

PRINCETON PLANNING BOARD

In the Matter of the Application of)	
Nassau 195, LLC for Major Site Plan)	FINDINGS OF FACT
Approval with Variances, Waiver, and a)	AND
<i>de Minimus</i> Exception)	CONCLUSIONS OF LAW
)	
)	File No. P2222-232P
)	
)	Approval granted:
)	October 13, 2022

Be it resolved by the Planning Board of the Municipality of Princeton that the action of this Board on October 13, 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 subject site is identified as Lots 23, 26, and 27 of Block 47.01 in the Residence-Office (RO), Residential R-4 and Affordable House Overlay-1 (AHO-1) zoning districts of the former Borough of Princeton, located near the southwest corner of Nassau Street and Charlton Street. The site borders Nassau Street to the north, Charlton Street and Princeton University owned property to the east, residential properties to the south, and University owned property to the west.

Lot 23 is identified as 195 Nassau Street and consists of a street-facing 2-story brick building, a street-facing 3-story frame building, a 1-story frame building located on the interior of the property, and a paved parking lot. Located in the Business RO zoning district and included in the AHO-1 zone, Lot 23 is currently occupied by commercial uses only.

Lot 26 is identified as 9-11 Charlton Street and consists of a 2.5-story stucco/frame dwelling occupied as a commercial use. The lot also contains an ingress/egress driveway to Charlton Street for access to the parking lot located behind 195 Nassau Street. An existing driveway easement permits access to the adjacent Lot, 24, which are owned by Princeton University. Lot 26 is located in the Business RO zoning district and is included in the AHO-1 zone.

Lot 27 is identified as 13 Charlton Street and consists of a two-family 2.5-story frame dwelling and a gravel parking area. Lot 27 is located in the Residential R-4 zoning district and is included in the AHO-1 zone.

PROPOSED PLAN

2. The Applicant proposes to demolish the interior one-story building and a portion of the 2-story brick building on Lot 23 to construct a 5-story, 45-unit apartment building. The ground floor consists of garage parking and a lobby with the remaining floors designated as residential with a 20% set aside for affordable housing. All street facing buildings are shown to remain in accordance with the requirements of the Affordable Housing Ordinance.

The Applicant is proposing to consolidate the three lots as a condition of approval.

RELIEF SOUGHT

3. The Applicant seeks preliminary and final major site plan approval, variances for building height (50 foot maximum, while 54 foot 10 inch height proposed) and a 15 foot minimum landscape buffer to residential zones (three feet nine inches is proposed for two parking spaces). A waiver from the parking lot aisle requirement, a minimum of 24 feet are required, while 22 feet are proposed, and a *de minimus* exception under RSIS for the number of parking spaces is sought.

THE APPLICANT

4. The Applicant Nassau 195, LLC is the Applicant and owner of the subject property.

NOTICE AND HEARING

5. Proof of notice and publication was filed and found to be satisfactory and effectuated timely.

6. The notice stated that the hearing would be held at the meeting of the Board scheduled for October 6, 2022, via Zoom, and the hearing was heard on such date and continued to October 13, 2022. At the hearing, the Applicant and all other interested parties were given the opportunity to present evidence and to be heard.

PLANS PRESENTED

7. At the hearing, the Board considered the following plans:
 - Boundary and Topographic Survey prepared by Bowman Consulting Group, Ltd. dated March 19, 2021, last revised March 28, 2022 and received May 27, 2022.
 - Preliminary and Final Major Site Plans, Sheets 1 through 15, prepared by Bowman Consulting Group, Ltd. dated May 24, 2022, revised June 14, 2022 and received June 15, 2022.
 - Architectural Drawings A101 through A103, A110 through A113, A200 through A202, and A300 prepared by TCB3 Consultancy dated June 12, 2022 and received June 15, 2022.

MUNICIPAL REPORTS

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

- Memorandum from Dan Dobromilsky, L.L.A., P.P.. L.T.E., to the Board dated September 22, 2022
- Memorandum from Daniel Weissman, P.E., Land Use Engineer, and Derek Bridger, Zoning Officer, to the Board dated September 15, 2022
- Letter from John J. Hess, P.E., C.M.E. to Daniel Weissman dated August 3, 2022
- Memorandum from Joe Novak to Derek Bridger and Dan Weissman dated September 22, 2022
- Memorandum from Tammy L. Sands, Chair, Princeton Environmental Commission, to the Board and Justin Lesko dated September 12, 2022
- Memorandum from Julie Capozzoli to the Board dated September 27, 2022
- Memorandum from Elizabeth H. Kim, PLA to the Princeton Historic Preservation Commission dated August 13, 2022

EXHIBITS AND APPLICANT'S REPORTS AND SUBMISSIONS

9. 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- through A-10- set of slides
- Application for Site Plan Review- Preliminary and Final Major Site Development including an Addendum, dated May 23, 2022 and received May 27, 2022.

