest Attorney.

Carol Golden said that she was glad the Council came to a decision and that she felt that it was the obvious choice.

Sue Nemeth said that she had the highest regard for Mr. Schmierer and that she supported Council's decision.

**REPORTS**

Mr. Liverman said that the Health Commission has been discussing the underage drinking ordinance.

Ms. Butler said that Traffic and Transportation has been discussing a policy about speed bumps and humps and that the new FreeB schedule in on the municipal website.

Mayor Lempert congratulated all the recent graduates. She also noted that there would be a Joint Consolidation Commission Meeting on June 12, 2013 at 7:00 p.m.

Captain Sutter said that he is very pleased with the agreement with Princeton University Public Safety noting that it serves as a foundation in working together, strengthening communication and notification and the reporting of crimes.

Mr. Miller asked how the document differs from a mutual aid agreement. Captain Sutter said that a mutual aid agreement offers a service and this document outlines how we interact and has a training component.

Ms. Butler said that there has been good cooperation on the construction project. She asked why there is a need for redaction. Captain Sutter said that you have to weigh the public need and the possible risk of danger. He said that the issue of 911 is a much bigger conversation and not part of this document.

Mr. Simon asked Mr. Bruschi and Mr. Schmierer if they had any concerns with the document. Mr. Bruschi said that he did not and Mr. Schmierer said that he was satisfied that it protected Princeton.

Ms. Butler asked if it would allow us to bring our police force down to 51. Captain Sutter said that the document just standardizes what we respond to and does not affect staffing. He said that it was a sharing resource, noting that we have never collaborated to this extent before.

Ms. Butler congratulated Captain Sutter on where they are and that she would talk to him further at a later time.

Mr. Schmierer said that in regard to COAH financial information, old Borough documents have been accounted for and old funds are not at risk.

**2013 Municipal Budget**
Public Hearing, 2013 Municipal Operating Budget

Mayor Lempert commended the staff on the reduction of the municipal tax rate by 2 cents, noting that we are doing more with less.

Mayor Lempert opened the public hearing. There being no comment, the Mayor closed the public hearing.

13 -175 Resolution, Adoption of the 2013 Municipal Operating Budget

Mr. Simon offered a motion to approve resolution 13-1754 as presented. The motion was seconded by Ms. Butler and carried by five affirmative votes. Mr. Miller voted in the negative.

**RESOLUTIONS**

13- 176 Professional Services Agreement, HiTops, Youth Sexually Transmitted Disease Clinic, Not to Exceed $5,000.

Ms. Butler offered a motion to approve resolution 13-176 as presented. The motion was seconded by Mr. Liverman and carried unanimously.

13 -177 Professional Services Agreement, HiTops, Youth Health Education, Not to Exceed 4,000.

Ms. Butler offered a motion to approve resolution 13-177 as presented. The motion was seconded by Mr. Liverman and carried unanimously.

13- 178 Memorandum of Understanding, City of Trenton, Public Health Nurse Case Management Services for Childhood Lead Poisoning.

Mr. Miller offered a motion to approve resolution 13-178 as presented. The motion was seconded by Ms. Howard and carried unanimously.

13-179 2013-2014 Liquor License Renewals

Ms. Butler offered a motion to approve resolution 13-179 as presented. The motion was seconded by Mr. Liverman and carried unanimously.

13-180 Permission to persons to have alcoholic beverages in a public park, Princeton Democratic Organization Family Picnic, July 14, 2013, 3:00 p.m. to 7:00 p.m. Harrison Street Park.

Ms. Crumiller offered a motion to approve resolution 13-180 as presented. The motion was seconded by Mr. Simon and carried by five affirmative votes. Ms. Butler recused herself from the vote.

