

**Approved Minutes
Open Session
Of the Mayor and Council of the Borough of Princeton
June 6, 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 7:00 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 June 6, 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. Mayor Moore explained the five-minute limit for public presentations; no dialogue with Council members is permitted during this portion of the agenda. If so indicated, Council will take action at a later date.

Peter Marks, Princeton Borough, was pleased that Councilwoman Crumiller and Councilwoman Butler survived the Democratic primary and regretted that they will not be joined on the ballot by Mayor Moore and Councilman Martindell.

Councilwoman Butler asked about the procedure for allowing restaurants to have outdoor seating (in this case, PJ’s Pancake House). Borough Administrator Robert W. Bruschi answered that when the establishment applies, response from the Borough is through administrative waiver or zoning (in particular, addressing sidewalk width).

June 6, 2012

Councilwoman Butler wanted merchant feedback on how to keep the downtown streetscape clean.

Councilman Martindell congratulated successful primary candidates and thanked voters who had supported his service for 23 years.

Councilman Martindell addressed a request from Princeton University attorneys for all documents pertaining to Save the Dinky from: (1) every Borough employee, (2) every Borough Council member, (3) every Mayor, and (4) certain named citizens—going back to January 2006. Councilman Martindell objected to the request as outrageous and said the request violates his right to communicate with constituents. Further, those targeted must spend hundreds of hours attempting to comply.

Mr. Bruschi stated that the Borough has requested an additional 30 days to reply to Princeton University. He assured Council that Administration will seek concrete guidance from Borough Attorney Maeve Cannon. Mayor Moore thought the Borough might need to consult with a different attorney because of Ms. Cannon's firm's representation of the interested party, New Jersey Transit.

Councilwoman Crumiller observed that many emails may have been deleted.

Anne Neumann, Borough resident, said her group intends to supply "threads" of reply to Princeton University.

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

Mayor Moore read **Agenda Item E, Report (1) — Avalon Bay Update.**

Mayor Moore announced that the *ad hoc* committee met with Avalon Bay. She asked Avalon to update their actions to date.

Ron Ladell, Avalon Bay, stated that zoning is in place and will not be changed, cost-generative items will not be proposed, lower height (massing) will be pursued, and two-way trust seems to be in place for a site plan that is 100% in compliance with the Borough's zoning laws. Mr. Ladell emphasized that, for the first time, a development project meets the 20% affordable requirement.

Mayor Moore read **Agenda Item E, Report (2) — Other.**

Anne Neumann, for the Affordable Housing Board, read a letter to Borough citizens asking homeowners in distress over property taxes to come forward for help through a publicly sponsored loan program that is under consideration.

Mayor Moore read **Agenda Item F, Bill List for June 6, 2012 — Resolution 2012-R181** as follows:

RESOLUTION 2012-R181

**OF THE MAYOR AND COUNCIL OF THE BOROUGH OF PRINCETON
APPROVING THE JUNE 6, 2012 BILL LIST**

WHEREAS, Finance Officer Sandra L. Webb has forwarded the bills received for payment by the Borough of Princeton for review and approval by the Mayor and Council; and

WHEREAS, the Borough Clerk has certified that the vouchers listed on the attached register are as follows:

CURRENT ACCOUNT (12-01)	5,097,096.23
CURRENT ACCOUNT (11-01)	2,060.00
RESERVE ACCOUNT (10-01)	
PARKING UTILITY OPERATING FUND (12-05)	9,594.97
PARKING UTILITY OPERATING FUND (11-05)	
AFFORDABLE HOUSING OPERATING ACCT (12-24)	
AFFORDABLE HOUSING OPERATING ACCT (11-24)	
IMPROVEMENT ASSESSMENT (11-11)	
ANIMAL CONTROL TRUST (A-14)	195.00
CAPITAL ACCOUNT (C-04)	39,722.50
PARKING UTILITY CAPITAL FUND (P-06)	19,337.94
ESCROW (E-30)	14,094.99
TRUST FUND (T-13)	
GENERAL INSURANCE	
FLEXIBLE SPENDING FUND (11-22)	
MANUAL	807,827.90
ASSESSMENT TRUST FUND (11-11)	
GRANT (G-02)	28,879.56

NOW THEREFORE BE IT RESOLVED that the Mayor and Council of the Borough of Princeton approve the bill list as presented.

Councilman Wilkes moved the bill list, Council President Trelstad seconded, and Council approved unanimously.

Mayor Moore announced a meeting of a subcommittee (Councilman Martindell, Councilwoman Butler, Mr. Bruschi, and herself) to select personnel for the consolidated departments in conjunction with a parallel group from the Township (Committeewomen Liz Lempert and Sue Nemeth). She said the first task for the dual Personnel Committee will be to name the joint police chief.

