

**Approved Minutes  
Open Session  
Of the Mayor and Council of the Borough of Princeton  
May 3, 2011  
Regular Meeting  
Closed Session 6:30 P.M.  
Open Session 7:30 P.M.**

Present: Council President Kevin Wilkes, Councilwoman Jo Butler,  
Councilwoman Jenny Crumiller, Councilman David Goldfarb,  
Councilman Roger Martindell, Councilwoman Barbara Trelstad, Mayor  
Mildred Trotman

Absent: None

Staff Present: Borough Administrator Robert W. Bruschi, Borough Engineer John M.  
West, Land Use Development Official Derek Bridger, Joint Planning  
Board (JPB) Director Lee O. Solow, Borough Clerk Andrea Lea Quinty

Mayor Trotman called the meeting to order at 6:30 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 May 3, 2011, 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 Trotman read **Agenda Item C, Resolution 2011-R134**, as follows:

**RESOLUTION 2011-R134  
OF THE MAYOR AND COUNCIL OF THE BOROUGH OF PRINCETON  
INTO CLOSED SESSION ON MAY 3, 2011**

**WHEREAS**, the Open Public Meetings Act, P.L. 1975, Chapter 231 permits the exclusion of the public forum from a meeting in certain circumstances; and

**WHEREAS**, this public body is of the opinion that such circumstances may presently exist; and

**WHEREAS**, the Governing Body wishes to discuss the following issues:

1. Negotiations

**WHEREAS**, minutes will be kept and once the matter involving confidentiality of the above no longer requires that confidentiality, then minutes can be made public; and

**NOW THEREFORE BE IT RESOLVED** that the public be excluded from this meeting.

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Council President Wilkes moved to approve; Councilwoman Crumiller seconded. Council members Wilkes, Butler, Crumiller, Goldfarb, Martindell, and Trelstad voted in the affirmative. Hearing no nay votes, Mayor Trotman proclaimed the resolution approved.

*Councilman Goldfarb recused himself from the closed session.*

Borough Council recessed into closed session.

At 7:30 P.M. Council reconvened into open session.

*Councilman Goldfarb returned to the Council chamber.*

Mayor Trotman asked all present to rise for **Agenda Item D, Salute to the Flag.**

Mayor Trotman read **Agenda Item E, Approval of Minutes.**

Presented for approval were the minutes of the open session of March 29, 2011.

Councilwoman Trelstad moved to approve the minutes of the open session of March 29, 2011, Council President Wilkes seconded, and Council approved unanimously.

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

Anita Garoniak, Borough resident, founder of Save the Dinky, read a prepared statement. Ms. Garoniak expressed that, despite overwhelming local support for the Dinky's present location (plus national publicity), Princeton University (PU) insists on moving the station about 480 feet farther from Nassau Street. Ms. Garoniak provided paper copies of her remarks for the record.

Andrew Erlichson, 144 Hodge Road, said moving the Dinky depot will cost Borough about \$9 million (one acre transferred to PU valued at \$1 million, walking time of 14.5 more hours per year per commuter at \$409,000 cost annually).

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

Mayor Trotman read **Agenda Item G, Report (1) — Princeton Parks Alliance (PPA) – Andrew Koontz.**

Mr. Koontz announced inauguration of The Great Princeton Parks Pickup—simultaneous cleanup of Sigmund Garden and Harrison Street Park (HSP), with a view to adding more parks to the effort in the future. To participate, members of the public should appear at Sigmund or HSP on Sunday, May 15, between 1 and 4 P.M. Mr. Koontz named two sponsors for the Pickup: ACE hardware (free gardening gloves) and Madden's nursery (flats of bedding). Cold drinks and snacks will be provided to all volunteers.

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Mr. Koontz proclaimed dedication of a walking bridge in Harrison Street Park in memory of Borough Engineer Christopher Budzinski be held June 2011. He added that dead plants can and should be replaced under the HSP contract.

Mr. Koontz declared that funds are available for maintenance of permanent lighting for Battle Monument.

Mr. Koontz mentioned the ongoing partnership between PPA and Shade Tree Commission.

Councilwoman Trelstad reported that HSP's contractor will soon be replacing plants as appropriate.

Councilman Martindell encouraged PPA and Public Works to create a compost site in HSP.

Mr. Koontz said PPA obtains money through fundraising efforts and dedicated donations (e.g., Battle Monument contributions are restricted).

Mr. Koontz distinguished between *parks* department and *recreation* department: "Recreation" is for structured, coached activities, whereas "parks" deals with passive uses.