(Resolutions appended to this set of minutes)

**ORDINANCE INTRODUCTIONS**

**Rental Housing Code and Rent Registration**

Mayor Lempert read by title on first reading a proposed ordinance entitled AN ORDINANCE BY PRINCETON CONCERNING RENTAL HOUSING CODE AND RENT REGISTRATION AND AMENDING THE "CODE OF THE BOROUGH OF PRINCETON, NEW JERSEY, 1974" AND THE "CODE OF THE TOWNSHIP OF PRINCETON, NEW JERSEY, 1968". (Public Hearing June 24, 2013)

Mr. Simon offered a motion to approve the proposed ordinance on first reading. Ms. Butler seconded the motion, which was carried unanimously. The public hearing was set for June 24, 2013.

**Stormwater Drainage and Utility Easement**

Mayor Lempert read by title on first reading a proposed ordinance entitled AN ORDINANCE BY PRINCETON AUTHORIZING ACCEPTANCE OF A STORMWATER DRAINAGE AND UTILITY EASEMENT AND RIGHT-OF-WAY OVER, UPON AND WITHIN LOT 44 IN BLOCK 28.02, PRINCETON TAX MAP. (Public Hearing June 24, 2013)

Mr. Miller offered a motion to approve the proposed ordinance on first reading. Ms. Crumiller seconded the motion, which was carried unanimously. The public hearing was set for June 24, 2013.

**Alexander Street Parking**

Mayor Lempert read by title on first reading a proposed ordinance entitled AN ORDINANCE CREATING A NO PARKING ZONE ON A PORTION OF ALEXANDER STREET AND AMENDING THE "CODE OF THE TOWNSHIP OF PRINCETON, NEW JERSEY, 1968". (Public Hearing June 24, 2013)

Mr. Miller offered a motion to approve the proposed ordinance on first reading. Mr. Liverman seconded the motion, which was carried unanimously. The public hearing was set for May 13, 2013.

**CONSENT AGENDA**

Contains items of a routine nature, which are approved by a single vote.

a. Bills and Claims

b. Maintenance/Performance Guarantees

- Barry Gordon, Gordon Bunn Drive MAB Associates, LLC, Release of Performance Guarantee.
- Mr. Michael McKay, Vice President of Facilities, Princeton University –Sidewalk Extension Project, Faculty Road/Fitzraldolph Road/South Drive, Administrative Waiver, Extension of Time to August 31, 2013.
- Mark Eckhouse, VP, McCaffrey's – Emergency Generator, Administrative Waiver, Extension of Time to September 30, 2013.
- James A. Banks, Development Manager, J. Robert Hillier, 190 Witherspoon Street, Release of Performance Guarantee contingent upon the receipt of an acceptable two year maintenance guaranty.

c. 13-181 Banner Request, Princeton Summer Theater to hang a banner over Washington Road from Monday, June 24 to Monday, July 1, 2013 to advertise their summer theater season on campus.

d. 13-182 Bid Rejection – Improvements to Moore Street, Park Place, Vandeventer Ave & Willow Street.

e. 13-183 Resolution Approving Fire Department Application For Associate Member Joseph M. Muory.

f. 13-184 Resolution: Appointment of Elisa Neira, Executive Director of Human Services.

Mr. Liverman offered a motion to approve the consent agenda as presented. The motion was seconded by Ms. Butler and carried unanimously.

(Resolutions appended to this set of minutes.)

**13-249 CLOSED SESSION RESOLUTION**

RESOLUTION
TO GO INTO CLOSED SESSION
(Open Public Meetings Act Sec.3)

BE IT RESOLVED by the Mayor and Council of Princeton:

3. This body will now convene into a closed session that will be limited only to consideration of an item or items with respect to which the public may be excluded pursuant to section 7B of the Open Public Meetings Act.

4. The general nature of the subject or subjects to be discussed in said session is as follows:

**Personnel:** -Salary & Wage Classification Plan
-Boards, Commissions and Committee Appointments

Stated as precisely as presently possible, the following are the time when and the circumstances under which the discussion conducted at said session can be disclosed to the public:

Within 90 days or upon settlement of litigation, if applicable

The above referenced issue was discussed by the Princeton Council.

There being no further business the meeting was adjourned at 10:55 p.m.

