



**PRINCETON**  
**MAYOR AND COUNCIL OF PRINCETON**  
**MINUTES • JANUARY 11, 2016**

**Regular Meeting**

**Main Council Room**

**6:00 PM**

400 Witherspoon Street, Princeton, NJ 08540

**I. STATEMENT CONCERNING NOTICE OF MEETING**

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 a written notice. On January 7, 2016 at 9:35 a.m., said schedule was posted on the official bulletin board in the Municipal Building, transmitted to the Princeton Packet, the Trenton Times, the Town Topics and filed with the Municipal Clerk.

**II. ROLL CALL**

The Municipal Clerk then called the roll.

**Present:** Councilwoman Crumiller, Councilwoman Howard, Council President Liverman, Councilman Miller, Councilman Simon and Mayor Lempert.

**Absent:** Councilwoman Butler.

**Also Present:** Mr. Dashield, Administrator, Ms. Monzo, Deputy Administrator, Ms. Britton, Esq., and Mr. Kiser, Municipal Engineer.

**III. 6:00 P.M. CLOSED SESSION: LITIGATION/PERSONNEL**

1. 16-21 Resolution, Closed Session

*Motion* – to approve resolution 16-21

<b>RESULT:</b>	<b>APPROVED [UNANIMOUS]</b>
<b>MOVER:</b>	Bernard Miller, Councilman
<b>SECONDER:</b>	Jenny Crumiller, Councilwoman
<b>AYES:</b>	Howard, Crumiller, Miller, Liverman, Simon
<b>ABSENT:</b>	Butler

2. COAH Update

Victoria Britton, Esq. and Kevin Van Hise, Esq., Mason Griffin and Pierson were in attendance for this discussion.

3. Monthly Personnel Update (If Needed)

**IV. 7:00 P.M. OPEN SESSION**

Council entered open session at 7:00 p.m.

**V. PLEDGE OF ALLEGIANCE**

The audience participated in the pledge of allegiance.

**VI. AWARD OF RECOGNITION**

## 1. Girl Scout Troop 72901

Mayor Lempert presented a special award of recognition to the members of Girl Scout Troop 72901 for their work on a mural at the River Road recycling center.

**VII. PROCLAMATION**

## 1. Proclamation to Designate January as Human Trafficking Awareness Month

Mayor Lempert read a proclamation declaring the month of January as Human Trafficking Awareness Month.

**VIII. ANNOUNCEMENTS**

Mayor Lempert stated that there will be a special meeting of the Mayor and Council on Wednesday, January 13, 2016, 7:00 p.m., Main Meeting Room, Witherspoon Building, 400 Witherspoon Street to discuss 2016 Council Goals and Priorities.

**IX. APPROVAL OF MINUTES**

*Motion* – to approve the minutes of September 15, 2015.

<b>RESULT:</b>	<b>ACCEPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Lance Liverman, Council President
<b>SECONDER:</b>	Bernard Miller, Councilman
<b>AYES:</b>	Howard, Crumiller, Miller, Liverman, Simon
<b>ABSENT:</b>	Butler

**X. COMMENTS FROM THE PUBLIC**

Kip Cherry, 24 Dempsey Avenue, encouraged the Mayor and Council to quickly move forward in designating the Witherspoon Jackson neighborhood a historic district.

**XI. REPORTS**

## 1. 2015 Goals Update, Marc Dashield, Administrator

Mr. Dashield reviewed with the Mayor and Council a brief outline of where staff and Council currently are and what projects are ongoing in the 2015 Goals and Priorities. He said that this review is in advance of the special Council meeting to be held January 13, 2016 to discuss 2016 Council Goals and Priorities. Mr. Dashield reported that some of the ongoing projects include: succession planning, improvements to Access Princeton, improvements to the municipal website, fine tuning agendas and Council minutes, standardizing agenda packet materials and reviewing agenda software needs, capital asset planning and the Mary Moss playground.

Ms. Howard asked that the 2015 Goals update, as provided to Council, be made public.

