

**These minutes not yet
Approved by the Princeton Council**

**PRINCETON COUNCIL MEETING
February 18, 2014**

A meeting of the Mayor and Council was held on this date at 6:30 p.m. in the Main Meeting Room in the municipal complex, 400 Witherspoon Street, Princeton, NJ 08540.

NOTICE OF MEETING

The Clerk read the following statement.

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 14, 2014 at 2:50 p.m., said schedule was posted on the official bulletin board in the Municipal Building, transmitted to the Princeton Packet, the Trenton Times, the Trentonian, the Town Topics, and filed with the Municipal Clerk.

ROLL CALL

The Municipal Clerk then called the roll.

Present: Mesdames Butler, Crumiller, Howard (7:00 p.m.) and Messer Liverman, Miller and Simon and Mayor Lempert (7:00 p.m.).

Absent: None.

Also Present: Ms. Monzo, Mr. Kiser, and Mr. Schmierer.

(6:30 p.m.) 14- 41 CLOSED SESSION RESOLUTION: Negotiations, Princeton University

Brad Middlekauf was present for Negotiations, Princeton University.

**RESOLUTION
TO GO INTO CLOSED SESSION
(Open Public Meetings Act Sec.3)**

BE IT RESOLVED by the Mayor and Council of Princeton:

1. This body will now convene into a closed session that will be limited only to consideration of an item or items with respect to which the public may be excluded pursuant to section 7B of the Open Public Meetings Act.
2. The general nature of the subject or subjects to be discussed in said session is as follows:

Negotiations – Princeton University

3. Stated as precisely as presently possible, the following are the time when and the circumstances under which the discussion conducted at said session can be disclosed to the public:

Within 90 days or upon settlement of litigation, if applicable

The above referenced issue was discussed by the Princeton Council.

OPEN SESSION (7:00 p.m.)

PLEDGE OF ALLEGIANCE, John Witherspoon Middle School: Will Venizelos, Tommy Reid

COMMENTS FROM THE PUBLIC - Regarding Items Not on the Agenda

Paul Driscoll, 141 Harris Road, Areta Pawlynski, 93 Harris Road, Yaron Inbar, 93 Harris Road, and Linda Auerbach, 10 Lytle Street discussed with Council the closure of Witherspoon Street during the demolition of the hospital site.

Ms. Pawlynski asked why information regarding asbestos and lead were withheld for so long and was it apart of "Don't Ask, Don't Tell". She also asked who was going to be doing independent monitoring.

Ms. Butler asked Mr. Kiser if this was consistent with what he already knew about the project and Mr. Kiser said that it was. Mr. Simon asked Mr. Kiser to raise follow up questions with DEP regarding potential issues.

Ms. Auerbach asked if there are provisions for air quality monitoring. Many Hispanic families who live near the hospital rely on bus service and have school age children who fear they will be exposed to potential hazards.

Jeff Clarke, 56 Balcort Drive discussed with Council the process that applications move through during the Single Family Site Plan Review process. Mr. Kiser said that there have no changes in the regulations whatsoever and that the checklist is a guide. Ms. Butler asked if the process can be scaled down thereby advocating for the homeowner. Mr. Kiser said that he would be happy meet with Mr. Clarke

(Written Comments attached to this set of minutes)

MINUTES

June 24, 2013, January 13, January 27 (Closed Session), January 27, 2014

Ms. Howard offered a motion to approve in block the minutes of June 14, 2013, January 13, 2014 (as amended), January 27, 2014 – Closed Session and January 27, 2014. Ms. Crumiller seconded the motion which was carried unanimously.

WORK SESSION
Ordinance Merger, Historic Preservation Ordinance

The Council reviewed a memorandum dated December 17, 2013 identifying eight policy issues and discussed the merger of the Historic Preservation ordinances with Gerald Muller, Planning Board Attorney and Lee Solow, Planning Director.

Regarding issue #1, it was decided that Council would like to see something in writing with reasons for rejecting any application.

Regarding issue #5, Ms. Butler said that she would encourage more historic preservation districts.

Council had no issues with the recommendation for items 2 through 4, and 6 through 8.

Mr. Muller said that the next step would be to draft the merging ordinance.

(Memorandum appended to this set of minutes)

Police Leadership Structure

Mr. Bruschi reviewed with Council a power point presentation regarding the Police Leadership Structure.

Mr. Bruschi said that there are three types of leadership models that include "Officer In Charge", "Public Safety or Police Director", or "Chief of Police" model. He said that we are currently using the "Officer In Charge" model which the department has been working under for the past year. This model typically allows for the most senior officer in the highest rank to lead the department.

Mr. Bruschi said that the current municipal ordinance establishing the police department calls for the "Chief of Police" model. He said that it is the most popular model and therefore is a recognized and accepted structure by the rank and file of police departments as well as law enforcement professional organizations. Mr. Bruschi said that it provides clear leadership in all aspects of the department operations and administration and that the position is tenured and does have certain statutory rights.

Mr. Bruschi said that the decision for which model to use is important as it sets the tone for the department and establishes a permanent direction and stability to the department.

Mr. Bruschi said that the recommendation from the administration is that the Mayor and Council retain the Chief of Police position as the overseer of the Police Department for the following reasons: it

provides long-term leadership stability of the department; it illustrates acceptance, confidence and encourages the direction that the department is going while continuing to build on the positives; and it is the most financially beneficial option and helps work toward the ultimate staffing levels of the department.

Ms. Crumiller asked if we could keep the structure that we have right now and whether it was possible for the captain to be hired as a public safety director. Mr. Bruschi said that we could look at the Montgomery Township model.

Ms. Howard said that we should name a chief of police and maximize the efficiencies. To not send a message of support to the police department would be wrong. She said that this model was recommended by the Rodgers Group and by the accrediting body.

Mr. Liverman said that a police chief works well and he felt that this model was the one to go forward with as someone to hold accountable.

Mr. Miller said that he was not clear whether having a public safety director over a police chief made a difference.