Linda S. McDermott
Municipal Clerk

June 7, 2013

Not in Our Town (NiOT) compliments the Princeton Planning Board, Princeton Citizens for Sustainable Neighborhoods, the AvalonBay developers of the former hospital site on Witherspoon Street, and others for the earnest effort they are making to create homes for an estimated 280 individual and family units that will serve these residents, their immediate neighbors, and the Princeton community at large.

NiOT is an interfaith, interracial social action group that has been working in Princeton for about 15 years. In addition to our programs, we have taken public, as well as private, stands on a number of issues that pertained to our mission, in particular its focus on issues around race. Examples are the community pool, the organization of the police department, keeping the Human Services Department and Commission, public rejection of the distribution of racial-hate and anti-semitic literature, and support of our Latino immigrant community.

Some of us have attended a number of the Planning Board hearings around the AvalonBay project. We noticed the absence of any direct reference to race or class, though we often felt it as an undercurrent in the room. These are certainly matters of importance for this project. It is long since time to be clear about them, whether looking at the impact on surrounding neighborhoods, or the creation of a sense of neighborliness and community within the development itself.

For example, from the information we have received, most of the 56 affordable units have been clumped together in the least desirable locations in the complex. This is contrary to what we expect the spirit of the project to be as well as what we understand State rules to require. This spirit could be better met if the affordable units were spread quite evenly throughout the development.

Also, the hospital site with its buildings has been a barrier between the Witherspoon-Jackson area and the Harris-Jefferson area, thus dividing a neighborhood that has been, historically, largely black -- as well as, more recently, Latino -- from a neighborhood that is largely white. But, as a hospital, these buildings served an important public purpose. Now, with the withdrawal of the hospital from this site, our community has an opportunity to create a use which helps to integrate the two sections and furthers the goal of respect for all persons, whatever their race and whatever their economic or social status.

We hope that a vision that includes connection among new and existing residents, appreciation for the history and well-being of existing neighborhoods, an integrative approach to housing decisions, and welcoming public spaces, will guide this and future development plans and implementation.

Sincerely yours,

Fern and Larry Spruill,
Wilma Solomon, Nancy Strong, Ann Yasuhara
Barbara Fox, Marietta Taylor,
Linda Oppenheim, Joyce Turner
For Not in Our Town

Ann Yasuhara, 66 Pine Street, Princeton, 921-2907
Wilma Solomon, 41 Tee-Ar Place, Princeton, 924-6996
Nancy Strong, 41 Maple Street, Princeton, 430-2245
Fern and Larry Spruill, 103 Bayard Lane, Princeton 497-7376
Barbara Fox, 86 Cedar Lane, Princeton, 921-2774
Joyce Turner, 27 Woods Way, Princeton, 683-7565
Linda Oppenheim, 45 South Harrison Street Princeton, 683-5960
Marietta Taylor, 272 Hartley Avenue, 683-0571

# Eastern Environmental Law Centers
# Implications of Becoming an Intervener in the FERC Process

**Importance of Intervening**

The Natural Gas Act regulations provide an opportunity for public intervention in the Federal Energy Regulatory Commission's (FERC) process of considering a Certificate of Public Convenience and Necessity. 18 C.F.R. § 157.10. Intervention is appropriate when the participant may be materially affected by FERC's decision on a specific case, project, or policy. Intervention is allowed by any person satisfying the requirements described below. Participation in the process is an opportunity to raise important factors that FERC's or the Applicant may not have otherwise considered and participate in hearings before FERC administrative law judges. Intervention is also important to preserve a future right to contest FERC's decision. Only those parties who successfully intervened will be able to seek review of FERC's final decision. *See* 15 U.S.C. § 171r(a). Non-interveners cannot challenge FERC's in court.

Hopefully, FERC's review process will result in a thorough consideration of the issues and a reasoned decision requiring no further action. However, if the final decision has not sufficiently reviewed important concerns, only those who properly intervened at the beginning of the process have preserved the right to challenge the decision. Thus, intervening in the FERC process establishes the right to participate in the process and challenge the final outcome.