Councilman Martindell feared the schedule was too tight to meet the June 15, 2012 deadline for police chief. Mayor Moore replied that the Friday, June 8, meeting will identify candidates for interview during the week of June 11. Councilman Martindell hoped for open interview sessions to introduce candidates to citizens of the two towns.

Council President Trelstad said work has begun on Barbara Sigmund Park to take care of a site triangle safety issue.

Returning to **Agenda Item E, Report (1)**, Mr. Ladell introduced architect Jonathan Metz who displayed design boards for the Avalon development.

- Board One:

First floor (site slopes about 10 feet toward Harris Road along Franklin and toward Henry along Witherspoon) is one story below Franklin Avenue (buried from the street perspective—a basement that cannot be occupied).

Courtyard One functions as a back yard (barbecue, seating, pool) to be shared by all residents.

Courtyard Two is a contemplative space to be accessed by townsfolk through an archway at Witherspoon/Franklin.

Garage unchanged (elevator to be refurbished).

Tree lawn to be restored around the site.

Franklin apartments to have porches or terraces, depending on slope.

Changes from original design:

1. Wood frame; was 324 units, now 280. (Both plans organized around two courtyards.)
2. Franklin side reduced two stories; inner ring one story.
3. More green space along Witherspoon.
4. Shorter building facing Witherspoon.
5. Arch opening.
6. New driveway at north edge.

- Board Two

Second floor along Witherspoon is first floor along Franklin.

Façade broken by recessed stairways.

- Board Three

Third floor frontage set back in blocks.

Frontage materials vary.

- Board Four

Fourth floor has lowest roof, with pop-ups for lofts and cathedral living rooms.

Very large windows throughout.

- Board Five

Sectional view demonstrates how building elements work with sloping grade.

Parapet (top of garage) seen just below third floor.

Mr. Ladell said the “service road” from Franklin into the garage is for residents only. Medical office visitors will enter from Henry.

Council President Trelstad thought landscaping was inadequate. Mr. Ladell answered that full landscape drawings—not yet available to Council—will be submitted with site plan application. Council President Trelstad commented that overhead wires on Witherspoon have been a problem for mature trees.

Mayor Moore opened the public discussion and asked if anyone wished to address Council on this issue. Mayor Moore asked members of the public to limit time at the microphone to three minutes. She divided speakers into those with questions and those with statements.

Mr. Ladell stated that there are many elevators throughout the building, situated according to code requirements and spacing.

Mary Clurman, Harris Road, asked about transverse access to the entire complex. Mr. Ladell responded that the larger courtyard is for residents’ privacy; there are liability factors from pool and fire pit. He said renters expect a pool at Avalon Bay properties, despite the immediacy of a community pool.

Scott Roberto, 45 Harris Road, asked about the height of the building behind the homes on Harris Road. Mr. Metz replied the building will be 46 feet; essentially the same as Lambert House, which is there now.

Jeff York, Princeton, wondered about opposition to Avalon Bay in Huntington, Long Island, and California. Mr. Ladell claimed responsibility for Avalon’s New Jersey properties only. Mr. York mentioned Princeton’s expectation of nice design, which he did not see as progressive architecture in the plans—solar, LEED, and so on. Mr. Ladell said zero percentage of the development will be solar or LEED-based. Mayor Moore explained to Mr. York that current Borough zoning guidelines do not require LEED.

Mary Ellen Marino, Borough, thought Avalon had redone the building to comply with the town’s wishes.

Ronald Neilson, Borough, asked about maximum height. Mr. Ladell explained that building code supersedes zoning code; lofts at one-third the area below are permitted.

Daniel Harris, Dodds Lane, asked the width of the archway. Mr. Metz answered that the notch is 44 feet wide, the opening is 25 feet. Mr. Harris asked the square footage of the park area. Mr. Ladell said 46.4% of the total land will be open—more than twice the bulk requirement.

Susan Moody, Jefferson near Henry, noted there is no open space where Witherspoon meets Henry.

Victoria Airgood, Jefferson Road, asked about asbestos removal and what procedures or safeguards are being taken to assure zero asbestos will be disbursed into the air. Mr. Ladell said a full remediation survey must be conducted and approved, at which time a remediation expert will begin. Mr. Ladell was unaware of any pharmaceutical subsurface contamination; Princeton HealthCare System intends to decommission the building according to all regulations.

Alexi Assmuss, Maple Street, wondered if sidewalks run from porches to street. She objected to the designation “public space” where there are sidewalks to homes. Ms. Assmuss quoted from Borough code: “The development should have an enhanced system of open spaces and pathways that provide linkages between and through the development as well as the surrounding neighborhood . . . ,” which she feels is enforceable, despite remarks from Assistant Borough Attorney Henry Chou.

Marco Gottardis, Township, thought a single entrance on Henry would not pose a problem for residents.

