

PRINCETON PLANNING BOARD

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| In the Matter of the Application of          | ) | FINDINGS OF FACT               |
| <b>Princeton International Properties</b>    | ) | AND                            |
| <b>(40-42 N. Tulane)</b> for Major Site Plan | ) | CONCLUSIONS OF LAW             |
| Approval                                     | ) | File No. P2121-056PM           |
|  | ) | Approval granted March 3, 2022 |

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Be it resolved by the Planning Board of the Municipality of Princeton that the action of this Board on March 3, 2022 in this matter is hereby memorialized by the adoption of this written decision setting forth the Board's findings and conclusions.

BACKGROUND

1. The site (“Site”), identified as a portion of Block 27.02, Lot 47, with an address of 40-42 North Tulane Street, is located on the west side of North Tulane Street between Wiggins and Spring Streets, in the Residence-Business District (R-B) of downtown Princeton, which is also subject to an Affordable Housing Overlay Zone (AHO-1). The Site also falls within the Suggested Central Residential Historic District of the Historic Preservation Element of the Princeton Master Plan.

2. The Site is developed with a two-and-a-half story mixed-use residential and commercial structure, a one-story accessory garage and associated parking, and a waste storage and removal area.

3. The Site is bounded to the north by similar mixed-use properties; to the east by North Tulane Street with residences along it; to the south by a mixed use residential/retail establishment on the corner of North Tulane and Spring Street; and on the west by the Spring Street Garage.

## PROPOSED PLAN

4. The applicant proposes to redevelop the existing building by remodeling approximately 1,100 s.f. of commercial/office space as well as two existing residential units and the existing porch. A new four-story addition is proposed with ground floor parking and 12 new residential units above, integrated with the existing mixed-use structure and providing amenities such as bicycle storage, trash and recycling areas, a lobby and entries to the upper floor apartments. The residential units will include three affordable units.

5. The garage will be demolished, and on-site grade level parking will be provided, to be screened by landscaping and shade trees that will be added to the Site along North Tulane Street.

## RELIEF SOUGHT

6. The applicant applied for minor site plan approval. No variances or waivers are requested.

## THE APPLICANT

7. The applicant is Princeton International Properties, which is also the owner.

## NOTICE AND HEARING

8. The notice and proof of service and publication were filed and found to be satisfactory.

9. The notice stated that the hearing would be held at the meeting of the Board scheduled for March 3, 2022, and the hearing was heard on such date. At the hearing, the

applicant and all other interested parties were given the opportunity to present evidence and to be heard.

#### PLANS PRESENTED

10. At the hearing, the Board considered the following plans:
  - Site Plans, prepared by Kensho Resources dated May 26, 2021, revised December 7, 2021
  - Architectural Plans, prepared by Marina Rubina, R.A., in collaboration with Harman Deutsch Ohler Architecture, dated May 13, 2021, revised December 7, 2021

#### MUNICIPAL REPORTS

11. At the hearing, the Board considered the following reports prepared by municipal officials and bodies and consultants to the Board:

- Memoranda from James J. Purcell, P.E., P.M.P., Land Use Engineer, and Derek Bridger, Zoning Officer, to the Board, dated November 10, 2021 and January 6, 2022
- Memorandum from Michael La Place to the Board, dated February 25, 2022
- Memorandum from Elizabeth H. Kim, P.L.A., to the Princeton Historic Preservation Committee, dated November 12, 2021
- Memorandum from Julie Capozzoli to the Board, dated March 2, 2022

#### EXHIBITS AND APPLICANT'S REPORTS AND SUBMISSIONS

12. At the hearing, the Board considered the following reports and submissions prepared by the applicant's consultants and advisors and the following exhibits that were introduced as evidence during the course of the hearing:

- Exhibit A-1 - slide presentation
- Environmental Information Statement, prepared by Kensho Resources, dated May 26, 2021
- Fire Protection Narrative, prepared by Kensho Resources, dated May 26, 2021
- Table of Bedroom Dimensions and Areas, undated

- Application for Site Plan Review – Classification for Minor Site Development, dated May 25, 2021, including –
  - Narrative Statement, dated May 25, 2021
  - Minor Site Plan Checklist, dated May 25, 2021, revision received August 25, 2021

#### TESTIMONY AND PUBLIC INPUT

13. The testimony presented by and on behalf of the applicant and advice by Board consultants were given by the following persons:

Christopher S. Tarr, Esq. represented the Applicant. James J. Chmielak, Jr., P.E., P.P., its civil engineer, and Marina Rubina, R.A., its architect, testified on the Applicant's behalf.

The following municipal staff and professionals gave advice to the Board at the hearing:

Michael La Place, P.P., Planning Director; James J. Purcell, P.E., Land Use Engineer; Derek Bridger, Zoning Officer; and Gerald J. Muller Esq.