**Process of Intervening**

The person seeking to intervene must meet the requirements outlined in the regulations in order to participate in FERC's review of an application seeking a Certificate of Public Necessity and Convenience. The person seeking to intervene must show **one** of the following:

- A right to participate which is expressly conferred by statute or by Commission rule, order, or other action;
- An interests which may be directly affected by the outcome of the proceeding, including any interest as a
    - Consumer,
    - Customer,
    - Competitor, or
    - Security holder of a party; or
- The movants participation is in the public interest.

18 C.F.R. 385.214 (b)(2).

In order to participate, a motion requesting permission to intervene must be submitted to FERC. But the process is not complicated. Any motion to intervene must state, *to the extent known*,

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easternenvironmental.org

the position taken by the person seeking intervention and the basis in fact and law for that position.

FERC prefers that documents be filed electronically through its efiling system. In order to efile, a participant must register for the online database. Once this account is created, the participant can subscribe to specific dockets. As a subscriber, the participant will be notified via email when FERC issues a document and when others file documents in the proceeding. FERC uses the eService system to serve FERC issuances and decisions to participants. Similarly, persons intervening will have their email addresses added to the appropriate web service list to facilitate the obligation of interveners to serve copies of filings on other parties. Thus, when a participant uploads documents, all others on the eRegistration list are notified by email.

FERC determines the status of the motion and publishes a list of the accepted interventions along with its Order granting or denying the Certificate of Public Necessity and Convenience.

**Timing of Intervening**

A motion for intervention may only be made after an application for a Certificate of Public Convenience and Necessity has been submitted to FERC. Proposals in the pre-filing stage are not eligible for intervention. The Notice of Application establishes a "comment date" by which any person wishing to obtain legal status by becoming a party to the proceeding must file a motion to intervene. This date is usually 20 days after the Notice of Application is published. Failure to timely file your motion to intervene will constitute grounds for denial of participation in the absence of extraordinary circumstances or good cause. 18 C.F.R. § 157.10(a)(3).

**Access to Information**

Registering on the FERC website provides the participant with notice of every filing referring to that docket. So, for any documents that FERC, the Applicant, or any other party adds to the docket for this proposal, the participant will receive a notification via email that a new document has been added.

The application is publicly available even without intervening. In fact, the Applicant is required to make a good faith effort to place a copy of the application, supplement and amendment thereto in a public location that provides maximum accessibility to the public. 18 C.F.R. § 157.10(b)(2).

More information is available at:

- https://www.ferc.gov/docs-filing/elec-info-guide.pdf
- https://www.ferc.gov/docs-filing/efiling-user-guide.pdf
- https://www.ferc.gov/docs-filing/efiling/document-less-intervention.pdf

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June 10, 2013

Mayor and Council:

I would like to make you aware of the evolution of concept plans and the creation of the Site Plan Ordinance for the MRRO zone 2004-2006 by the Planning Board and Borough Council. The final concept plan and ordinances reflected community consensus on an open interior courtyards on the site. They also reflected community input for a pedestrian-only walkway running from Witherspoon Street to Harris Road.

In contrast, the private interior courtyard with swimming pool that Avalon is proposing for their Plan B is private and approximately 18,000sf (as opposed to the public park proposed for the corner of Witherspoon and Franklin by Avalon which is approximately 16,000sf). Avalon's pedestrian walkway between the garage runs between the Henry Ave driveway and ends at Service Drive, rather than crossingthe site. I am including these documents in a packet which I have given to you.