(Document appended to this set of minutes.)

Council Reports:

Ms. Howard reported that the United States Department of Homeland Security has been conducting raids across the country through Immigration and Customs Enforcement (ICE). This has caused a lot of consternation locally regarding the impact on our immigrant community in Princeton. She said that Human Services has heard many compelling stories by residents who are afraid of potential raids and children being afraid of coming home from school and finding that perhaps their parents have been detained.

Ms. Howard said that through a collaboration between the Human Services Commission and several local nonprofits that work with the immigrant community, there have been a number of "Know Your Rights" documents formulated to help educate the local community about what is happening. The materials reiterate that this is a federal enforcement and that local law enforcement is not involved. The materials are available on the municipal website and workshops are being given.

Mr. Miller reported that he and Mr. Simon recently met with the Citizens Finance Advisory Committee (CFAC) to determine tasks for the upcoming year. They will look at long term financial planning, long term capital planning and budgeting, formulating a newsletter, reviewing operational areas in more depth, and examining what the financial impact of zoning and master plan decisions have on the community. Mr. Simon said that the International County and Management Association (ICMA) has a detailed methodology that they have formulated for use in municipalities across the country, including one municipality here in New Jersey and throughout the world. He said that CFAC is assessing whether we can use all or part of these methods as part of financial reporting for this year. Mr. Simon said that on the operational side, CFAC will look at sections of the budget, both on revenues and the cost side, keeping a prudent eye on spending and the effects downstream on planning for the municipality and on tax rates.

Mr. Liverman announced that there will be a Heroin Awareness Program on March 2, 2016, 7:00 p.m. at the Princeton High School

Mr. Simon said that he had his first meeting with the Historic Preservation Commission as they discussed the Witherspoon Jackson neighborhood. He also announced that Christmas tree and brush pickup would continue this month.

Mr. Miller reported that the deer population program in 2015 was very successful. He said that the proposed program for 2016 is being "held hostage" by the State of New Jersey who is insisting that Princeton allow bow hunting to be part of the program. Mr. Miller and others will be attending an upcoming meeting with New Jersey Fish and Wildlife to discuss this issue.

Mayor Lempert said that Brett Bonfield, the new Executive Director of the Princeton Public Library, will be starting his new position the week of January 18, 2016.

## **XII. WORK SESSION**

### **1. Request for Rezoning Lanwin Development**

Lee Solow, Planning Director, reviewed with Council a power point presentation requesting a rezoning for Block 1001, Lots 1, 2, and 14, known as Lanwin Development, which is approximately 90.62 acres, and currently zoned RB/RA. The request was made by Mark Solomon, Esq. on behalf of Lanwin Development Corporation.

(Power point presentation appended to this set of minutes)

Mr. Solow said that he was looking for guidance from Council on whether they would like to move forward with a rezoning process that would allow a slight increase in density in exchange for a cluster design that would yield 30 residential lots, 59.7 acres of common open space that the developer would be willing to designate to the municipality and 3 acres for future affordable housing. He said that there would be a buffer along the boundaries at the rear of the houses that front Herrontown Lane that would be approximately 50-100 ft. in width.

Mr. Solow said that he was looking for direction as to whether the proposal has merit and if Council would like staff to begin developing an ordinance that would amend the zoning to allow for the 30 units, 65% open space and the affordable housing site or to have the Planning Board review the request first.

Ms. Crumiller said that in general, the rezoning seems like a good idea but asked whether the proposed 3 acre site was buildable in terms of affordable housing. Mr. Solow said that additional homework would need to be done regarding the issue of affordable housing on that site.

Mr. Miller said that we need more definition as to what would happen with lot 30 on the concept plan as it currently has an old farmhouse on the lot. It was not clear to him that any developer would want to keep that house on the lot. He said that buffering is an important issue to consider. Mr. Solow said that the common space on the property would be preserved. Ms. Crumiller asked who would own the common space. Mr. Solow said that decision would be the Council's option. Mr. Solow stated that Montgomery Woods would be on the northern boundary of the property.