Mr. Simon said that he was not wed to one model over another. He suggested that the Public Safety Committee review the process and report back to Council as soon as possible.

Ms. Butler said that she agreed with Mr. Simon, noting that there was a need to discuss and address some personnel issues.

Ms. Crumiller said that she did not want it to appear that this discussion was an attack on the current police department but that she felt that issues that went on in the past have not been addressed.

John Heilner, Human Services Commission said that the current police department is terrific and that the leadership is very proactive.

Sue Nemeth, Bayard Lane said that novelty is not a good thing in command structure and that it hinders the ability to respond. She said that she supported the "Chief of Police" model.

Mayor Lempert said that there is a need for consensus tonight about the next step so that we may move forward. It was the consensus that at the meeting of February 24, 2014 Council would discuss process guidelines and discuss police leadership in closed session.

REPORTS

Ms. Howard reported that the police department recently had training on Immigration Law. She also reported that the second booster shot for meningitis had been administered at Princeton University.

Ms. Butler reported that the Recreation Department has just launched an online newsletter.

Mayor Lempert reported that the Council would hold a goal setting meeting on February 19, 2014. She said that she would be holding a Meet the Mayor on February 26, 2014 beginning at 5:00 p.m. Mayor Lempert also thanked the staff for their work during the recent snow storms.

RESOLUTIONS

- a. 14-42 In Support of Legislation to Provide Federal Credit Assistance for America's Bicycle and Pedestrian Infrastructure

Ms. Butler offered a motion to approve resolution 14-42 as presented. The motion was seconded by Mr. Miller and carried unanimously.

- b. 14-43 Municipal Alliance Grant, July 2014 –June 2015, \$28,056.00

Mr. Liverman offered a motion to approve resolution 14-43 as presented. The motion was seconded by Mr. Miller and carried unanimously.

- c. 14-44 Agreement For AFSCME Council 73, Local 1530 to be Recognized As Exclusive Representation For Princeton Part Time Parking Attendant Employees

Mr. Miller offered a motion to approve resolution 14-44 as presented. The motion was seconded by Ms. Crumiller and carried unanimously.

- d. 14-45 Professional Services Agreement, Princeton Hydro, Review of Transco Wetlands Delineation, Not to Exceed \$3,950.

Ms. Crumiller offered a motion to approve resolution 14-45 as presented. The motion was seconded by Mr. Liverman and carried unanimously.

- e. 14-46 Resolution, Dell Computers for Two PowerEdge R 720 Servers, Not to Exceed \$21,638.56.

Mr. Liverman offered a motion to approve resolution 14-46 as presented. The motion was seconded by Mr. Miller and carried unanimously.

- f. 14-47 Resolution, SHI, VMware, State Contract 77560, Not to Exceed \$11,672.86

Mr. Liverman offered a motion to approve resolution 14-47 as presented. The motion was seconded by Mr. Miller and carried unanimously.

- g. 14-48 Professional Services Agreement, IH Engineers PC, Planning Board/Zoning Board Consultant, Fee Schedule Attached.

Ms. Butler offered a motion to approve resolution 14-48 as presented. The motion was seconded by Mr. Liverman and carried unanimously.

- h. 14-49 To Have NJDOT Evaluate the Need for a Dedicated Bayard-Paul Robeson Signal

Ms. Crumiller offered a motion to approve resolution 14-49 as presented. The motion was seconded by Ms. Butler and carried unanimously.

- i. 14-50 Professional Services Agreement, Ira Whitman, PE, Avalon Bay Environmental Consultant \$8,000.

Ms. Crumiller offered a motion to approve resolution 14-35 as presented. The motion was seconded by Mr. Miller and carried unanimously.

(Resolutions Appended To This Set of Minutes)

ORDINANCE PUBLIC HEARINGS

Mayor Lempert read by title an ordinance entitled AN ORDINANCE BY PRINCETON REGULATING PARKING ALONG PORTIONS OF ALEXANDER STREET, WITHIN THE ALEXANDER STREET COMMUTER LOT AND THE ALEXANDER STREET RETAIL LOT AND AMENDING THE “CODE OF THE BOROUGH OF PRINCETON, NEW JERSEY, 1974”.

Mayor Lempert opened the public hearing.

There being no public comment, the public hearing was closed.

Mr. Simon offered a motion to approve the proposed ordinance as amended on second reading.

The motion was seconded by Mr. Liverman and carried unanimously.

Jefferson Road, Handicapped Parking

Mayor Lempert read by title an ordinance entitled AN ORDINANCE BY PRINCETON DESIGNATING A HANDICAPPED PARKING SPACE ON JEFFERSON ROAD AND AMENDING THE “CODE OF THE TOWNSH

Mayor Lempert opened the public hearing.

There being no public comment, the public hearing was closed.

Ms. Crumiller offered a motion to approve the proposed ordinance on second reading. The motion was seconded by Mr. Simon and carried unanimously.

ORDINANCE INTRODUCTION

Mayor Lempert read by title on first reading a proposed ordinance entitled AN ORDINANCE CREATING A NO PARKING ZONE ON A PORTION OF SCOTT LANE AND AMENDING THE "CODE OF THE BOROUGH OF PRINCETON, NEW JERSEY, 1974". (Public Hearing March 10, 2014)

Ms. Crumiller offered a motion to approve the proposed ordinance on first reading. Mr. Miller seconded the motion, which was carried unanimously. The public hearing was set for March 10, 2014

CONSENT AGENDA– Contains items of a routine nature, which are approved by a single vote.