The community spent two years rezoning the property for sale from 2004-6. During that process the hospital presented concept plans to both the Planning Board and Borough Council. These evolved in response to public input --- part of that evolution was the opening to the public of an interior courtyard that had been private in an earlier concept plan (Included in your packet, Planning Board minutes, and hospital consultant's Robert Hillier concept plan, earlier version, May 26 2005)

In response to public and Council opinion, the hospital's consultant architect created public access to the interior courtyard from a pedestrian walkway that ran through the site from Witherspoon to Harris Road. (Included in your packet, hospital consultant's Robert Hillier's revised concept plan sent to Borough Council, Colin Mosher, to Lee Solow, May 30, 2006,)

Thus community input to rezoning the hospital site in 2004-2006 led to the change of large private interior courtyard into a publicly accessible one. In contrast, the proposed Avalon Princeton in the revised plans currently in front of the Planning Board has an interior courtyard that is private and the pedestrian pathway ends at Service Drive and does not continue on to Harris Road.

The community consensus was reflected in the Site Plan Ordinance passed in 2006 that was written to reflect the concept plan --- public open space was to provide "linkages between and through the development as well as the surrounding neighborhood;," there was to be a public walkway system "surrounding and crossing the site", and a private community was "not allowed for the site". (Borough Code, 17A 193B).

Futhermore, the revised hospital concept plan that the Borough Council accepted as a basis for writing the new MRRO Zoning and Site Plan Ordinances included a 29,000sf park, almost double the size of the park that Avalon proposes. In addition to the park , the revised concept plan included two playgrounds. In fact, a written table was included in

documents the hospital sent to Council that listed a total of 100,000sf public open space in the redevelopment. (Included in your packet, email from and table from Pamela Hersch to Lee Solow, May 8, 2006).

There was community consensus that the redevelopment should be an open one that did not allow a larger private interior courtyard and which included much more public open space than Avalon's revised plan provides.

The MRRO Zone Site Plan Ordinance explicitly prohibits private communities. That the ordinance calls them "private, gated communities," rather than "private communities" and that there is no "gate" on Avalon's courtyard building is a lawyer's issue. The buzzer to the 160-unit courtyard building is the gate.

Alexi Assmus
Maple Street

Daniel A. Harris, 28 Dodds Lane, Princeton, NJ
Remarks to Princeton Council, 6/10/13

**AvalonBay's Plan B: Inequitable Distribution of Affordable Housing Units**

AvalonBay has apparently not plotted an equitable distribution of affordable housing units—contrary to New Jersey State law. Princeton Citizens for Sustainable Neighborhoods calls on AvalonBay to revise its distribution. We call on you, Mr. Miller and Ms. Crumiller, to represent Princeton Council at the Planning Board hearings to oppose any practice or taint of discrimination.

As Site Plan sheets A-101 through A-104 show: 1) No affordable units are designated for any of the three detached townhouses (12 units total). 2) In Building 1, ALL units on the first and second floors that face north towards the concrete garage are affordable. None of these dark units without sunlight—facing a so-called "shade-garden"—are market-rate; all will face garage noise and headlights. 38 of the 52 (73%) are situated on the two lower floors; only one of the affordable units is on the 4th floor. 3) The 10 affordable units on the bottom floors facing east (out of 17; 59%) will confront the noise and stench of garbage pickup. 4) No affordable units face the private and more quiet inner courtyard. 5) Building 2 has only 5 affordable units (out of 84, or 6%)—all of them face north, and none has a southerly parkside entryway or overlooks the patio between Buildings 1 and 2.

Tenants whose incomes qualify them for affordable housing must not be penalized because they cannot afford market-rate units. AvalonBay's current distribution violates COAH's Substantive Regulations, Round 3: "(f) Inclusionary zoning ordinances shall require, to the extent feasible, that developers fully integrate the low- and moderate-income units with the market units" (Chapter 5:97-6:4) There can be no "extent" to which such inclusion is not "feasible" except the motive of profit to the developer. That motive is unacceptable. Profit must yield to equity and justice. There must be no "separate but equal" distribution.

The MRRO Bulk Regulations conform to COAH standards; they do not permit a developer to locate affordable units within a particular portion of the entire zone. Thus, 20% of all units **throughout the zone** must be rented to tenants of moderate, low, or very-low income, including 20% of the townhouse units (2.4 units). Municipal staff characteristically insist that affordable units be dispersed throughout any inclusionary project—indistinguishable from market-rate units. Exclusion of affordable units from the townhouses will constitute non-compliance with COAH Regulations, the Bulk Regulations, and Princeton practice, which does not sanction denial of equal access.