Mayor Lempert opened the discussion up to the public.

Valerie Haynes, Mt. Lucas Road, said that she was interested in the rezoning process and asked for more clarification as to how the proposal works with the overall density on the site.

Stephen Jardin, 68 Herrontown Lane said that Herrontown Lane is a wonderful

place to live. Mr. Jardin requested that with any new development a buffer zone remain in place so that the residents cannot see the new development. He also suggested that consideration be given to adding a bike path so that joggers can run safely.

Will Howarth, 98 Herrontown Lane, asked that Council consider landscaping of the buffer, a survey of the wetlands and sub-surface springs, and that Council consider acquiring Lanwin Lands for a nature park or a mixed use park much like Smoyer Park.

Wendy Mager, Friends of Princeton Open Space, said that Friends of Open Space supports the concept of a cluster development on the Lanwin property in approximately the area that has been indicated on a concept map submitted by Lanwin's attorney with his recent letter.

(Written comments appended to this set of minutes)

Daniel Harris, 28 Dodds Lane said that he supports the rezoning of the development. He said that he urged all the attorneys and the developer to make the cluster more inclusionary.

Kip Cherry, 24 Dempsey Avenue asked that the Council request more information such as an environmental study and a cost analysis of the project.

Scotia Macrae, 5 Evelyn Place said that she agreed with the points presented by Ms. Mager and noted that affordable housing considerations are important and need to be examined. Ms. Macrae said that cluster housing is much more beneficial and that she is an advocate for cluster rezoning.

Jim Waltman, Executive Director, Stony Brook Millstone Watershed Association said that the Princeton Ridge is a special place and protection of the Ridge is important. He stated that he wasn't prepared to support any particular site plan of clustering, however he endorsed the general concept of a "tight" cluster and deeding as open space the undisturbed area around the development.

Mayor Lempert closed the public portion of this discussion.

Mr. Solow said that in regards to the affordable housing element, the Planning Board would have to examine what the buffer would be. He also stated that you would not typically see single family homes as part of an affordable housing component.

Mr. Liverman asked if Mr. Solow was asking for a consensus and if there was general interest in moving forward with the rezoning. He said that his vote would

be "yes", but that Council would need to listen to the neighbors and examine the buffering issue.

Mr. Simon said that he expected the open space would be municipally owned and if not, it would give him pause. He would like an assessment of the 3 acre site to see if it is developable for affordable housing.

Ms. Howard said that she was also supportive and that it seemed like a logical next step in an effort to preserve the Ridge. She felt that it was smart to cluster in an effort to preserve ecologically sensitive areas.

Ms. Crumiller said that she was generally in favor but added that she had the same concerns about buffering as Mr. Liverman. She also said that she had never heard of any previous discussions regarding inclusionary zoning.

Mr. Simon said that he requested clarification from Mr. Solow on what if any discussions took place about affordable housing on the site and as to whether any discussions to take place regarding inclusionary zoning during that discussion.

Mr. Miller said that he supported the concept of buffering adding that there was a need for affordable housing. He said that this was not an isolated area and voiced concerns about the buffer, wetlands and runoff issues. Mr. Miller said that buffers have been a problem in other developments, especially in regards to who is responsible for their maintenance.

Mayor Lempert said that she was hearing a general consensus and desire to move forward with the rezoning but that there are concerns that need to be addressed. Mr. Solow said that there was no right or wrong way to move forward with the process and asked if Council preferred that the Planning Board review the issue first, draft an ordinance and take a look at the concerns raised in this discussion. Mayor Lempert said that it would be the consensus of the Council to have the rezoning issue reviewed by the Planning Board for further recommendation.

### **XIII. ORDINANCE INTRODUCTIONS**

1. 16-1 Ordinance of the Mayor and Council of Princeton Concerning Salaries and Compensation of Certain Personnel of the Municipality Of Princeton

Mayor Lempert read by title the proposed ordinance. Mr. Miller moved approval of the proposed ordinance on the first reading. The motion was seconded by Ms. Crumiller and carried unanimously by those present. The public hearing was scheduled for January 25, 2016.