- Major Site Plan Checklist including an Addendum, dated May 23, 2022 and received May 27, 2022.
- Notice of Appeal & Application for Development including Narratives dated May 23, 2022 and received May 27, 2022.
- Green Development Checklist narrative, dated May 2022 and received May 27, 2022.
- Environmental Information Statement prepared by Bowman Consulting Group, Ltd. dated May 24, 2022, revised June 14, 2022 and received June 15, 2022.
- Traffic Impact Study prepared by Dynamic Traffic LLC dated May 19, 2022, revised June 9, 2022 and received June 15, 2022.
- Fire Protection Narrative dated May 26, 2022, revised June 14, 2022 and received June 15, 2022.
- Stormwater Management Summary prepared by Bowman Consulting Group, Ltd. dated May 23, 2022 and received May 27, 2022.
- HPC - Narrative Response to Requested Items, including West Building Footprint Supplement, Color Scheme, and Architectural Drawings A220 through A222

TESTIMONY AND PUBLIC INPUT

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

Thomas M. Letizia, Esq. represented the Applicant. Jeffrey Albert, a principal with the Applicant; Paul Winters, P.E.; John McCormick, P.E. and Nick Verderese, P.E., its traffic consultants; Thomas Barton, an architect testifying as a design consultant; and William Hamilton, P.P., a professional planner, testified on the Applicant's behalf.

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

Daniel Dobromilsky, L.L.A.; Daniel Weissman, P.E., Land Use Engineer; Derek Bridger, Zoning Officer; David Barry, P.E., speaking on behalf of John Hess, a municipal traffic consultant; and Gerald J. Muller, Esq.

Members of the public made statements during the course of the hearing. They may be summarized as follows:

- Christopher H. DeGrezia, Esq., representing Princeton University.
 - Mr. DeGrezia raised questions and concerns about access to the Princeton University lot fronting on Nassau Street and abutting the property in question.
- Heidi Skillman lives across Charlton from the property in question.
- Kevin McCarthy owns an office building at 6 and 8 Charlton on an abutting lot.
 - Mr. McCarthy expressed concern about access to his office building.
- Peter Nogare, the owner of Lots 28 and 29.
 - Mr. Nogare expressed concern about the scope of the project. He thought it was out of scale with the neighborhood and would have a tremendous impact on it.
- Anu Ramaswami, who lives on 14 Charlton.
 - Mr. Ramaswami also expressed concern about the impact of the neighborhood particularly about those living on Charlton, indicating that it was a narrow street and could not readily handle leaving the property in question.
- Michael Floyd

- Mr. Floyd asked whether parking spaces would be assigned to the affordable units.

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

11. The application has been 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 proposed development decreases the impervious coverage on-site and increases landscaped areas surrounding the proposed building. The project site is not within an area of critical or endangered species and does not contain any mapped wetlands. The development includes appropriate stormwater management and maintains the existing geologic and topographic features.

For the foregoing reasons, this criterion has been 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.*

The Applicant is proposing to increase landscaped areas on the property as the existing site contains minimal landscaping. The Applicant is proposing the removal of

1 tree, requiring 2 replacement trees. The proposed landscaping includes the planting of 16 new trees.

For the foregoing reasons, this criterion has been 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 proposed development maintains all existing street-facing buildings, which provide a buffering of the proposed building from public view and aid in providing harmony to the surrounding neighborhood. There are no major changes to grading within the site. While the building height is taller than surrounding buildings, it is only slightly above what is permitted by Code. 4,000 square feet of existing office space will be eliminated, and there will be less impervious cover than under the existing conditions. While two parking spaces intrude into the setback, they will be screened. A new lighting plan that will be subject to the review and approval of the Land Use Engineer will ensure that there is not light trespass.

For the foregoing reasons, this criterion has been 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.

The property is located in the suggested Andersontown Historic District. The plans have been reviewed by the Historic Preservation Commission, which has recommended approval.

For the foregoing reasons, this criterion has been 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 project is not subject to the regulations of the Stormwater Management Ordinance since there is a decrease in impervious surface and the area of disturbance is less than ½ acre. Roof leaders will be directly tied into the Municipal Storm Sewer System.