The statements of the members of the public made during the course of the hearing may be summarized as follows: None.

#### FINDINGS AND CONCLUSIONS RE: PRELIMINARY AND FINAL MAJOR SITE PLAN APPROVAL

14. The Applicant applied for minor site approval. The Board classified the application as one for major site plan approval because there was a question as to whether the proposal complied with the AHO-1 Overlay standards. Those standards require retention of the street-fronting buildings of certain identified properties, including the Site (Sec. 17A-412 of the Ordinance). The Board discussed whether the partial demolition and replacement of the building at 40-42 North Tulane met the intent of the ordinance. The ordinance encourages adaptive reuse of existing historic structures and therefore contemplates the kind of integrated structure being

proposed. In this case, the porch at the north east entry was not preserved. The Board finds, however, that the proposed development meets the intent of the ordinance. In the future, however, all features of the existing buildings in the AHO-1 visible from the street should be preserved for the AHO-1 buildings identified to be retained.

15. The application was reviewed in accordance with the criteria set forth in Sections 10B-226 (a) through (p) of the Ordinance, as follows:

(a) *Ecological Considerations.* Pursuant to Section 10B-226(a) of the Ordinance, the development shall result in minimum impairment of the regenerative capacity of aquifers and other groundwater supplies, result in minimum degradation of unique land types and have minimal adverse impact upon the critical areas.

The Site is already developed and has no environmental constraints. A modest decrease in impervious area resulting from the development will cause a minimal decrease in peak storm water runoff flows to the municipal drainage system discharging to Harrys Brook, thus the project will not impair the regenerative capacity of aquifers and other ground water supplies, and no adverse impacts are anticipated to critical areas. Accordingly, the Board finds that this criterion is satisfied.

(b) *Landscape.* Pursuant to Section 10B-226(b) of the Ordinance, the historic and natural character of the landscape shall be preserved, insofar as practical and environmentally desirable, by minimizing tree and soil removal. If the development of the site necessitates the removal of established trees, special attention shall be given to the planting of replacements or to other landscape treatment.

Eight specimen trees (larger than 8" DBH) are to be removed, one of which is an *Alianthus altissima*, which is recognized as a host for the spotted lantern fly, and no replacement is required for its removal. Nine replacement trees are required. The Applicant proposes four replacements of flowering dogwoods, with the remaining required replacements to be

compensated for by contribution to the shade tree fund. Additional plantings of shrubbery and perennials are also proposed to enhance the landscape.

Subject to the applicant meeting the conditions with respect to this criteria, the Board finds that this criterion is satisfied.

(c) *Relation of Proposed Structures to the Environment. Pursuant to Section 10B-226(c) of the Ordinance, proposed structures are to be related harmoniously to themselves, the terrain, existing buildings, roads and historically significant features, if any.*

The existing grading will be largely preserved by the proposed development, preserving the street connections and sidewalk relationship. The building height is consistent with the AHO-1 ordinance requirements, and the massing of the structure provides a buffer between the residential character of North Tulane Street and the Spring Street parking garage to the rear of the property. Most of the existing building's historic façade is being preserved while the new construction will be integrated into the building, resulting in an adaptive reuse that both emulates the existing historic character while offering a contemporary architectural element, a mix of new and old that may be found elsewhere in the surrounding neighborhood. For the forgoing reasons, the Board finds that this criterion is satisfied.

(d) *Scenic, Historical, Archeological, and Landmark Sites. Pursuant to Section 10B-226(d) of the Ordinance, scenic, historical, archaeological, and landmark sites and features that are located on or adjacent to the proposed development shall be preserved and protected insofar as practicable.*

While the Site is not presently within a designated historic district, it is within the suggested Central Residential Historic District of the Historic Preservation Element of the Princeton Master Plan, triggering review by the Historic Preservation Commission ("HPC"). The HPC commented quite extensively on the proposed development, noting some concerns with the effect of the development on the façade and retention of the view from the right-of-way. It was noted that while the proposed development offers an adaptive reuse of an existing structure, the

partial demolition of the building at 40-42 North Tulane as seen from the right-of-way will impair the historic integrity of the original building, and the loss of the north east entry porch might have been avoided with a different design. But most of the features in the existing portion of the building are still visible from the right-of-way. Given this, the Board find this criterion to be satisfied.

(e) Surface Water Drainage. Pursuant to Section 10B-227(e) of the Ordinance, a proposed development shall be designed to provide for proper surface water management through a system of controlled drainage.

The proposed development is not subject to the Princeton Storm Water Ordinance regulations as the impervious area is being reduced. The proposed green roof will also mitigate runoff. Accordingly, the Board finds this criterion to be satisfied.

(f) Driveway Connections to Public Streets. Pursuant to Section 10B-226(f) of the Ordinance, all entrances and exit driveways to public streets shall be located with due consideration for traffic flow and so as to afford maximum safety to traffic on the street on the public streets.