*Motion* – to introduce

<b>RESULT:</b>	<b>INTRODUCED [UNANIMOUS]</b>	<b>Next: 1/25/2016 6:00 PM</b>
<b>MOVER:</b>	Bernard Miller, Council President	
<b>SECONDER:</b>	Jenny Crumiller, Councilwoman	
<b>AYES:</b>	Howard, Crumiller, Miller, Liverman, Simon	
<b>ABSENT:</b>	Butler	

2. 16-2 Bond Ordinance By The Municipality Of Princeton Authorizing As A General Improvement The Acquisition Of Block 4201, Lots 4, 5 and 17, Princeton Tax Map Adding 20.4 Acres Of Land to The Princeton Ridge Preserve, Appropriating the Sum Of \$4,450,000.00 therefore, Providing for the Financing of Said Appropriation by the Making of a Down Payment from The Princeton Open Space Fund and the Issuance of Bonds and Notes of the said Municipality Of Princeton.

Mayor Lempert read by title the proposed ordinance. Ms. Howard moved approval of the proposed ordinance on the first reading. The motion was seconded by Ms. Crumiller and carried by four affirmative votes. Mr. Miller voted in the negative and stated that his reasons for voting "no" were:

1. We have exceeded the goal in the Master Plan for Open Space
2. The model that we have proposed with Lanwin for the acquisition of 60 acres of open space in return for a density bonus for a cluster development is a more cost effective way of acquiring additional passive open space if we want or need more open space
3. It is my perception that much of our existing passive recreation open space is underutilized. The trails are not well maintained making it difficult to walk for pleasure; and much of the passive open space is difficult to access as there is inadequate parking.
4. For the preceding reasons, I believe that we need to focus on better maintaining and making more accessible the passive open space that we already have.
5. All money is fungible, even if it is only the money that the municipality will pay on the bond anticipation notes until the participants in the acquisition reimburse the municipality for the money that we will borrow. These open space funds could be used to maintain and/or improve the accessibility of the open space that we already have.

Mayor Lempert said that she disagreed with Mr. Miller's vote but did agree with his last sentiment.

The public hearing was scheduled for January 25, 2016.

**Motion** – to introduce

<b>RESULT:</b>	<b>INTRODUCED [4 TO 1]</b>	<b>Next: 1/25/2016 6:00 PM</b>
<b>AYES:</b>	Howard, Crumiller, Liverman, Simon	
<b>NAYS:</b>	Miller	
<b>ABSENT:</b>	Butler	

**XIV. RESOLUTIONS**

1. 16-22 Resolution and Agreement Municipal Alliance Grant, July 1, 2016 to June 30, 2017, \$28,080.00

<b>RESULT:</b>	<b>APPROVED [UNANIMOUS]</b>
<b>MOVER:</b>	Lance Liverman, Council President
<b>SECONDER:</b>	Jenny Crumiller, Councilwoman
<b>AYES:</b>	Howard, Crumiller, Miller, Liverman, Simon
<b>ABSENT:</b>	Butler

2. 16-23 Professional Services Agreement, Shirley M. Bishop, P.P., LLC, 2016 Consultant, Affordable Housing Program, Not to Exceed \$25,000.00

<b>RESULT:</b>	<b>APPROVED AS AMENDED [UNANIMOUS]</b>
<b>MOVER:</b>	Lance Liverman, Council President
<b>SECONDER:</b>	Jenny Crumiller, Councilwoman
<b>AYES:</b>	Howard, Crumiller, Miller, Liverman, Simon
<b>ABSENT:</b>	Butler

**XV. CONSENT AGENDA**

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Heather Howard, Councilwoman
<b>SECONDER:</b>	Lance Liverman, Council President
<b>AYES:</b>	Howard, Crumiller, Miller, Liverman, Simon
<b>ABSENT:</b>	Butler