AvalonBay must conceive a complete redistribution of affordable units. As Jane Buttars has

noted, "while such a redistribution may chip a little from the enormous profit AvalonBay may gain, the corporation must honor its public image and the values it stands for. Indeed, their 2011 Sustainability Report states, 'AvalonBay employs a diverse base of associates and does not tolerate discrimination or harassment' (p. 19). The company should practice in Princeton what it mandates in its own workplace community."

We ask the Princeton Planning Board and Princeton's municipal staff to request that AvalonBay generate a new distribution of affordable units at the earliest possible time—and, if AvalonBay does not do so voluntarily, to mandate an equitable distribution as a condition of site-plan approval (if such approval is granted).

Madam Mayor, you and other Princeton Council members, along with the Planning Board representatives, chose to engage with AvalonBay in private "discussions" beginning in February 2013. It is now your responsibility, and that of the Planning Board, to ensure that no kind of discrimination erupts in Princeton.

June 10, 2013

Mayor and Council:

As a result of the consent order Princeton entered into with AvalonBay for a super expedited site plan review of Plan B, we are all inundated with plans and documents and are being forced to wade through stacks of documents in a very rushed manner.

Just as an aside to my points tonight, as a result of this 'fast track' SPRAB will not even have municipal staff reports before them prior to their reporting and making recommendations to the Planning Board.

I'd like to highlight a few of the myriad documents for you lest they be lost in the shuffle. First, I'd like to draw you attention to the "Dimension Plan" submitted by AvalonBay. In particular to the language in small print atop Building 2 which reads "Proposed 2 to 5-Story Residential Building #2."

In reality, if you examine Sheet A-104 - next in the documents I've handed you - you will clearly see that only the SW corner of Building 2 at Franklin/Witherspoon – a mere 2 units out of 110 units – is 2 stories plus attic. It's very clever marketing language and is misleading to the untrained eye.

You will note that in that corner unit consisting of only 2 units, there is another story below grade. And you can see it more clearly on Sheet A-202, next in that packet. Note that the roofline on the 2-story plus attic (or 3 story) 2-unit portion of that corner is equal to the adjacent 3-story plus attic (or 4 story). You can see that more clearly on the final sheet of the packet entitled "Princeton Hospital Redevelopment – May 22, 2013."

Also, I'd like to point out that the Building 2 along Witherspoon Street is 111,105 square feet, slightly larger than half the size of the enclosed Building #1 with 219,378 square feet. That Building #1 is the size of a Manhattan city block – it's a closed, "gated" building with an approximately 18,000 square foot private interior courtyard which is larger than the proposed approximately16,000 square foot public park at the Franklin/Witherspoon Street corner.

Again, if you look at the documents together, you will see that the roofline of Building #2 along Witherspoon Street is nearly 60 feet in height – except for the two small jut-outs towards Witherspoon Street – and Building #1, that interior, walled-in building, is also approximately 60 feet in height.

The Plan does not place taller buildings to the center of the site ~ unless, of course, we are all foolish enough to believe that the rear of Building #2 is somehow 'center' of the site and is slightly higher than the two small wings jutting out toward Witherspoon. The entire site is nearly 60 feet in height. Just put yourself on a porch across the street on Witherspoon or Franklin or Henry or Harris – what do you see? A 60-foot high development towering above. Looking to the wall at my left here in Council chambers,

my estimate is that that wall is approximately 30' in height – we're talking double that height. I'm not sure how reasonable folks can justify that that fits in with the scale and character of the existing neighborhood.

I would suggest that before we wed ourselves to AvalonBay, rather than 'marry[ing] in haste, repent[ing] in leisure' that Mayor and Council show courage and fortitude, in spite of threats of litigation, and make the marriage one that we can all live with and embrace.

Thank you.

Kate Warren
Jefferson Road