Mayor Trotman read **Agenda Item H, Discussion (1) — Proposed Outdoor Dining Within the Public Right of Way/Teresa's Café** —*David Newton of Palmer Square Management*.

Land Use Development Official Derek Bridger described the proposed 28-seat outdoor dining area for Teresa's Café to be located on Chambers Walk. He said staff has reviewed the idea and has no objections.

Tom Letizia, attorney with Pepper Hamilton, mentioned the trend in Princeton Borough toward outdoor eateries. He requested permission from Council to encroach on the public right of way prior to pursuing other licenses.

Councilman Goldfarb emphasized that Council's approval must be revocable. He was concerned about the impact on the patronage of the Alchemist and Barrister.

Mr. Letizia acknowledged that Palmer Square would assume responsibility for associated insurance and attorney expenses.

David Newton of Palmer Square Management said Borough charges a licensing permit fee every season for outdoor seating. Mr. Bridger explained that Borough charges for use of public land; the proposed site, however, is owned by Palmer Square with a public access pathway through it.

Council discussed design aspects such as width of remaining sidewalk, interstitial nature of the dividing fence, and so forth.

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Councilman Goldfarb moved approval of the *concept* of outdoor dining at Teresa's, acknowledging that Council will take further action at a later date. Council President Wilkes seconded. Council approved unanimously.

Mayor Trotman read by title **Agenda Item I, New Business (1) — Introduction and Order to Publish: Ordinance 2011-04, AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 17A OF THE CODE OF THE BOROUGH OF PRINCETON, NEW JERSEY, 1974 TO CREATE A NEW ZONE DISTRICT KNOWN AS ARTS, EDUCATION AND TRANSIT (AET).**

Council President Wilkes moved to introduce Ordinance 2011-04; Councilwoman Trelstad seconded.

*Councilman Goldfarb recused himself at 8:20 P.M..*

Borough Administrator Robert Bruschi presented slides demonstrating revised zoning changes in an area to be known as Art, Education and Transit (AET) as proposed by Princeton University and reviewed by Borough staff:

- Houses adjacent to McCarter protected in R-3
- Forbes College (entire) in E-2 thereby permitting dormitories
- Two residential properties adjacent to Forbes in R-3
- McCarter/Berlind in AET (AET to be about 5.5 total acres) permitting theaters.

Mr. Bruschi summarized authorized uses for AET (transit, museums, retail, offices, and child care) and bulk regulations.

Mr. Bruschi said the proposed designs foster a feeling of accessibility through employment of arches and a guideline of 25% actual open space. Showing photographs and renderings, Mr. Bruschi demonstrated relative setbacks for the new buildings.

Mr. Bruschi recommended further evaluation of parking ratios (mimic ratios of central business district) and educational and commercial sign standards (including temporary banners and wayfinding). Planning Board will take up traffic and circulation issues at the appropriate time.

Mr. Bruschi requested Council's introduction of the modified zoning ordinance as supported by staff. With introduction, joint Regional Planning Board will review for compliance with the Master Plan.

Councilwoman Crumiller proposed zoning approval be predicated on keeping the Dinky station and tracks as is—a mini-zone permitting only transit. She said the major impact—to Borough residents—of the AET ordinance is the *transit* portion.

Mayor Trotman pointed out that a vote to introduce sends the draft ordinance to the Planning Board for review; Council has no obligation to *adopt*.

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Council President Wilkes thought the present R-3 zone (including the lower McCarter lawn) should not be changed.

Councilwoman Trelstad was concerned about the closeness (20 feet) to the curb of the rounded wall; also its lack of windows.

Councilwoman Trelstad wanted to include outsourced workers (such as cleaning staff) in calculations for bulk regulations. She said the educational use called “computer facilities” was too vague.

Councilwoman Crumiller said garages should not be a permitted use; Council should have specific input on parking structures.

Planning Board Director Lee Solow remarked that Council’s precise ideas are valuable to the Board.

Councilwoman Butler asked about the timeframe for Planning Board to reply to Council’s questions. Mr. Bruschi answered that, to comply with the Master Plan, the planning board has 35 days to review and reply after introduction of an ordinance. Council has no time restriction as to adoption. Councilwoman Butler suggested Council arrive at a “livable” draft ordinance before seeking Regional Planning Board involvement. Specifically,

- Delete “chapels” as a permitted educational use
- Convenience store (singular)
- Traffic as related to playgrounds and child care
- Food carts not to include trucks

Councilwoman Butler asked about wheelchair/bicycle/stroller access to the train station. Dale Lovito, architect, clarified that the stair is a gentle (four-inch rise) step ramp, with a flat ramp alongside. The train itself defines the platform grade.