*Motion* – to adopt

1. Maintenance Guaranty Release: Princeton House Behavioral Health, Release of Cash Maintenance Guaranty in the amount of \$10,989.00 Plus Interest for an Administrative Waiver to Permit Installation of an Emergency Generator and Additional HVAC equipment at 89 Mount Lucas Road, Block 902, Lot 1. (Please note that the inspection fees in the amount of \$1,000 will continue to be held until the grass area along Herrontown Road is re-seeded in the spring.)
2. 16-24 Authorizing the Sustainable Jersey Grant Application
3. 16-25 Approving the Current Fund Temporary Budget for 2016

4. 16-26 Approving the Parking Utility Operating Temporary Budget for 2016
5. 16-27 Resolution Authorizing a Professional Services Agreement with Harris Surveying, Inc., for an Amount Not to Exceed \$8,800.00 for Survey Work Performed on Block 4201, Lots 4, 5 and 17, Mt. Lucas Road
6. 16-28 Approving the Affordable Housing Utility Operating Budget for 2016
7. 16-29 Authorizing Submission of Grant Application to the County Of Mercer Under the Municipal and Non-Profit Open Space Acquisition Assistance Program

**XVI. ADJOURNMENT**

Mr. Miller offered a motion to adjourn the meeting. The motion was seconded by Ms. Crumiller and carried unanimously by those present.

There being no further business the meeting was adjourned at 8:50 p.m.

Linda S. McDermott  
Municipal Clerk

Suite 400  
301 Carnegie Center  
Princeton, NJ 08543-5276  
609.452.0808  
Fax 609.452.1147

Michael J. Mann  
Partner-in-Charge, Princeton Office

Mark A. Solomon  
direct dial: 609-951-4131  
solomoma@pepperlaw.com

December 22, 2015

Mayor Liz Lempert and  
Council President Bernie Miller  
Municipality of Princeton  
400 Witherspoon Street  
Princeton, NJ 08540

**Re: Lanwin Development Corp.  
Block 1001, Lots 1, 2 & 14  
Herrontown & Mt. Lucas Roads  
Proposal to Rezone**



Dear Mayor Lempert and Council President Miller:

This firm represents Lanwin Development Corp., the owner of the above referenced property consisting of approximately 90.62 acres. After many years of discussion and recent renewed discussion with Lee Solow, I write to request that Princeton consider rezoning the property to allow a slight increase in density in exchange for a cluster design that yields 30 residential lots, 59.7 acres of common open space, and 3 acres for future affordable housing.

By way of background, in 2011 Lanwin submitted a Preliminary Subdivision application for a conventional subdivision lotting out the entire site in 20 large residential lots. Subsequent to that application, Lanwin opened discussions with the municipality about pursuing a cluster development under the cluster ordinance that would result in a density bonus in exchange for the preservation of open space. Lanwin has recently confirmed that an "as of right" cluster results in 27 lots plus a public active recreation area of 2.5 acres.

Affordable housing also was a subject of discussion with Mr. Solow. Lanwin suggested the idea of a significantly higher density if the project was inclusionary with a 15% - 20% set-aside of affordable units. Alternatively, for a more modest increase in the cluster density, Lanwin would dedicate 3 acres to the municipality for a future affordable housing site. Mr. Solow advised that, after internally discussing the ideas, the municipality was not

Philadelphia

Boston

Washington, D.C.

Los Angeles

New York

Pittsburgh

Detroit

Berwyn

Harrisburg

Orange County

Princeton

Wilmington

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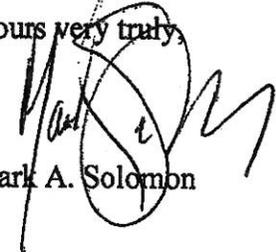
inclined to the inclusionary development proposal but had interest in the more modest bonus in exchange for the affordable housing lot. As indicated at the outset of this letter, that plan proposes 30 lots, 59.7 acres of common open space, and the 3 acre affordable housing lot.