- a. Bills and Claims
- b. Maintenance/Performance Guarantee: Stony Brook Regional Sewerage Authority, Contract 10-1 River Road Headworks Facility, Completion Time Extension to February 28, 2015.
- c. 14-51 Banner Request for The Arts Council of Princeton announcing Communiversy, to be hung over Washington Road, April 21-28, 2014.
- d. 14-52 Banner Request for Corner House announcing “An Evening With Corner House”, to be hung over Washington Road, March 31- April 7, 2014.
- e. 14-53 Banner Request for The Princeton YWCA announcing The Crafter’s Marketplace, to be hung over Washington Road, November 17-24, 2014.
- f. 14-54 2014 Canoe Concession, Turning Basin Park, \$4,700.
- g. 14-55 Ewing Street Change Order #2, Top Line Construction Corp., \$68,779.66
- h. 14-56 Appointments - Boards, Committees and Commissions

Mr. Liverman offered a motion to approve the consent agenda items “b-h. as presented. The motion was seconded by Ms. Howard and carried unanimously.

Ms. Crumiller offered a motion to approve item “a” Bills and Claims without the legal bills for December and January as presented. The motion was seconded by Ms. Butler and carried unanimously.

(Resolutions appended to this set of minutes.)

14-57 **CLOSED SESSION RESOLUTION: Personnel/Negotiations**

RESOLUTION

**TO GO INTO CLOSED SESSION
(Open Public Meetings Act Sec.3)**

BE IT RESOLVED by the Mayor and Council of Princeton:

4. This body will now convene into a closed session that will be limited only to consideration of an item or items with respect to which the public may be excluded pursuant to section 7B of the Open Public Meetings Act.

5. The general nature of the subject or subjects to be discussed in said session is as follows:

Personnel/Negotiations

- Administrator Annual Review
- Personnel Committee Update
- Attorney Selection
- Princeton University

6. Stated as precisely as presently possible, the following are the time when and the circumstances under which the discussion conducted at said session can be disclosed to the public:

Within 90 days or upon settlement of litigation, if applicable

The above referenced issues were discussed by the Princeton Council.

There being no further business the meeting was adjourned at 12:00 a.m.

Linda S. McDermott
Municipal Clerk

There being no further business the meeting was adjourned at 12:20 a.m.

Linda S. McDermott
Municipal Clerk

Police Department Structure

Council Meeting
February 18, 2014

Police Department Leadership Models

- * Officer in Charge
- * Public Safety or Police Director
- * Chief of Police

OFFICER IN CHARGE MODEL

The Department has been working under this model for the past year.

- * This model typically allows for the most senior officer in the highest rank to lead the department. (Having only one Captain the choice was defacto)
- * This provides for all of the powers and duties of a Chief without the titled rank and without the concern of tenure.
- * It is commonly used as a temporary position while selection of a Chief is being considered.
- * It is more common in smaller police jurisdictions.
- * Montgomery Township hybrid option. (OIC + Director)

PUBLIC SAFETY/ POLICE DIRECTOR MODEL

- * This Director model is very popular amongst larger jurisdictions.
- * Note that many larger communities have a Public Safety Director that oversees all emergency service providers. The community has chosen to separate the duties in the Police and all other public safety entities.
- * It is viewed by some as more of a political appointment then professional and the concern is that outside political influences can begin to encroach in departmental operation.
- * It is used in occasions when there is no clear-cut individual who could assume the position of OIC or Chief
- * This option could bring in a fresh perspective if the individual has law enforcement background
- * It does allow for civilian oversight and the Director can be designated the appropriate authority.
- * You also have the option of appointing the Administrator as the Director coupled with the appropriate authority responsibilities which is similar to what is in place.
- * In some communities the Mayor serves in this capacity. (West Windsor as an Example)
- * This Director has specific responsibilities and or limitations in administering the Police Department.
- * A Director can establish various divisions, develop an organizational structure of the department, control the budget, establish policies and priorities for the department. The Director may also elect to delegate some of these responsibilities to the ranking officer
- * They are not permitted to be involved in criminal investigations, Internal Affairs, making the actual personnel assignments to the various divisions, or manage disciplinary or performance.
- * Further they are not a sworn officer and may not serve in that capacity

CHIEF OF POLICE MODEL

- * The current municipal ordinance establishing the police Department calls for this model.
- * It is the most popular model and therefore is a recognized and accepted structure by the rank and file of police departments as well as law enforcement professional organizations. FBI, Prosecutor's office, State Police and other State and Federal agencies
 - * Provides clear leadership in all aspects of the department operation and administration
- * This position is tenured and does have certain statutory rights.
- * It is a sworn position

SUMMARY

- * The decision is important as it sets the tone for the department and establishes permanent direction and stability to the department
- * Your ultimate choice is only as good as the individual (s) you have chosen to fill any of the positions
- * Budget may or may not be a concern but should be a consideration.
- * Rogers Group Recommendation.

ADMINISTRATION RECOMMENATION

- * The recommendation from the administration is that Mayor and Council retain the Chief of Police position as the overseer of Police Department for the following reasons:
 - * It provides for the long-term leadership stability of the department.
 - * It illustrates acceptance, confidence and encourages the direction that the department is going and continues to build upon these positives.
 - * It is the most financially beneficial option and helps work towards the ultimate staffing levels of the department.
 - * If Council endorses this model a recommended process for implementing this approach has been prepared.

Re: Witherspoon Street Closure

I am speaking with regard to the Demolition Plan of the former hospital site and specifically in regard to comments made by John Mucca of Yannuzzi & Sons at the Town Council meeting on Jan. 13. At that meeting, he stated that his company would obtain on one day street closure permit from the Police Department to close off Witherspoon Street and reroute traffic. This is to be done to enable them to bring down the far wall of the 8 story B wing building which is closest to Witherspoon St. He mentioned using 95 ft excavator with a grapple and shear to pull the wall off into pieces into the site and that should be a one day process.

However, on the second page of the Demolition Plan submitted by AvalonBay, they state that this will occur on days 130 through 140, which implies that the process and street closure could take up to 10 days and nothing is said about the one-day closure. So it seems highly probable that Witherspoon Street will be closed off for a much longer period of time. This is very significant, since Witherspoon Street as a main entrance into town is used by buses to and from Community Park School. How are buses and automobile traffic to be efficiently rerouted for an extended period of time in a neighborhood where traffic can be heavy and the streets are so narrow?