The development will be connected to North Tulane Street by a driveway to the parking area, which will be located in the vicinity of the existing driveway access. This driveway access will be via a driveway apron, and the sidewalk along North Tulane Street will cross the opening at grade. Thus, no appreciable change is anticipated to this element. Accordingly, the Board finds that this criterion is satisfied.

(g) Traffic Effects. Pursuant to Section 10B-226 (g) of the Ordinance, the site development proposal shall minimize adverse traffic effects on the road networks serving the area in question either existing or included in the Master Plan.

The Applicant provided testimony that an estimated maximum six trips at peak hour to the Site is anticipated, and thus no substantial impact is anticipated from a traffic perspective. Accordingly, the Board finds that this criterion is satisfied.

*(h) Pedestrian and Bicycle Safety. Pursuant to Section 10B-226 (h) of the Ordinance, pedestrian and bicycle circulation shall be separated from motor vehicle circulation. Safe and convenient pedestrian circulation shall be provided on the site and its approaches. The pedestrian plan shall be designed to minimize adverse effects of vehicular traffic upon sidewalks and bicycle paths.*

The existing sidewalk along North Tulane Street will remain in place, with a portion being reconstructed in conjunction with the driveway access. Access to the buildings is being provided by two concrete walkways connected to the North Tulane Street sidewalk. Accordingly, the Board finds that this criterion is satisfied.

*(i) On-Site Parking and Circulation. Pursuant to Section 10B-226 (i) of the Ordinance, the location, width, and layout of interior drives shall be appropriate for the proposed interior circulation. The location and layout of accessory off-street parking and loading spaces shall provide for efficient circulation and the safety of pedestrians and vehicles.*

The AHO-1 ordinance requires one parking space per unit in excess of five, or nine in the case of the proposed development, which is the number being provided, including one ADA compliant space. The existing surface parking is being eliminated, and the parking spaces will be provided on the lower level of the new building. The Applicant agreed to install EV “make ready” charging infrastructure for eight of the parking spaces. Bicycle parking for up to 10 bicycles is being provided in a dedicated room on the first floor of the building, accessible only from the exterior. The Applicant agreed to provide four electrical bike charging outlets. Subject to the Applicant meeting the conditions related to this criterion, the Board finds that this criterion is satisfied.



(j) Utility Services. Pursuant to Section 10B-226 (j) of the Ordinance, the applicant must achieve assurances that the necessary infrastructure and utilities are available from on-site, municipal, or private systems, including sanitary sewer, potable water, and irrigation water.

The Site is, and will continue to be, served by existing electric, communications, gas, and water utilities. New connections to these services, as well as sanitary sewer connections, are proposed to be underground. The anticipated sanitary sewer demand for the development was calculated by the Applicant as approximately 2,762 GPD, which the Assistant Municipal Engineer will verify as a condition of approval. The purpose of the calculation is to determine the sewer connection fee. Subject to the Applicant meeting this and other conditions related to this criterion, the Board finds that this criterion is satisfied.

(k) Disposal of Wastes. Pursuant to Section 10B-226 (k) of the Ordinance, there shall be adequate provision for the disposal of all solid, liquid, and gaseous wastes and for the avoidance of odors and other air pollutants.

Solid waste and recyclable materials are proposed to be stored in a dedicated trash room in the building, accessible from the covered parking area with access to the exterior for pickup and disposal. This waste and recycling is to be handled by a third party waste management company. Subject to the Applicant meeting the condition related to this criterion, the Board finds that this criterion is satisfied.

(l) Noise. Pursuant to Section 10B-226 (l) of the Ordinance, all applicable federal, state, and local regulations dealing with the control of outside noise which is expected to be generated at the site shall be complied with.

The applicant agrees to comply with the municipal noise ordinance requirements, during and after construction. Subject to this agreement, the Board finds that this criterion is satisfied.

(m) Advertising Features. Pursuant to Section 10B-226 (m) of the Ordinance, the size, location, height, design color, texture, lighting and materials of the signs or outdoor advertising structures features shall not detract from the design of proposed buildings and structures of the surrounding properties

No signs have been proposed. Therefore, this criterion does not apply.

(n) Special Features. Pursuant to Section 10B-226(n) of the Ordinance, outside storage areas, service and machinery installations, service areas, truck loading areas, utility buildings and structures and similar accessory areas and structures shall be subject to such setbacks, screen plantings or other screening methods as shall reasonably be required to prevent any adverse effect upon the environment or nearby property.

No special features are proposed. Therefore, this criterion does not apply.

(o) Waterway Corridors. Pursuant to Section 10B-226(o) of the Ordinance, site plans shall be designed so as to preserve from disturbance waterway corridors.

