

**Approved Minutes
Open Session
Of the Mayor and Council of the Borough of Princeton
April 3, 2012
Work Session 7:00 P.M.**

Present: Council President Barbara Trelstad, Councilwoman Jo Butler, Councilwoman Jenny Crumiller, Councilwoman Heather Howard, Councilman Roger Martindell, Councilman Kevin Wilkes, Mayor Yina Moore

Absent: None

Staff Present: Borough Administrator and Acting Clerk Robert W. Bruschi, Borough Engineer John M. West, Assistant Borough Attorney Henry Chou, Planning Board Director Lee O. Solow, Deputy Borough Clerk Delores A. Williams

Mayor Moore called the meeting to order at 7:05 P.M. and read the open public meetings statement as follows:

“This meeting is called to order pursuant to the provisions of the Open Public Meetings Law. This meeting of April 3, 2012, was included in a list of meetings sent to and advertised in the Princeton Packet and Trenton Times, posted on the bulletin board in the Borough of Princeton municipal building and has remained continuously posted as the required notices under the statute. In addition a copy of this notice is and has been available to the public and is on file in the Office of the Borough Clerk. Proper notice having been given, the Borough Clerk is directed to include this statement in the minutes of this meeting.”

Mayor Moore asked all present to rise for **Agenda Item C, Salute to the Flag.**

Mayor Moore read **Agenda Item D, Public Presentation**, and asked if anyone present wished to address Council with an issue not on the agenda.

Ralph Widner, of the Traffic and Transportation Committee, and Anton Lahnston, Chair of the Traffic and Transportation Committee, spoke of the critical campaign, “Safe Princeton”—now in its second stage in all of the public schools in town. Mr. Widner said the program has been launched and described the Safe Princeton Cartoon Contest.

Councilman Martindell recommended listing closed sessions on every agenda—cancellable if necessary.

Seeing no one further, Mayor Moore closed the public portion.

Mayor Moore read **Agenda Item E, Discussion (1) — SB Zone Ordinance.**

Council discussed the impact on Council's voting dynamic with members recusing themselves from various topics—often topics affecting Princeton University.

Councilwoman Howard recused herself at 7:15 P.M. on the advice of counsel.

Regional Planning Board Director Lee O. Solow reminded that the SB zone, primarily a nonresidential zone, runs on Nassau Street from Olden to one lot past Murray Place. The Regional Planning Board sampled Township and Borough banks and restaurants and concluded that the 5,000-square-foot limitation was reasonable for both uses. The SB zone continues to: (1) mirror the NB zone, (2) prohibits parking in front, (3) provides 20% joint occupancy floor area bonus and (4) permits kiosks. Proposed changes to the SB zone include: (1) ATM's not visible from neighboring houses, (2) shared use permitted on a single floor, (3) fast food restaurants permitted and (4) mixed-use to include various retail and prohibit drive-through access.

Council President Trelstad thought a 5,000-square-foot bank negates the livelihood of the block.

Councilman Martindell stated that he would vote to eliminate, not reduce in size, any bank in the SB zone.

Mr. Solow reported that Land Use Development Official Derek Bridger stated his opinion; banks are not permitted in the SB zone.

Borough Administrator Robert Bruschi emphasized that the Borough wants to build a zone that provides balance.

Mayor Moore wanted to compare square footage of one- and two-story restaurants where kitchens are in the basement. Mr. Solow responded that the Regional Planning Board figures represented total square footage. He cautioned too much zoning restriction might prevent creative redevelopment in the future.

Councilman Martindell hoped to limit fast food establishments further, since they promote trash accumulation, are not neighborhood friendly, and encourage traffic. Council President Trelstad feared such restrictions could prohibit outlets such as Small World. Councilman Martindell countered that new uses in the SB zone would not affect existing places in the NB zone. Mr. Solow opined that defining fast food is a very subjective process and is difficult to enforce—refusing drive-in booths would be a simple solution. Councilwoman Butler stated that strict designations might hurt the Borough later; if, say, a carry-out vegetarian restaurant applied.

Councilman Wilkes questioned seating arrangements inside kiosk and recommended forbidding tables in order to avoid a public restroom requirement. He also wanted to see four fronts on a kiosk, with condensers and so forth hidden within.

Council went over connecting access between deep, rear parking lots. Mr. Solow said the requirement can be included for the applicant but not imposed on the adjacent property (until that owner looks for some type of variance).

Councilman Martindell added, for tax exempt and traffic reasons, neither churches nor schools are suitable on East Nassau Street. Mr. Solow explained that inherently socially beneficial uses are generally permitted by legislatures.

Mayor Moore opened the public discussion and asked if anyone wished to address Council on this issue. Mayor Moore explained the three-minute limit for each public presentation.