Also, there are many children of all ages including elementary school, middle school and high school students walking to and from schools, along with destinations to the library, the YMCA, the Learning Center at Clay St. In addition to those students who live in the immediate area, there are also students from other neighborhoods.

* My first question is: How can the eight story wall be safely demolished in only one day, without the risk of toxic dust becoming airborne?

* How is traffic to be efficiently rerouted, especially if well traveled Witherspoon Street will most probably be closed for more than one day? A detailed plan is not specified in the traffic plan report and as far as I know has not yet been clarified.

* What are the safe and practical alternative routes for pedestrian traffic, especially for children if Witherspoon Street is closed for an extended period of time?

Paul Driscoll
141 Harris Road

LEAD OSHA locations	ASBESTOS in hundreds of SF	Building + Floor
18	79.00	253 2nd Fl
15	113.50	253 2nd Fl
16	36.00	253 2nd Fl
22	9.40	253 2nd Fl
3	9.40	253 2nd Fl
8	81.50	253 2nd Fl
15	5.00	253 2nd Fl
8	10.00	253 2nd Fl
13	10.00	253 2nd Fl
12	8.50	253 1st Fl
14	3.70	253 1st Fl
4	1.35	253 1st Fl
6	1.60	253 1st Fl
2	1.50	253 1st Fl
9	1.20	253 1st Fl
8	2.50	253 1st Fl
10	10.00	253 1st Fl
27	2.00	253 1st Fl Suites
4	3.50	253 1st Fl Suites
21	3.50	253 1st Fl Suites
9	1.50	253 1st Fl Suites
22	0.50	253 1st Fl Suites
25	10.00	253 1st Fl Suites
17	1.00	253 1st Fl Suites
26	5.60	J - Basement
2	1.15	J - Basement
29	4.00	J - Basement
27	25.00	J - Grnd Fl
30	326.00	J - Grnd Fl
27	11.30	J - Grnd Fl
14	15.00	J - Grnd Fl
	1.00	J - Grnd Fl
	34.80	J - 1st Fl
	67.50	J - 1st Fl
	19.50	J - 1st Fl
	5.00	J - 1st Fl
	65.00	J - 1st Fl
	1.00	J - 1st Fl
	44.00	J - 2nd Fl
	50.00	J - 2nd Fl
	10.00	J - 2nd Fl
	8.00	J - 3rd Fl
	39.00	J - 3rd Fl
	3.00	J - 3rd Fl
	3.00	J - 3rd Fl
	33.00	J - 4th Fl
	2.00	J - 4th Fl
	140.00	J - 5th Fl
	18.00	J - 5th Fl
	7.00	A - Grnd Fl
	10.00	A - 1st Fl
	8.00	A - 1st Fl
	10.00	A - 2nd Fl
	56.00	A - 2nd Fl
	19.00	A - 2nd Fl
	26.00	A - 3rd Fl
	55.00	A - 3rd Fl
	10.00	ER - Grnd Fl
	2.00	S - Grnd Fl
	19.00	S - Grnd Fl
	4.00	S - Grnd Fl
	10.00	S - Grnd Fl
	4.00	S - Grnd Fl
	3.00	S - Grnd Fl
	5.00	S - Grnd Fl
	5.00	S - Boiler Rm
	3.00	Lambert - Grnd Fl
	40.00	Lambert - Grnd Fl
	2.00	Lambert - Grnd Fl
	37.00	Lambert - Grnd Fl
	14.00	Lambert - Grnd Fl
	20.00	Lambert - 1st Fl
	40.00	Lambert - 1st Fl
	28.00	Lambert - 1st Fl
	7.00	Lambert - 1st Fl
	50.00	Lambert - 2nd Fl
	30.00	Lambert - 2nd Fl
	40.00	Lambert - 2nd Fl
	53.00	Lambert - 3rd Fl
	14.00	Lambert - 3rd Fl
	4.00	Lambert - 3rd Fl
	41.00	Lambert - 3rd Fl
	22.00	Roofs
	4.00	Roofs
	3.00	Roofs
	3.00	Roofs
	8.00	Roofs
	3.00	Roofs
	12.00	Roofs
	14.00	Roofs
	150.00	Roofs
463 TOTAL	2,233.00	223,300 SF TOTAL

Pre-Demolition Asbestos Identification Survey dated August 2012

Received by Princeton Engineering Dept on Nov 26, 2013
 Why wasn't this information shared during the PB Applications?
 Another example of adhering to a "don't ask, don't tell" policy?

From survey "Asbestos contractors, as part of the bid preparation /
 submission, must make an independent, personal examination
 of the site with respect to actual quantities."