There are no waterway corridors on or adjacent to the Site, although the Site does contribute to runoff to the municipal drainage system that discharges to Harry's Brook, which exists in a closed system in that part of Princeton. Some mitigation is being provided by a proposed green roof, and no substantial impact on the waterway corridor is expected. Given this, the Board finds that this criterion is satisfied.

(p) Special Technological Impacts. Pursuant to Section 10B-226(p) of the Ordinance, where the proposed site development involves emissions, noise, wastes, materials, equipment, or other hazards which require specialized expertise to evaluate, the administrative officer shall refer the applicant's submissions to the municipal-retained environmental consultant (or to several consultants where more than one field of expertise is involved), requesting an independent review of the environmental impact of the project to be set forth in a

*report to the board having review jurisdiction. The cost of these studies shall be charged to the applicant's escrow account established pursuant to section 10B-32.*

No special technological impacts are anticipated. Therefore, this criterion does not apply.

16. Conclusion re preliminary and final major site plan approval. The Board finds that, with the conditions imposed, the Applicant has satisfied all municipal major site plan requirements. Preliminary and major site plan approval is, accordingly, granted.

#### CONDITIONS REQUIRED

17. The Board finds that, in order to address the concerns expressed during the course of the hearing and to limit the relief to that reasonably necessary to satisfy the applicant's legitimate requirements, the relief granted is subject to the following conditions:

##### Landscape and grading

a. The landscape plan, including the green roof, shall be subject to the review and approval of the landscape committee and the Municipal Landscape Architect. The plans shall include at least one shade tree of as substantial a size as is practicable along the frontage.

b. The Applicant shall consider placing climbing hydrangea near the north property line or augment what is proposed, to soften the effects of the new construction from the property at 50 North Tulane.

##### Affordable housing

c. Three of the 14 new residential units shall be affordable units. The bedroom distribution for the units shall be administratively determined by the Board Attorney and the Housing Manager.

d. The affordable units shall be dispersed so that they are in a no less favorable location than the market units. Their location shall be subject to the review and approval by the planning staff and Housing Manager.

e. The affordability instruments shall be subject to the review and approval of the Board Attorney.

#### Parking

f. Eight parking spaces shall have EV charging infrastructure.

g. Three or four outlets to charge electric bikes shall be installed.

#### Utilities

h. The Applicant shall address the presence of an above-ground wire across the site that provides service to 50 North Tulane. It is in discussions with the utility company to move the pole or install a transformer to service at 50 North Tulane.

i. The Applicant shall provide a computation of gallons per day based on *N.J.A.C. 7:14-23*, subject to verification by the Assistant Municipal Engineer, in order for the sewer connection fee to be determined. The connection fees, at the then applicable rate, shall be paid prior to the issuance of building permits.

#### Other

j. The building shall have as many solar panels as possible.

k. Garbage pails shall be moved from the trash and recycling area to North Tulane for pickup by a garbage truck and immediately moved back after the pails are off loaded into the truck.

l. The Applicant shall contribute to the tree replacement fund as required by Code.

m. Signage shall be installed indicating that the parking spaces are reserved for the occupants of the building. The signage shall be subject to the review and approval of the Zoning Officer.

n. Existing fencing to be removed shall be identified on the drawings, and the ownership of fencing to be removed confirmed. Existing fencing near the north and west property lines appear to be owned by others. The Applicant shall coordinate with the neighbors about whether installing new fencing so close to those other existing fences is necessary, and shall not install new fencing if it is unnecessary.

o. The Applicant shall coordinate with staff as to whether any rooftop condensers will be visible from the right-of-way. If they are, screening shall be provided.

p. The Applicant's engineer shall submit a construction cost estimate for the installation of the on-site improvements, indicating those elements that are subject to a Performance Guarantee, which shall be reviewed and approved by Princeton's Land Use Engineer, in order to determine the amount required for a Performance Guarantee and inspection fees.

#### Approvals

- q. The following approvals shall be obtained, if required:
- Mercer County Soil Conservation District
  - Delaware & Raritan Canal Commission (jurisdictional determination)

- Stony Brook Regional Sewerage Authority (Treatment Works Approval)
- Princeton Sewer Operating Committee

### CONCLUSION

Based on the foregoing, the Board at its March 3, 2022 meeting voted to approve the plans with revisions made therein and as supplemented and modified by the exhibits and to grant the relief identified above subject to the conditions and to be revised in accordance with the conditions set forth herein.

Adopted:

Vote on motion: 3/3/2022

FOR: Wilson, Quinn, Capozzoli, Chao, Cohen, McGowen, O'Donnell, Sacks, Tech-Czarny

AGAINST: No one

ABSTAIN: No one

RECUSED: No one

INELIGIBLE TO VOTE: Taylor and Bottigheimer (9 regular members present)

Vote on findings \_\_/\_\_/2022