Councilwoman Butler wondered about tax and parking revenue from Wawa that will be lost to the Township. Mr. Bruschi will supply figures at a later date.

Councilwoman Butler questioned the ridership necessary to maintain Dinky operation. Mr. Bruschi said inquiry was issued to New Jersey Transit six days ago.

Council President Wilkes requested more precise design standards to be included in the ordinance. He asked the definition of *maximum height*: Where is the measurement taken? Mr. Bridger answered that it is based on average elevation around the footprint of the building straight up.

Councilman Martindell again sought

- A list of benefits versus impacts (including back-up data)
- Enforcement measures

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- Other possible locations for an arts complex.

Councilman Martindell also wanted to know the consequences of reducing floor area ratio from 0.3 to 0.2. Mr. Bruschi replied that the figure is a “control” and of small significance.

Councilman Martindell requested attendance by Borough Attorney Maeve Cannon at Council meetings when AET is under consideration.

Councilman Martindell opined that the AET area is an excellent site for a parking garage: (1) no neighbors and (2) adjacent to mass transit.

Councilwoman Trelstad countered that there is no good spot within Borough portion of AET to place a garage.

Council President Wilkes asked Mr. Solow if Borough’s ordinance language should mirror Township’s; in particular, regarding parking requirements. Mr. Solow said the wording should be *compatible*.

Councilwoman Butler read aloud Resolution 2011-R58, “Approving the Establishment of the Alexander Corridor/ Arts and Transit Joint Task Force,” from February 22, 2011. She commended the work of designer Steven Holl and hoped the project will go forward.

Mayor Trotman scheduled the Memorandum of Understanding on transit for later this month.

Robert Durkee, Vice President and Secretary of PU, anticipated the AET 20 years hence: A thriving arts neighborhood for campus and community and a residential mixed-use area; at least one signature building (Steven Holl), an attractive and efficient train station, smooth traffic flow, sustainable features, and appealing retail space. Mr. Durkee thought development under current zoning limitations would not be so agreeable—new station, some sustainability benefits; mostly offices and storage space. PU thinks this site is the best place for an arts complex and an arts complex is best use for this site.

Mr. Durkee said two points on which PU can be flexible are location of a parking structure (probably Township) and child care to be located near the train station (again, probably Township).

Mr. Durkee avowed that the AET will proceed with the station at the proposed spot; or it will not proceed.

Councilwoman Trelstad asked why the AET area is *specifically an arts neighborhood*, not an academic neighborhood housing arts’ programs. Mr. Durkee noted that adjacency to McCarter and Berlind and accessibility for the public are prime considerations. Mr. Durkee said experimental media are not available anywhere in this area—including New York City. The buildings will be used year-round.

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Richard Goldman of Drinker, Biddle & Reath outlined the statutory process for involving the public in zoning ordinance evaluation: (1) JPB Board, (2) “second reading” by governing body—under Open Public Meetings Act notice, (3) directly inform anyone affected by zone change. He reiterated that introduction begins the public process under statute; in no way implies adoption. There is no time limit on holding a second hearing, but it should occur after the public has received full notice entitled by law so that those affected can choose to participate or not. Mr. Goldman stressed that (unlike matters before JPB such as site plan review) there is no “ticking clock” for Council action on an ordinance.

Mayor Trotman opened the public discussion and asked if anyone wished to address Council on this issue.

Yina Moore, 19 Green Street and member of the Regional Planning Board appreciated clarification of the ordinance process provided by Mr. Goldman. Ms. Moore characterized the elements of AET as ill-defined.

Virginia Kerr, Township resident, was concerned about the “vanishing” public hearing for those living outside the 200-foot requirement; in particular, location of the train depot affects the entire community (as well as other, nearby towns).

Lucy Harman, 106 Broadmead, likened the extra distance to a relocated station to less than one long city block or two short blocks.

Mimi Omacinski, 98 Nassau Street, related a bird’s-eye view of Princeton tourism of 500,000 individuals, 95% of whom do not live in New Jersey.

Kip Cherry, 24 Dempsey Avenue in the Township, worried that proposed tower height limits—at 100 feet—are excessive. She supported the present Dinky location. Ms. Cherry wagered that Wawa cannot survive at its new location. Ms. Cherry opined that PU should deed station property to the Borough to avoid vehicle and pedestrian crossing of private property.

Chip Crider, Bank Street, questioned the “permissive” nature of AET ordinance. He wanted to add “innovative transportation” to the list of transit options. Mr. Crider said it is time to bring the issue to a head and introduce the ordinance.