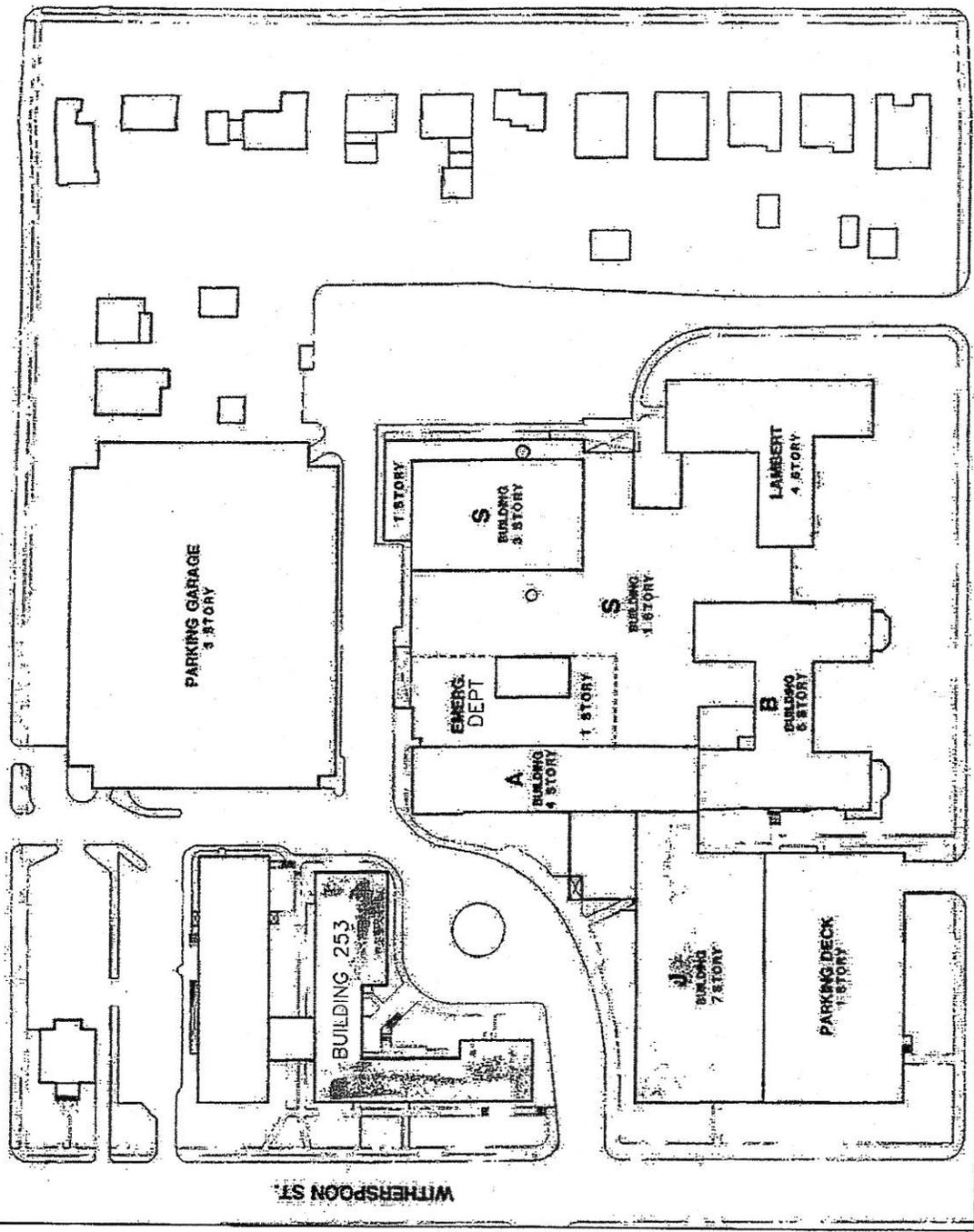
Lead-Based Paint Inspection Report dated July 2013

Received by Princeton Engineering Dept on Nov 26, 2013
 Locations aren't quantified by square footage.
 Locations are described as "floor, wall, window frame, etc."
 Therefore, total surface area requiring abatement will be larger
 than suggested by 463 locations.

If the State's inspectors will be on-site on average once or twice/week,
 who will provide independent verification of thorough removal
 the rest of the time to ensure residents' health & safety?
 How will residents be informed of air monitoring results
 by substance and in real time?

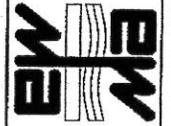
Areta Pawlynsky
 Harris Rd
 2/18/2014

HENRY AVE.



HARRIS RD.

WITHERSPOON ST.



An Environmental Consulting & Remediation Firm
 100 Misty Lane
 P.O. Box 5430
 Parsippany, NJ 07054

SCALE: AS SHOWN
 DATE: 8/15/12
 DRAWN BY: JM
 CHECKED BY: CG
 FILE: M:\drawings\207906\207906.dwg

SITE PLAN
 PRINCETON MEDICAL CENTER
 253 WITHERSPOON STREET
 PRINCETON, NEW JERSEY

PROJECT # 207906
 FIGURE # 1

At the Jan 27, 2014 Council Meeting, Town Engineer Bob Kiser stated "We asked (NJ DEP) if the hospital was registered with DEP or EPA as a medical hazardous waste generator and the response was the Princeton HealthCare Systems, the hospital, has been registered with the DEP as a medical waste generator but not as a hazardous waste generator." see--vimeo.com/85269606 at 1hr28min58sec-1hr29min19sec

However, Princeton hospital is listed on the federal EPA 2011 National Biennial RCRA Hazardous Waste Report as a large quantity generator (LQG) of hazardous wastes. This report is available online at: <http://www.epa.gov/osw/inforesources/data/br11/list11.pdf> Princeton hospital is listed on page 171 of that report, and the hospital site is given the EPA ID NJD073758773. Please note that pages 1-1 through 1-3 define large quantity generator (LQG) and reporting procedures.

I, along with other residents, am concerned that the NJ DEP was unaware of the hazardous wastes generated at the former Princeton hospital site, as defined by federal RCRA law. Princeton needs to investigate the requirements for an EPA-listed large quantity generator of hazardous wastes for soil testing when the site is being re-purposed for residential use. The Manifest Detail is below and F003 Hazardous Waste Number applies to non-halogenated solvents.

Manifest Detail for: NJA5287838

Company Name: MEDICAL CENTER OF PRINCETON

Year: 2006

Line Number	Waste Code	Quantity	Units	Handling Code
1	F003	00360	P	901

NJDOE138072

NJDOE06011369

OEHQ0603042202

04-05-2006

Generator EPA ID:

Transporter ID:

TSDF ID:

Ship Date:

EPA Hazardous Waste Number	Hazardous Waste from non-specific sources
F001	The following spent halogenated solvents used in degreasing: Tetrachloroethylene, trichloroethylene, methylene chloride, 1, 1, 1-trichloroethane, carbon tetrachloride, and chlorinated fluorocarbons; all spent solvent mixtures/blends used in degreasing containing, before use, a total of ten percent or more (by volume) of one or more of the above halogenated solvents or those solvents listed in F002, F004, and F005; and still bottoms from the recovery of these spent solvents and spent solvent mixtures.
F002	The following spent halogenated solvents: Tetrachloroethylene, methylene chloride, trichloroethylene, 1, 1, 1-trichloroethane, chlorobenzene, 1, 1, 2-trichloro-1, 2, 2-trifluoroethane, ortho-dichlorobenzene, trichlorofluoromethane, and 1, 1, 2-trichloroethane; all spent solvent mixtures/blends containing, before use, a total of ten percent or more (by volume) of one or more of the above halogenated solvents or those listed in F001, F004, or F005; and still bottoms from the recovery of these spent solvents and spent solvent mixtures.
F003	The following spent non-halogenated solvents: Xylene, acetone, ethyl acetate, ethyl benzene, ethyl ether, methyl isobutyl ketone, n-butyl alcohol, cyclohexanone, and methanol; all spent solvent mixtures/blends containing, before use, only the above spent non-halogenated solvents; and all spent solvent mixtures/blends containing, before use, one or more of the above non-halogenated solvents, and, a total of 10 percent or more (by volume) of one or more of those solvents listed in F001, F002, F004, and F005; and still bottoms from the recovery of these spent solvents and spent solvent mixtures.

Single Family Site Plan Review questions:

Good evening – my name is Jeff Clarke and I live at 56 Balcort Drive. I have several questions that have to do with the way in which single family construction applications move through the municipal review process. I would like to say, in posing these questions, that it has always been a pleasure to work with the engineering, zoning and building officials in both the former Boro and Township and that these departments function far better than they do in many municipalities with which we work.

As many of you know from zoning and planning board experience, single family residential applications for construction have historically been exempt from Site Plan Review, so long as the property is not in a flood hazard area and so long as the property owner is not seeking a zoning variance. Specifically, Section 10B-206 of the Zoning Ordinance creates this exemption, with few exceptions, for:

“Individual lot applications for detached one-dwelling unit or two-dwelling-unit buildings permitted as of right under applicable zoning regulations, and structures and uses incidental thereto.”

On the other hand, a residential site development with multiple units, for example, would be subject to Site Plan Review and would go to SPRAB.

The reason for this is that as a community we have always held that there is a logical difference of burden between a for-profit developer and a homeowner who simply wishes to improve their property.

A few weeks ago a number of design professionals in the area received an email from the Engineering Department that included a newly-required “Engineering Site Review Application” and a review process that now precedes zoning review. The first part of this application is entitled: “Single Family Site Plans – Guidelines and Standards.”

The details of the application essentially require extensive land surveying services on the part of a single-family homeowner that will likely cost more than \$5,000 and include the sort of information that has traditionally been required of *developers*, not homeowners. Examples include spot elevations, one-foot contour lines, all tree locations and at least one impossible directive – to “demonstrate that drainage leaving the site will not impact neighbors.”

Now I understand the intent of the state and local storm management regulations and I do understand that Engineering may need certain information to review plans, but the new application process is what has generated my questions:

- 1) Are single family permit applications exempt from site plan review or not? The land use ordinance says they are, the new process clearly shows that they are not.
- 2) Is it the intent of the municipality to now impose the same burdens and costs upon a *homeowner* that previously were once the liability only of a developer and is there a change in the town’s ordinances planned to support this? And most importantly, will public comment be heard as part of such a change?
- 3) Has the impact on the homeowner been considered and is it the intent of the municipality to extend the review process by many weeks, the cost by thousands of dollars and to generally discourage the single-family homeowner from creating a small addition.
- 4) If it is the intent to place this burden on the homeowner, could the municipality take steps to make the process easier, such as providing free on-line access to Boro and Township

topographic and planimetric databases? Is it possible to 'scale' this process so that simple applications do not require the applicant to provide such extensive - and expensive - information?

Thank you

Sec. 10B-206. Exemptions (from site plan review)

The following are exempt from the requirements of this article:

(a) Minor subdivisions.

(b) **Individual lot applications for detached one-dwelling unit or two-dwelling-unit buildings permitted as of right under applicable zoning regulations, and structures and uses incidental thereto;** but this exemption shall not apply wherever three or more dwelling units are proposed to be constructed under common ownership or control on contiguous lots or on lots within the same subdivision under construction permit issued during the same period of twelve months beginning with the date of the first permit issued.

(c) Any structure or use for which a site plan review application was made to the planning board prior to the effective date of this article (February 1, 1977) under municipal ordinances and regulations then in effect and superseded by this article and that is developed in accordance with an approval of such application heretofore or hereafter granted by the planning board pursuant to such prior ordinances and regulations.

Nothing in this section shall be construed as exempting site developments for which site plan approval is required under section 10B-238.

(d) Any development proposal which is for a permitted use or an approved conditional use which the zoning officer and township engineer determine will have no detrimental impact, as measured by the criteria and standards set forth in section 10B-226, if the planning director concurs, provided that the development does not increase the degree of noncompliance or create a new noncompliance with respect to any bulk regulations set forth in this chapter. The request for exemption shall be made by the filing of a classification application pursuant to the provisions of section 10B-207(a). If the development is found to be exempt under this paragraph, the zoning officer, township engineer, and planning director shall confirm this by placing the notation "exempt under section 10B-206(d) " on the submitted plan and by signing and filing the plan with the planning board.

(e) Any development proposal for which the township is the applicant.

(f) The demolition of a detached one dwelling-unit or two dwelling-unit building which is not a part of a development project for which site plan approval is otherwise required.

Sec. 10B-238. Site plan approval required for site development in the floodway, flood hazard area and flood hazard area "A"; determination of floodway, flood hazard area and flood hazard area "A" to be made by township engineer.

The following regulations shall govern site developments in the floodway, flood hazard area and flood hazard area "A".

(a) Floodway. No building or structure shall be erected or moved, or externally altered or added to or enlarged, nor shall any material or equipment be stored, nor shall any fill be placed, nor shall the elevation of any land be substantially changed, in the floodway, except in accordance with site plan approval granted as provided by this division; provided that accepted practices of soil husbandry and the harvesting of crops, in connection with farming, are not included in the foregoing prohibitions. For the purposes of this subsection (a) only, the term "structure" shall include fences which are situated in such a fashion so as to substantially impede the passage of flood water flow or debris.

