

PRINCETON PLANNING BOARD

**MINUTES OF THE SPECIAL MEETING
Thursday, July 25, 2013**

**PRINCETON - MAIN MEETING ROOM
Princeton, NJ**

PRESENT: Julie Capozzoli, Jenny Crumiller, Wanda Gunning, Bernie Miller, Timothy Quinn, Marvin Reed, Gail Ullman, Mildred Trotman, Cecilia Birge

ABSENT: Julie Nachamkin

ALSO PRESENT: Gerald Muller, Board Attorney; Lee Solow, Director of Planning; Ilene Cutroneo, Board Secretary; Jack West, Land Use Engineer; Derek Bridger, Zoning Officer

Chairperson Gunning opened the meeting at 7:30 pm, acknowledging the opening statement as required by the Open Public Meetings Act, and stating that notice of this meeting was made on June 10, 2013.

ANNOUNCEMENTS. None

FINDINGS OF FACT:

- a) FOUNTAIN RIDGE, LLC – 6/20/13 (to be distributed)
Modification to Major Site Plan
Bunn Drive; Block 4301, Lots 3 & 4; Block 4401, Lots 1 & 2
File # P1313-051PD

MINUTES

- a) Regular Meeting – April 17, 2013. Motion was made by Mr. Miller, seconded by Mrs. Trotman to accept the minutes and carried with a voice vote of eight ayes among those members eligible to vote. No one opposed. No one abstained.

HEARINGS:

- a) AVALONBAY COMMUNITIES, INC. – continued from 7/18/13
Major Site Plan w/variances
Witherspoon Street; Block 21.02, Lot 1; Block 7101, Lots 8-14
File #P1313-047P

Chairperson Gunning announced that the public portion was concluded at the meeting of July 18 and ample time was provided at all meetings to allow all members of the public to speak. This meeting is to allow the Board sufficient time to discuss the application and make its determination.

Mr. Mueller reminded the Board that the hearing was a result of the consent order that was entered into this past April. The procedures used in the hearing complied with the Municipal Land Use Law. Mr. Mueller advised of the agreed to items in the consent order: if the Board approves the application with appropriate conditions and no appeal is filed, the first law suit will be dismissed. However, should a third party appeal the decision or if the Board denies the submission or approves a plan with conditions not acceptable to AvalonBay, then the litigation on the first application will continue. Mr. Muller reviewed the exhibits that were submitted during the course of the hearing.

Mr. Kasuba advised that the original application was denied and a lawsuit was filed. The applicant did reach out to the municipality to work out a compromised and submitted a redesigned application. Mr. Kasuba added that many changes were made to the original plan to meet the concerns raised by the Board members and members of the community. Mr. Kasuba highlighted its affordable housing plan that the development will provide 20% affordable units with AvalonBay committing to provide 50 moderate units, 37 low units and 13 very low units which exceeds the requirement as only 10% of the units are required to be very low. Mr. Kasuba repeated the changes made to the plan in response to staff reports, requests from advisory groups, Board members and members of the public. Mr. Kasuba discussed the conditions in staff reports and the summary memorandum that the applicant agreed to accept.

Mrs. Gunning noted that the applicant did not include any recommendations from SPRAB or PEC in its list for compliance. Mr. Kasuba advised that the requests made by PEC are beyond what can legally be imposed by an applicant. Addressing the SPRAB report, Mr. Kasuba advised that SPRAB has asked for a redesign of the project and that AvalonBay's expert consultants addressed all of SPRAB's comments as to why it could not be accepted.

Several Board members wanted the applicant to address the Green Building Statement and recommendations from the Princeton Environmental Commission (PEC). Mr. Kasuba advised that the PEC requests go beyond what is permitted to be required from an applicant. He added that the applicant has agreed to all conditions from the Board's consultants and will include the availability of monitoring by a LSRP of the site, even though there is no state law requiring such testing. Mr. Muller added that no evidence of contamination was confirmed during the first hearing and addressed at that time, the applicant is following the state's protocol.