For the foregoing reasons, this criterion has been 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 proposed development utilizes the existing driveways along Nassau and Charlton Streets to access the proposed parking areas. All driveways are currently used for both ingress and egress to the on-site parking lots. The driveway on Nassau Street and the south driveway on Charlton Street are proposed to be egress only. The north driveway on Charlton Street is proposed to be ingress only. While the Board understands concerns by members of the public about egress from the property in question being onto Charlton, it is satisfied that the levels of traffic generated will be such that they will not create an undue traffic problem.

For the foregoing reasons, this criterion has been 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 circulation system has been appropriately designed so that the traffic is exiting onto Nassau Street and Charlton Street.

For the foregoing reason, this criterion has been 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.

Pedestrian access to the 45-unit building is provided through a sidewalk adjacent to the south driveway on Charlton Street, which wraps around 9-11 Charlton Street and crosses the access driveway. No access is provided directly from Nassau Street.

For the foregoing reasons, this criterion has been 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 proposed development includes 38 on-site parking spaces consisting of 34 fully covered spaces, 2 partially covered spaces, and 2 open air spaces, meeting the minimum zoning requirements. Two spaces are designated for accessible parking, one of which is EVSE. Regarding electric vehicle charging stations, 27 spaces are proposed to be "Make-Ready" and an additional 6 are EVSE.

The Applicant proposes to provide parking for 59 bicycles in the form of both short-term and long-term, exceeding the minimum zoning requirements.

The proposed parking lot is surrounded by a 4' tall fence in lieu of screening

along the easterly and westerly borders of the lot. Section B17A-390 (c) states "Off-street parking lots with more than 10 spaces shall have planting strips at least four feet in width around the perimeter of the parking area. . . . The board of jurisdiction, or the zoning officer if there is no site plan review, shall require that the design of parking areas and the plantings to be placed upon these parking areas shall be adequate to screen the parking area from the view of the street or any adjoining lots and to achieve the maximum amount of green space consistent with the parking requirement. The board or officer of jurisdiction may permit a suitable screening wall or fence upon determining that plantings are impracticable or inappropriate." The Board finds that plantings are impracticable and that the proposed fence provides suitable screening.

For the foregoing reasons, this criterion has been 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 property is currently served by, and will continue to be served by, existing electric, domestic water, and sewer services. All new services are shown to be underground. The Applicant has indicated that the building will not require a natural gas service.

The Board, however, as per a condition, will require the installation of underground services for the existing buildings shown to remain at 9-11 Charlton and 13 Charlton if practicable.

For the foregoing reasons, this criterion has been 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.

An enclosed trash and recycling room is shown at the north end of the building. Waste will be handled by a private hauler.

For the foregoing reasons, this criterion has been 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.

Noise during construction is indicated to be maintained in compliance with municipal and state requirements. Post-construction noise levels are not expected to exceed those requirements.

For the foregoing reasons, this criterion has been 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

A back-lit, freestanding wayfinding sign is proposed on Charlton Street as well as one facade sign facing the entrance on Charlton Street. Back-lit sign box signs are not permitted per Section BI 7A- 371, and a condition will require that details of the back-lit sign will be subject to review to ensure compliance with the Princeton Code.

For the foregoing reasons, this criterion has been satisfied.

(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.

None are proposed.

For the foregoing reasons, 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.

No waterways are on or adjacent to the site.

For the foregoing reasons, this criterion does not apply.

(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.

None are proposed.

For the foregoing reasons, this criterion does not apply.

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

FINDINGS AND CONCLUSIONS RE: VARIANCES

13. The Applicant has applied for and the proposed development necessitates two variances. The variance and the Board's action on them are as follows:

a. Variance: From Section B17A-415, which provides that the maximum building height is 50 feet while 54 feet 10 inches is proposed.

Variance granted: A number of Municipal Land Use Law purposes are advanced, including "a," which is to guide the appropriate use and development of land in a manner that promotes the public health, safety, morals, and general welfare; "e," which is "[t]o promote the establishment of appropriate population densities and concentrations that will contribute to well-being of persons, neighborhoods, communities and regions and preservation of the environment;" and "i," which is to promote a desirable visual environment through creative development techniques and good civic design and arrangement." The size of the building permitted by the increase in height generates more affordable units than would otherwise be provided. In addition, given that the property in question is in a downtown environment, having a higher population density is a desirable goal. Lastly, the building is well-designed, and, because of this and retention of the existing building on Nassau Street and the two buildings on Charlton, a desirable visual environment is created. These are substantial benefits and substantially outweigh the detriments that are created by an increased building height, which in this case the Board finds are not significant. Failing to grant the variance would result in undue hardship in that it would not permit the project to go forward. The c(2) positive criteria are therefore satisfied.