(b) Flood Hazard Area. No building or structure greater than ten feet by ten feet in size shall be erected or moved, or externally altered or added to or enlarged, nor shall any fill be placed, nor shall the elevation of any land be substantially changed in that portion of the flood hazard area outside of the floodway, or within one hundred feet upstream of a culvert carrying a stream under a road except in accordance with site plan approval granted as provided by this division; provided that accepted practices of soil husbandry and the harvesting of crops, in connection with farming, are not included in the foregoing prohibitions.

(bb) Flood Hazard Area "A". The restrictions set forth in subsection (a) hereinabove applicable to buildings or structures in the floodway shall also be applicable to flood hazard area "A" unless in accordance with a site plan approval granted as provided by this division. (Ord. No. 856, § 2; Ord. No. 874, § 1; Ord. No. 950, § 8; Ord. No. 83-8, § 1.)

Municipality of Princeton – Engineering Site Review Application (continued)

Single Family Site Plans – Guidelines and Standards

1. In addition to existing grading, proposed grading must be shown on the entire lot (unless it is labeled "to remain undisturbed").
2. Proposed house:
 - a. Setbacks (zone requirements and actual setbacks labeled).
 - b. Easements.
 - c. Location of doorways.
 - d. Basement or slab construction labeled.
 - e. All floor elevations labeled.
3. Driveway:
 - a. Offset distance from property line.
 - b. Paved or concrete driveway apron (10' minimum).
 - c. Slope 1% minimum, 5% maximum.
4. Spot elevations at:
 - a. All building corners.
 - b. Driveway corners and changes in grade.
 - c. High and low points.
5. Demonstrate that drainage leaving the lot will not impact neighbors:
 - a. Any water leaving the lot must be directed to an approved constructed swale or drainage system. Show any necessary swale work on this plan.
 - b. Stormwater management must be implemented to satisfy Ordinance.
 - c. Sump pumps shall not be directed to discharge on to the street or in a manner that would impact a neighboring property.
7. Lot grading standards:
 - a. Minimum 6" drop in first 10' from house, then 2% overland.
 - b. Maximum 5:1 lawns.
8. Swales:
 - a. Minimum two percent (2%).
 - b. No swales over walkways or driveways.
 - c. Swales minimum 10' from house (otherwise provide piping).
 - d. Minimum depth of swale shall be 6".
9. Other details:
 - a. Retaining wall details and stability calculations (if over five feet high) with typical section.
 - b. Soil erosion control details, notes and schedules.
 - c. A note shall be provided on the plan that appropriate municipal construction details (i.e., sidewalk, apron, etc.) shall be used.
 - d. Proposed limit of disturbance enclosing all areas proposed for construction and tree removal, with details of tree protection fencing
 - e. Locations and details of tree protection fencing – set at drip-line of tree and minimum 4' high.

Municipality of Princeton – Engineering Site Review Application

Applicant Name & Company	
Applicant Address	
Applicant Phone Number and E-mail	
Owner Name (if different)	
Builder (Responsible person in charge during construction) - cell phone & e-mail	
Site Address	
Block & Lot	
Lot Area (ac. or sq. ft.)	
Area of Disturbance (ac. or sq. ft.)	
Disturbance (percentage of lot area)	

SUBMITTAL INSTRUCTIONS: The Engineering Department will require for review the following (please mark with a checkmark to show completeness):

- Two (2) plot plans
- Two (2) tree lists
- Resolution of Memorialization (Zoning Board approval) or Findings of Fact (Planning Board approval), if applicable
- One (1) Street Opening Permit Application (obtained in the Engineering Dept.), if applicable
- One (1) PSOC Permit (obtained from the PSOC in Borough Hall), if applicable
- One (1) Sewer Connection Permit (obtained in the Engineering Dept.), if applicable
- One (1) Tree Removal Permit (obtained in the Engineering Dept.), if applicable
- One (1) Soil Erosion and Sediment Control Permit (from Mercer County Soil Conservation District (MCSCD)), if applicable. Note: All demolitions and disturbances of greater than 5,000 sq. ft. require approval.

Failure to comply with the above plot plan requirements and site data information indicated below may result in the delay of Engineering approval.

The plot plan shall include all of the following requirements (please mark with a checkmark to show completeness):

- | | |
|--|---|
| <ul style="list-style-type: none"> <input type="checkbox"/> Engineer / surveyor data (name, address, telephone number) and original seal <input type="checkbox"/> A current site survey including a North arrow and scale of plans <input type="checkbox"/> Bearing and lengths of all lot lines <input type="checkbox"/> Lot widths, frontage and area <input type="checkbox"/> Watercourses including C1 buffers, wetlands, transition areas, easements, stream corridors, and floodplain areas <input type="checkbox"/> Existing tree locations, size and species (6" diameter and larger, within 50 feet of the proposed limit of disturbance), and those trees to be removed denoted on plan with an "X" <input type="checkbox"/> Existing and proposed contours (1' intervals) <input type="checkbox"/> Existing and proposed parking areas and driveways with setbacks <input type="checkbox"/> Existing and proposed locations of all individual house utility services (gas; water; sanitary sewer; electric, telephone & cable (must be underground); roof leaders; sump pumps) – must include size, slope, inverts, and pipe mat'l. <input type="checkbox"/> Building / structure footprint and overhangs, with finished grade elevations | <ul style="list-style-type: none"> <input type="checkbox"/> Building and parking setback lines required by zoning regulations <input type="checkbox"/> Proposed topsoil / fill stockpile locations <input type="checkbox"/> Proposed grading and / or drainage improvements, demonstrating no additional runoff on to adjacent properties <input type="checkbox"/> Existing and proposed Impervious Surface Calculations <input type="checkbox"/> Stormwater management facilities & details <input type="checkbox"/> Proposed size (ac. or sq. ft.) and delineation of limit of disturbance <input type="checkbox"/> Proposed tree protection fencing <input type="checkbox"/> Proposed location of silt fencing, hay bales, tracking pads, and / or any other soil erosion protection measure in accordance with the Standards for Soil Erosion and Sediment Control in New Jersey <input type="checkbox"/> Details of soil erosion protection measures including MCSCD approval conditions <input type="checkbox"/> Note on drawing indicating that there shall be no field changes or removal of protective snow fencing without approval of Engineer <input type="checkbox"/> Any other Board requirements / conditions of approval |
|--|---|

If any item(s) above are not checked, are you requesting a waiver? If so, provide details

See following page for design guidelines.