The proposal for increased density bonus would require a zoning change. While we had some discussion about pursuing it at the Zoning Board by way of a "d" variance request, my view is that a zoning amendment is the more appropriate mechanism, and the Zoning Board would have the same reaction if faced with the request. All parties would be better served by thoughtfully amending the ordinance to provide for a proposal that could be reviewed and acted upon by the Planning Board. With that in mind, we make this request that Princeton undertake the steps necessary to consider the proposal and, hopefully, amend the ordinance to allow it to proceed by way of a Planning Board application.

For your convenience I have enclosed copies of the conventional 20 lot subdivision plan, the 27 lot "as of right" cluster plan, and the 30 lot proposed cluster plan with the 3 acre affordable housing site. So you are aware, I have had discussions with Wendy Mager of Friends of Princeton Open Space and she has indicated strong support for the cluster design generally. We did not discuss the merits of the proposed increased density plan as compared to the "as of right" cluster design.

Thank you for your consideration of this matter. Please copy Lauri Names at Thompson Management, 195 Nassau St., Princeton, NJ 08542, on any response you might send.

Yours very truly,

  
Mark A. Solomon

MAS:tr

Cc: Mr. Lee O. Solow, Planning Director  
Wendy Mager, Esq., Friends of Princeton Open Space  
Lanwin Development Corp.  
Lauri Names, Thompson Management LLC