Mr. Erlichson observed that the bigger picture is that PU is patiently taking land back from Borough and Township. (PU willing to spend \$300 million to retrieve the land.) He stated that Borough will benefit by refusing PU’s request earlier rather than later; ultimately the ordinance will be rejected.

Mayor Trotman closed the public discussion and returned to Council.

Councilwoman Crumiller requested a set agenda item next week (May 10) to discuss transit exclusively. Mayor Trotman agreed to allot 45 to 60 minutes for transit debate.

*Mayor Trotman left the chamber and Council President Wilkes assumed the chair at 11:07 P.M. He welcomed the return of Councilman Goldfarb.*

Council President Wilkes read **Agenda Item I, New Business (2) — Resolution 2011-R135** as follows:

**RESOLUTION 2011-R135  
OF THE MAYOR AND COUNCIL  
OF THE BOROUGH OF PRINCETON  
APPROVING A LICENSE AGREEMENT BETWEEN THE BOROUGH OF PRINCETON AND 20  
NASSAU ST. PROFESSIONAL BUILDING LLC FOR THE INSTALLATION OF A SIGN ON THE  
CORNER OF NASSAU STREET AND CHAMBERS STREET**

WHEREAS, the Borough of Princeton (the “Borough”) desires to enter into a license agreement (“License Agreement”) with 20 Nassau St. Professional Building LLC (“20 Nassau St.”) with offices located at 20 Nassau Street, Suite 129, Princeton, NJ 08540.

WHEREAS, 20 Nassau St. has cited difficulty with the promotion of retail activity for the businesses located in the site due to its remote location;

WHEREAS, in an effort to promote the retail businesses located within the Nassau Place complex, 20 Nassau St. proposes to place an “A” – frame type sign on the Nassau Street sidewalk on the corner of Nassau Street and Chambers Street to direct attention to the retail facilities; and,

WHEREAS, it is in the public interest for the Borough to promote the patronage of local businesses and for the Borough to grant consent of the sign placement for this purpose; and,

WHEREAS, the consent granted herein is a license to permit an encroachment in and along the Nassau Street sidewalk at the corner of Nassau Street and Chambers Street within the Borough for the purpose of placing an “A” – frame type sign, subject to the continuing review of the Borough Engineer and/or Zoning Officer as to the placement of such sign.

NOW THEREFORE, BE IT RESOLVED by the Mayor and Borough Council of the Borough of Princeton, as follows:

1. 20 Nassau St. is hereby granted permission to encroach on the public right of way located at the sidewalk intersection of Nassau Street and Chambers Street through placement of an “A” – frame type sign on the Nassau Street sidewalk at the corner of Nassau Street and Chambers Street in accordance with Exhibit A to the License Agreement, both of which are attached hereto and incorporated by reference in their entirety.
2. The Borough is permitted to enter into the License Agreement with 20 Nassau Street for the encroachment with 20 Nassau St. for the placement of the “A” – frame type sign at the corner of Nassau Street and Chambers Street during business hours pursuant to such terms and conditions as agreed upon by the Borough and 20 Nassau Street.
3. The placement of the “A” – frame type sign shall not interfere with the safety or convenience of persons or vehicles traveling on public streets, highways or right-of-way within the Borough. The sign will be taken down and stored in a location off the public right-of-way when the retail facilities within the Nassau Place complex are not open to the public.
4. In accordance with the terms of the License Agreement, 20 Nassau St. shall agree to indemnify, save, defend and hold harmless the Borough, and its officers, officials, agents, servants, administrators, and employees, from and against any and all liability or damages arising out of the use of said premises or property.

Councilwoman Trelstad moved to approve Resolution 2011-R135 and Councilwoman Butler seconded

Mr. Bridger explained that the A-frame sign will not impede visibility and will promote the shops at 20 Nassau and Chambers Streets as desired. Borough Engineer Jack West confirmed that the sign does not interfere with sight lines. Mr. Bruschi reported that police have acted to halt illegal parking at the intersection.

Borough Council approved unanimously.

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Council President Wilkes read **Agenda Item I, New Business (3) — Resolution 2011-R136** as follows:

**RESOLUTION 2011-R136  
OF THE MAYOR AND COUNCIL  
OF THE BOROUGH OF PRINCETON  
APPROVING THE PLACEMENT OF A BANNER AS REQUESTED BY  
PRINCETON HEALTHCARE KIDS MARATHON**

**WHEREAS**, Princeton Healthcare Kids Marathon wishes to increase public awareness of their Annual Run; and

**WHEREAS**, Princeton Healthcare Kids Marathon requested permission to install a banner over Washington Road to announce their event has received the approval of the Office of Community and State Affairs at Princeton University and pending all conditions and insurance requirements set forth are met for the period beginning **Tuesday May 31 through Monday, June 6 2011; and**

**WHEREAS**, this banner will be promptly removed after its use as required by Borough ordinances; and

**WHEREAS**, in accordance with Borough Ordinance 3-17 any banner that is removed by the Borough will be held by the Borough for thirty (30) days and then disposed of; and

**WHEREAS**, in accordance with Borough Ordinance 3-17 any applicant failing to remove a banner will not be permitted to display any banner for the succeeding two years; and

**NOW THEREFORE BE IT RESOLVED** that the Mayor and Council hereby approve placement of said banner on Washington Road in accordance with Borough Ordinances 3-14-3-17.