LAW OFFICES
MILLER PORTER & MULLER, P.C.
Suite 540
One Palmer Square
Princeton, New Jersey 08542

William Miller (1913-1977)
Allen D. Porter
Gerald J. Muller

Telephone (609) 921-6077
Fax (609) 497-1439
e-mail address: gmuller@mpmglaw.com

To: Princeton Mayor and Council
From: Gerald J. Muller
Re: Ordinances Merger – Historic Preservation Ordinance
Dated: December 17, 2013

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As you know, the first step in the merger of the Township and Borough land use ordinances is the finalization of the Historic Preservation Ordinance. Staff (Lee Solow, Christine Lewandoski, Derek Bridger, and I) identified six major historic preservation issues that should be addressed before we begin drafting the combined ordinance. We have met with HPC and ZARC jointly about them, and those bodies added two additional ones, numbers 7 and 8 set forth below. We have also met with the Planning Board on December 12, 2013, and it agreed unanimously with all of the HPC and ZARC recommendations other than that set forth in paragraph 2 below. In that case, the Board agreed with the ZARC recommendation.

The policy issues and the Planning Board's recommendations on them are set forth below. In addition there are a number of technical and more minor policy issues that will be identified when the next draft of the ordinance is circulated after Council provides its input on the policy issues. The existing former Borough and Township criteria with minor alterations and reorganization will be used in the merged ordinance.

1. Should the Planning Board be able to reject HPC recommendations as part of development application review only if the reasons for doing so are set forth on the record? The Township ordinance presently requires this, while the Borough ordinance is silent on the matter.

The Planning Board will review and consider all HPC recommendations on development application, but should not be required to place their reasons for rejecting any HPC recommendation on the record.

2. Should HPC act in lieu of SPRAB on all development applications, where it has an advisory role? This is the approach under the Borough ordinance, while under the Township ordinance both HPC and SPRAB review major applications and HPC acts in lieu of SPRAB on minor applications.

HPC thought that it should be the sole review agency when a preservation plan was involved, the Borough approach, while SPRAB supported the Township approach, where it as well as the HPC would to play a review role on major applications. The Board recommends that the Township approach be taken, with both HPC and SPRAB reviewing

major applications and HPC acting in lieu of SPRAB on minor applications. The Board notes that there is a process at the staff level by virtue of which the SPRAB Chair is asked to review applications that in the judgment of staff do not need SPRAB review, giving the the Chair the option of informally waiving SPRAB review if he or she determines that its review would not be productive. This process should continue.

3. For proposed historic districts, should some kind of consent by owners within the district be required? If so, it could be done on the basis of a majority of owners or of owners of a majority of lots or majority of the acreage in the district.

The Board does not recommend that consent by owners within a proposed district be required. It agreed with the concerns expressed by both HPC and ZARC that the duties of HPC and the Board itself would be hampered by this requirement.

4. Should an applicant be permitted to demolish or move a structure within the historic preservation district if he or she meets two criteria, namely, that the structure cannot be put to a reasonable use and that its preservation will impose an undue hardship on the applicant (the Township approach) or as in Borough if he or she meets the criteria or satisfies the preservation plan criteria.

The Board recommends that the Township approach be utilized when evaluating demolition of historic properties. The Borough approach is problematic in that persons seeking to demolish a property in a historic district must always satisfy the preservation

plan criteria for what, if anything, will replace the demolished structure, and there are therefore no regulations covering permissible demolitions.

5. Should the former Township and former Borough historic preservation districts retain their different standards regarding viewing area and color?

a. In the Township the Historic Preservation Commission reviews proposed improvements wherever they are visible from a public way or place or from another property in the historic preservation district and reviews the color of paint when it is being changed to a color substantially out of character with the historic preservation district or if paint is being added to a surface which was not painted before.

b. In the Borough the Historic Preservation Review Commission reviews proposed improvements wherever they are visible from a public way, and color is only reviewed if an unpainted surface is being painted.

The Board recommends that the distinctions regarding viewing area and color be retained for historic districts in the former Township and Borough. Historic districts in the former Township will be mapped on the zoning map as Historic District Type 1, to which the criteria set forth in paragraph 5a will apply, and the historic districts in the former Borough will be mapped as Historic District Type 2, to which the paragraph 5b criteria will apply.

6. Should the present Township stabilization plan requirement, which authorizes the board of jurisdiction when reviewing a development application to bar removal of interior features of historic significance and requires that damage to the interior be repaired, be retained?

The Board believes that the former Township's stabilization plan requirements regarding historic features are well conceived and should be included in the new ordinance.

7. Should the new ordinance address the issue of sustainability?

The Planning Board recommends that the new ordinance should do so in generalized terms, but direct HPC to formulate guidelines that could be used by homeowners required to secure preservation plan approval. A number of historic preservation commissions have such guidelines.

8. Should the new ordinance includes standards to address fencing, landscaping, or other features that may obscure historic structures?

The Board is concerned with what it sees as a trend to install front yard fencing and especially landscaping that changes the open streetscape in historic districts and limits the view of historic structures. It therefore recommends that appropriate standards to address this problem be included in the new ordinance.

cc: Mr. Robert Bruschi (via electronic transmission)
Mr. Lee Solow (via electronic transmission)
Ms. Christine Lewandoski (via electronic transmission)
Mr. Derek Bridger (via electronic transmission)