Linda Fahmie, representing the Carnevale family at 255 Nassau Street, passed to the Deputy Borough Clerk letters from interested parties not present in the audience. Ms. Fahmie stated that the NB and SB zones were, at one time, a single zone. The CB zone is able to attract AAA retailers because that is where density and walk-in traffic are found. She defended the bank applicant for the SB as community sensitive (mural of Princeton on the frontispiece) with multiple activities planned. Ms. Fahmie's personal survey of townfolk revealed that people do not want more restaurants; they want clean bank usage.

Jack Morrison, Princeton Merchant's Association (with six banks on their board), said he would like to see a bank across the street, attracting business people to lunch at his restaurant. He stressed that the SB zone is a very affordable part of town.

Marty Schneiderman, 47 Murray Place, highlighted omissions in the ordinance—such as decibel levels, smoke, exhaust, particulate matter, and so forth—that would apply to any business. He supported large coniferous trees to provide a visual and auditory barrier separating dwellings from businesses.

Jeffrey Albert, owner of 253 Nassau, noted everyone's emphasis on an animated, lively street. He thought that a bank—with no drive-through—would provide more street value everyday than restaurants only open at night. In fact, the restaurant/bank uses are complementary; that is, busy all parts of the day. Mr. Albert offered the parking incentive that one plus one equals three, if there is parking at different times.

Andrea Stein, 23 Murray Place, suggested including HVAC and vegetation points if there is more development in mixed-use buildings. A lively streetscape should not permit outside back yard seating. Ms. Stein disagreed with the larger FAR (floor-area ratio) limits.

Hugh Connelly, architect for the Carnevale building at 255 Nassau Street, pointed out that the ordinance already includes mandates for public seating, landscaping, and so on. Also, design standards that maximize glazed exterior brick work allow vision in and out.

Larry Murphy, 212 Witherspoon Street, mentioned the disincentive to connect small parking lots at the cost of six spaces. He thinks there are economic and social values to banks—one restaurant has his family's regular patronage because there is a bank next door; however, he does not do any banking in town during weekdays. Mr. Murphy wondered why we care about the size of a successful business of any type. (Council President Trelstad hoped smaller establishments would attract fewer cars.)

Robert Brattman, owner of 259 Nassau Street (West Coast Video site), thought it was nonsense to limit uses that keep buildings unoccupied. Mr. Brattman stated that a bank provides an anchor tenant that can support other, more appealing uses. Further, a bank is there from nine to five and then it is a parking lot; which Jack Morrison greatly appreciates.

Lou Carnevale supported Mr. Brattman's points. He said improvements—to these very valuable, very expensive properties—are better for him, better for his neighbors, better for the overall town.

Vincent Giordano, 49 Maple Street, was satisfied with the conditions for bank use as stated in the proposed ordinance; in particular, no drive-throughs. Limited seating is an effective way to control the type of restaurant wanting licensing.

Todd Rechart, Pine Street, favored the restrictions but did approve placing a bank.

Gail Ullman, 12 Maple Street and a neighbor, had been advised to recuse herself from the Regional Planning Board talks. Ms. Ullman was less concerned about uses than about parking; local streets are full every night. Unless a new establishment can provide its own parking, Council should forestall it.

Elizabeth Bates, 298 Nassau Street, mentioned a very lively street scene in the daytime—that is, delivery trucks. Front door delivery is the menace of the neighborhood.

Jim Constantine, 47 Spruce Street, stated the area needs a plan. He favored store-front glazing.

Mahmoud Houshiarnejad, 202-210 Nassau Street (CB zone), said his taxes have more than doubled over 16 years, while his revenues constantly fall due to the Borough's restrictions on who can rent his space (for example, Federal Express Kinko's was denied after space being vacant for two years).

Seeing no one further, Mayor Moore closed the public discussion and returned to Council.

Council President Trelstad wanted to include in the ordinance:

- Store front glazing to provide eyes on street
- No back yard seating abutting residences
- Limited number of seats in restaurants
- 4,500 square feet for banks
- Arrange for back-end deliveries.

Councilman Wilkes pointed out that restaurant size is already limited by parking spaces required per square foot; there is only a finite amount of space on the ground. Councilman Wilkes asked Mr. Solow if the number of a specific use can be limited. Mr. Solow thought a linear foot limit might be regulated—separation as a conditional use.

Councilwoman Butler announced addition of three new restaurants at Market Fair.

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Councilman Martindell stated his willingness to change his mind about banks in the SB zone pending public comment at ordinance introduction.

Councilwoman Butler moved to enter into closed session; Councilwoman Crumiller seconded. Council members Trelstad, Butler, Crumiller, Howard, Martindell, and Wilkes voted in the affirmative. Hearing no nay votes, Mayor Moore proclaimed the resolution approved. There being no further business, Mayor Moore adjourned the open session meeting at 9:30 P.M. Borough Council recessed into closed session.

Respectfully submitted,

Delores A. Williams
Deputy Borough Clerk