Councilman Martindell moved to approve Resolution 2011-R136, Councilwoman Trelstad seconded, and Borough Council approved unanimously.

Council President Wilkes read **Agenda Item I, New Business (4) — Resolution 2011-R137** as follows:

**RESOLUTION 2011-R137  
OF THE MAYOR AND COUNCIL  
OF THE BOROUGH OF PRINCETON  
APPROVING THE PLACEMENT OF A BANNER AS REQUESTED BY  
YWCA PRINCETON FOR ETS FIRECRACKER 5K**

**WHEREAS**, YWCA Princeton wishes to increase public awareness of their ETS Firecracker 5KRun/Walk to be held on June 21, 2011; and

**WHEREAS**, YWCA Princeton has requested permission to install a banner over Washington Road to announce their event has received the approval of the Office of Community and State Affairs at Princeton University and pending all conditions and insurance requirements set forth are met for the period beginning **Tuesday June 14 through Tuesday June 21, 2011; and**

**WHEREAS**, this banner will be promptly removed after its use as required by Borough ordinances; and

**WHEREAS**, in accordance with Borough Ordinance 3-17 any banner that is removed by the Borough will be held by the Borough for thirty (30) days and then disposed of; and

**WHEREAS**, in accordance with Borough Ordinance 3-17 any applicant failing to remove a banner will not be permitted to display any banner for the succeeding two years; and

**NOW THEREFORE BE IT RESOLVED** that the Mayor and Council hereby approve placement of said banner on Washington Road in accordance with Borough Ordinances 3-14-3-17.

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Councilman Martindell moved to approve Resolution 2011-R137, Councilwoman Trelstad seconded, and Borough Council approved unanimously.

Council President Wilkes read **Agenda Item I, New Business (5) — Resolution 2011-R138** as follows:

**RESOLUTION 2011- R138  
OF THE MAYOR AND COUNCIL  
OF THE BOROUGH OF PRINCETON  
CHAPTER 159- SPECIAL BUDGET ITEM**

**WHEREAS**, N.J.S.A. 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the Budget; and

**WHEREAS**, said Director may also approve the insertion of an item of appropriation for equal amount.

**SECTION 1.**

**NOW, THEREFORE, BE IT RESOLVED** that the Mayor and Council of the Borough of Princeton hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the sum of \$1,000.00 is now available as a miscellaneous revenue anticipated from “**American Water – Fire Fighter Grant**” and

**SECTION 2.**

**BE IT FURTHER RESOLVED**, that a like sum \$1,000.00 be and the same is hereby appropriated under the caption of “**American Water – Fire Fighter Grant**”

Councilman Martindell moved to approve Resolution 2011-R138, Councilwoman Trelstad seconded, and Borough Council approved unanimously.

*Councilman Goldfarb recused himself at 11:10 P.M.*

*Mayor Trotman resumed the chair and returned to **Agenda Item I, New Business (1) — Introduction and Order to Publish: Ordinance 2011-04.***

Councilman Martindell stated support for Ordinance 2011-04, pointing out that adoption was far from assured. He welcomed comments and ideas from the JPB. Councilman Martindell distinguished between Ordinance 2011-04 and any Memorandum of Understanding with PU. Councilman Martindell favored a rigorous notification and hearing procedure for ordinance introduction in order to involve as many interested parties as possible.

Councilwoman Crumiller requested opinions about the transit area to be gone over during May 10 meeting.

Councilwoman Trelstad looked forward to input from JPB.

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Mayor Trotman called for a roll call vote. Borough Clerk called the roll. Council members Wilkes, Butler, Crumiller, Martindell, and Trelstad voted in the affirmative. Mayor Trotman proclaimed Ordinance 2011-04 introduced.

Council President Wilkes moved to adjourn; Councilwoman Butler seconded. There being no further business, Mayor Trotman adjourned the open session meeting at 11:20 P.M.

Respectfully submitted,

**Andrea Lea Quinty**  
**Borough Clerk**