Anita Garoniak, 1 Harris Road, asked if there will be an implosion that might damage the interiors of nearby homes. Mr. Ladell responded that the hospital is seven separate buildings—probably razed in steps by professional demolition contractors.

Joe Bardzilowski, Henry Avenue, questioned where trash goes. Mr. Ladell answered between the building area and existing garage, internal to the Avalon Bay community for private pickup. Recycling rooms will be scattered around the building. Mr. Ladell said there will be no private playground on the site. Avalon will strictly follow fire codes.

Mayor Moore stated that there is a demand greater than the supply for affordable housing in Princeton.

Ken Gumpert, Leigh Avenue, asked if there is a housing density limit of units per acre. Mr. Ladell said the maximum for the site is 280 units, as proposed. Mayor Moore observed that there is no limit per acre; it is 280 units for the entire site. Mr. Gumpert asked about development’s effect on public schools. Mayor Moore said the Board of Education has not undertaken an impact study.

Susan Jeffries, Jefferson Road, wanted to know how many cars to expect from 280 new families. Mr. Ladell said the existing garage provides many more spaces than required for the expansion and office space combined.

Cecil Marshall, Moore Street in the Township, worried about closing off a pedestrian-friendly residential community on the Witherspoon Street side. She wondered whether New Jerseyans really expect pools, which can only be used Memorial Day to Labor Day. Mr. Ladell acknowledged a brief pool season, but stated that the pool area hosts activities year round.

Carol Hoffman, formerly of Princeton Township and a prospective tenant, asked for a community garden in the open space. Mr. Ladell did not envision a garden. Mr. Ladell said there will be washer/dryer units in every apartment, but no private storage compartments.

Lou Carnevale, Harris Road, opined that Avalon Bay will be a much better neighbor than a hospital, which he called “no picnic.”

Sandra Persichetti, Township resident, said benefits to the entire community are more than \$1 million in taxes annually and 56 affordable units. She pointed out that property ownership entails the right to improve it, within zoning standards. The most important thing is to get the affordable units built quickly.

Kate Warren, Jefferson Road, cited an environmental impact study that revealed Princeton Health Care Systems “is a known contaminated site.” Mr. Ladell stressed that contamination is not Avalon’s problem; Princeton Health Care Systems will decommission the structures with regard to it.

Mr. Ladell offered the breakdown: 25 studios, 119 one-bedroom, 107 two-bedroom, and 29 three-bedroom units for the total of 280. The 56 affordable units will be spread throughout.

Mr. Harris challenged Ms. Persichetti: No one is stalling affordable construction over details. He demanded from Avalon a comprehensive list of sustainable measures.

Sheila Birkenhammer, Princeton Borough, feared that the hospital building would deteriorate without prompt development action, becoming a festering eyesore.

Stephanie Charney, Race Street, called the Avalon swimming pool “duplication of effort.” She encouraged retail tenancy at the site.

Mike Casterly, Cuyler Road, hoped Avalon was flexible enough to discard the pool idea.

Mr. Marks opined that the zoning was obviously a mistake. He said that the hospital was a public good, being replaced with a gated community.

Joseph Weiss, citizen participant on the *ad hoc* committee, stated that three stories plus a loft is four stories, as viewed from the street. He thought there should be zoning amendments to codify enforceable provisions agreed upon by the *ad hoc* committee; town has no protection that this proposal is what will actually be built.

Council President Trelstad explained that Mr. Weiss’s zoning amendments are a parallel track to the Avalon development plan. Councilwoman Butler called his plan a “wish list” for the future if Avalon should fail to prevail. Mr. Chou countered that it is improper to impose design standards as code.

Mayor Moore asked Henry Chou whether the changes to the conceptual site plan that resulted from the design subcommittee meetings could be “memorialized” in an agreement with Ron

June 6, 2012

Ladell (representing Avalon Bay). Mr. Chou replied that such memorialization would not be appropriate. Mr. Chou argued against the applicability of Design Standards (sec. 17A-193A and B) and noted that the courts have rejected design standards. He named cases in Boonton and West Windsor (without giving citations).

William Wolf stated the committee was set up in response to the Regional Planning Board's request to amend bulk regulations to include guideline recommendations.

Bernadine Hinds, John Street, said the Borough/Avalon relationship is a "bad marriage." She asked if there is any way to cut the Borough's losses and annul at this late date.

Ms. Neumann hoped citizens would join together in opposition to Princeton University's arts district, which offers no benefit to the town.

Linda Felcone, Jefferson Road, said no one has a vision for the hospital property.

Council President Trelstad moved to adjourn and Councilwoman Butler seconded. There being no further business, Mayor Moore adjourned the open session meeting at 10:45 P.M.

Respectfully submitted,

Delores A. Williams
Deputy Borough Clerk