MOUNT LUCAS ROAD

31  
134,170 sq ft  
Affordable Housing Lot

30  
30,100 sq ft

STORMWATER MANAGEMENT

COMMON OPEN SPACE  
59.7 ACRES

19 38,413 sq ft

20 32,846 sq ft

17 31,280 sq ft

16 31,479 sq ft

9 36,784 sq ft

10 33,880 sq ft

11 37,708 sq ft

12 33,708 sq ft

13 30,202 sq ft

14 30,276 sq ft

15 33,862 sq ft

22 30,000 sq ft

23 31,440 sq ft

24 34,992 sq ft

25 34,992 sq ft

26 34,992 sq ft

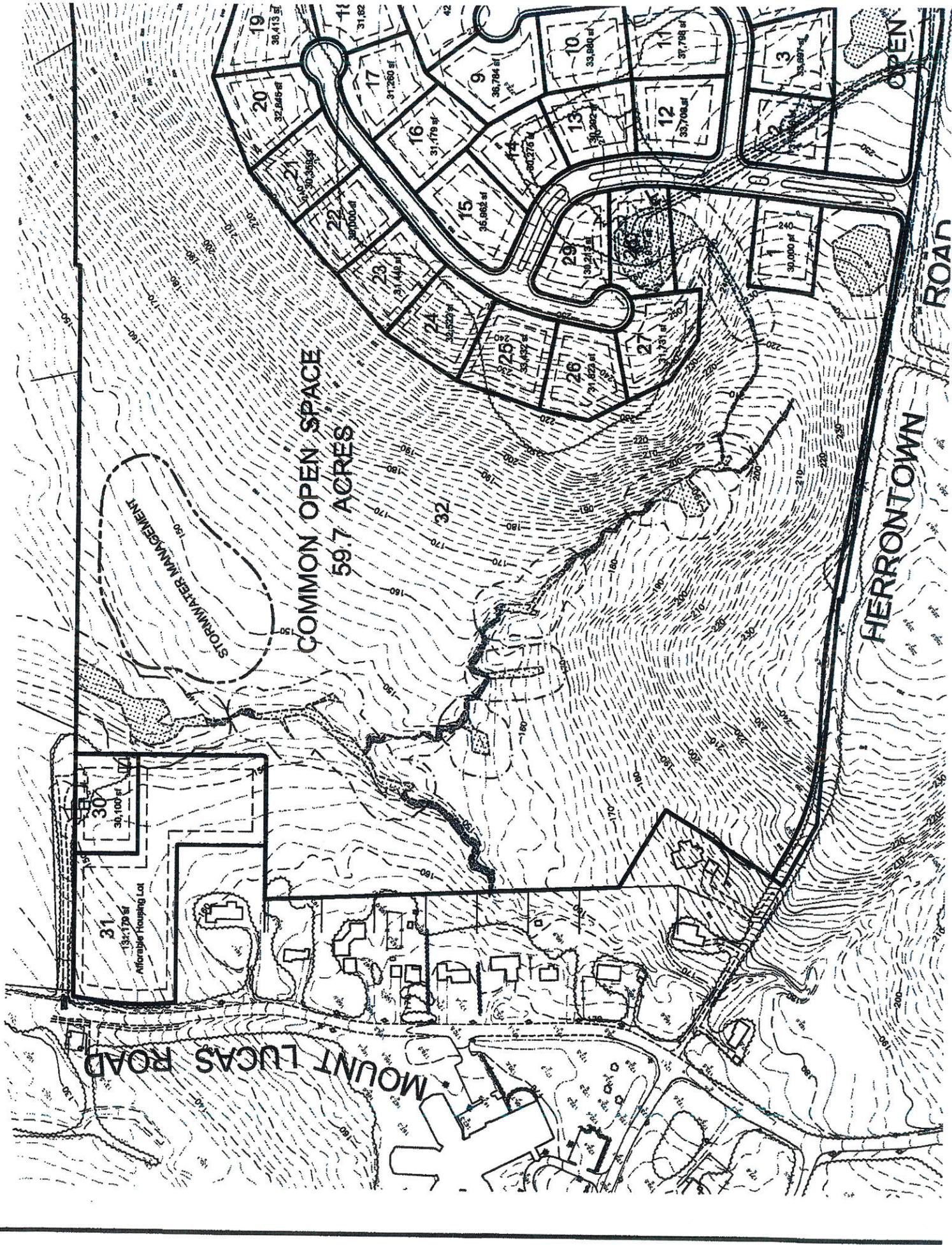
27 31,731 sq ft

29 30,213 sq ft

240 30,000 sq ft

HERRONTOWN ROAD

OPEN



Wendy Mager, president of Friends of Princeton Open Space

Friends of Open Space supports the concept of a cluster development on the Lanwin property in approximately the area that has been indicated on a concept map submitted by Lanwin's attorney with his recent letter, for the following reasons and on the following terms. This 90-acre property on the Ridge is already the subject of a filed application for development as-of-right of 20 units on large lots, distributed throughout the entire parcel. However, the developer has indicated a willingness to develop in a cluster on the eastern portion only, with about 60 acres remaining as open space. This should be public open space, and it was our understanding from early discussions with the owners representative that they are willing to donate it to the town for that purpose.

A cluster, which is encouraged by our land-use ordinance, would avoid the entire tract being disturbed including the mature forest, steep slopes and stream corridors in the western section of the parcel. From walking the parcel and examining aerial photographs, it is apparent that the location proposed for the cluster is flatter and includes large areas that were previously clear-cut and/or are currently grass or scrubby thickets. Some of these lots do include some steeper areas and this, as well as any issues like the precise location of wetlands, can be addressed by the staff, planning board and DEP during the subdivision approval process to make sure that sensitive areas are protected.

We realize that some residents would like to see the property preserved in its entirety. However, after speaking with representatives of the land trusts involved in this area about the property, and considering observations made by some of you in the context of other recent preservation projects, we do not believe that to be a realistic possibility. When a developer bought 227 acres on the Ridge just north of my own home in the late 1980's, I certainly would have liked to see it all preserved. However, there was neither the money nor the political will to buy that much valuable land. I believe that is the situation we have here and that, as was done in part with the property near my home, the best solution is to cluster so as to preserve the most environmentally significant portions of the site. The difference here would be that the open space would be available for public use, rather than merely a private benefit.

I am authorized to say that New Jersey Conservation Foundation has offered technical assistance of its staff during the planning process to help ensure that a cluster, if developed, is as sensitive as possible to environmental factors. We hope Council will take the necessary steps to enable that outcome. Thank you.