Board members continued to discuss the need for emergency generators, citing recent experience with storms and that it is felt that it is important to shelter the residents in their own place, provide needed emergency services and central electrical stations where charging can be accommodated. The Board also discussed the importance of the garage in supporting the residential and office components on the site. Staff noted that the garage cannot satisfy other applications in meeting its off street parking requirements unless both the Planning Board and the owner of the garage agree. Also discussed was the placement of public art and it was the opinion of the Board that placement should not be restricted and should be in areas that can be seen by the public.

Meeting recessed at 9:20 pm and resumed at 9:35 pm with the following present:

PRESENT: Julie Capozzoli, Jenny Crumiller, Wanda Gunning, Bernie Miller, Timothy Quinn, Marvin Reed, Gail Ullman, Mildred Trotman, Cecilia Birge

ABSENT: Julie Nachamkin

ALSO PRESENT: Gerald Muller, Board Attorney; Lee Solow, Director of Planning; Gene Cutroneo, Board Secretary; Jack West, Land Use Engineer; Derek Bridger, Zoning Officer

HEARINGS (continued):

a) AVALONBAY COMMUNITIES, INC.

Major Site Plan w/variances

Witherspoon Street; Block 21.02, Lot 1; Block 7101, Lots 8-14
File #P1313-047P

Concerns were raised by Board members regarding possible on street parking being used instead of the garage. Ms. Crumiller requested that the applicant return to the Board to review the parking plan if complaints are received from the neighborhood. Mr. Vogel responded that evenings and weekends will have sufficient parking available as the office buildings will be closed. He added that the garage is the most convenient location to park for this development.

The Board members also discussed whether the bridge should be eliminated. Several members felt that the elimination would provide a more open site and encourage interaction with the community. Other members disagreed and felt that the bridge should remain noting that it is a functional part of the development and especially useful during inclement weather, providing a safe location to walk. It was also noted that the removal of the bridge may encourage more on street parking as the bridge brings people into the garage.

Some members of the Board continued to request additional changes to the development based upon the SPRAB memorandum (that the applicant responded to regarding what could and could not be provided). Other Board members acknowledged the concerns of the applicant in trying to respond to the request made for changes and providing the best possible development. Concerns were raised by Board members regarding the level of monitoring for hazardous material on the site and the applicant agreed to expand its monitoring efforts.

The Board questioned the development's potential impact on school enrollment. Mr. Quinn advised that the Board should not consider this issue in making its determination as it is the responsibility of the School Board to ensure that the community's educational needs are met.

Another issue raised was regarding adequate sewer capacity. Mr. Miller advised that he received confirmation from Bob Hough, Director of Infrastructure that the existing sewer lines can handle the capacity of this development. In addition, Mr. Hough's email noted that there

were only two events (2002 and 2009) where problem with the sewer lines occurred and subsequently the lines were cleaned and no further problems have occurred since.

Mrs. Gunning, Ms. Crumiller and Ms. Birge each thanked the public in providing its recommendations and thoughts regarding the application noting that it made a major impact on the application's process.

Motion was made by Mrs. Ullman to approve the application with the conditions discussed during the hearings, staff reports and supplementary memorandums. The motion was seconded by Mrs. Trotman and carried with the following roll call vote.

FOR: Capozzoli, Crumiller, Miller, Quinn, Reed, Trotman, Ullman, Gunning
AGAINST: Birge
ABSTAIN: No one

Motion was made by Mrs. Trotman to adjourn, seconded by Mrs. Ullman and carried with a voice vote of nine ayes. Meeting adjourned at 11:00 pm.

Respectfully submitted,

Dated: 5/28/14

Ilene Cutroneo, Secretary
PLANNING BOARD OF PRINCETON

Adopted: 7/31/14

Wanda S. Gunning, Chair
PLANNING BOARD OF PRINCETON

ADOPTED - NOT OFFICIAL COPY