The negative criteria have been satisfied as well. For the reasons set forth above, there is no substantial detriment to the public good. Nor is there a substantial impairment to the intent and purpose of the zone plan and master plan, both of which encourage widening housing opportunities in the municipality, and the Housing Element and Fair Share Plan specifically provides that affordable housing obligations be satisfied.

The positive and negative criteria having been satisfied, this variance is granted.

b. Variance: From Section B17A-415, which requires a landscape buffer to residential zones of 15 feet, while 3 feet 9 inches is proposed because of the intrusion into the buffer of two parking spaces at the southern end of the property.

Variance granted: As set forth in the section on findings and conclusions with respect to the site plan application, the Board found that the landscape screening provides appropriate screening for the two spaces. The same Municipal Land Use Law purposes advanced by variance a is advanced in this case and for the same reasons. In addition, the Board notes that the proposed buffer is better than the existing parking lot. Both the negative and positive criteria are satisfied for the same reasons.

The c(2) positive and negative criteria having been satisfied, this variance is granted.

FINDINGS AND CONCLUSIONS RE: WAIVER

17. The application necessitates one waiver. The waiver and the Board's action on it is as follows:

a. Waiver: From Section T10B-203B, which requires that parking lot drive aisles be 24 feet in width, while 22 feet is proposed.

Waiver granted: The Board when acting on an application for preliminary site plan approval may grant waivers from ordinance requirements that are reasonable and within the general purpose and intent of the provisions for site plan review and approval if the literal enforcement of one or more provisions of the ordinance is impracticable or will exact undue hardship because of peculiar provisions pertaining to the land. The Board finds that the request is reasonable in that a 24 foot parking aisle width is unnecessary and that a 22 width is sufficient. The purpose of the ordinance provision is to assure that cars can turn adequately in the parking lot, and that is the case herein. Literal enforcement of the ordinance provision would exact an undue hardship in that given the size and configuration of the tract a conforming drive aisle width would require a redesign of the project with a loss of the benefits set forth in the Variance section, particularly as to the provision of affordable housing.

The waiver request, accordingly, is granted.

FINDINGS AND CONCLUSIONS RE DE MINIMUS EXCEPTION FROM RSIS STANDARDS

The RSIS parking requirement would be 88 spaces, while the Applicant proposes 38. The Board finds that a *de minimus* exception from the 88 space requirement is warranted given that the site is an affordable housing site in a downtown area and that the zoning requirements have been satisfied. Given this, the exception is warranted.

CONDITIONS REQUIRED

18. 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:

Landscaping

1. The final landscape plan shall be subject to the review and approval of the Landscape Subcommittee.
2. A detail of the architectural elements that will serve as a screen around the garage shall be provided.
3. The Applicant shall work with the municipal Arborist to review the need to prune or replace existing trees and modify the landscape plan as needed. This may result in additional plantings in the landscape buffer.
4. The Applicant shall review tree protection measures with the municipal Arborist prior to construction. It shall be subject to his approval.
5. The plans shall be updated to provide additional detail of the size and form of plantings as appropriate.
6. Five of the proposed trees are located off-site at the rear of adjacent lot #25, and although these trees are *Acer platanoides*, Norway Maple, an invasive species they are slated for preservation and should not be significantly disturbed by the proposed development. Five of the trees are located on the subject property in the southern corner abutting the property line. Some of these trees are incorrectly identified as *Catalpa bignoides*, Southern Catalpa, while they appear to be *Ulmus americana*, American Elm. A few of them are also *Acer platanoides*, Norway Maple. All of the trees should be carefully evaluated to determine the current condition and potential for long term survival. If it is determined that the trees exhibit conditions that present concerns that warrant removal, then modification of the landscape design to augment the proposed planting and the landscape buffer should be considered. The final plans should offer an analysis of tree removal and any code-required tree planting as mitigation. The plans shall be modified as appropriate.

7. The Applicant shall limb lower tree branches at the ingress driveway if any below 14 feet will conflict with emergency vehicle access to the site.
8. The Applicant shall update the Landscape Plan and if practicable substitute materials as requested in the Shade Tree Commission Memorandum, dated September 12, 2022, or in consultation with the municipal Arborist.
9. In the event additional tree removal is recommended by the municipal arborist, then additional plantings shall be added to the final plans as appropriate and as may be required or recommended by municipal staff.
10. The screening at the southern end shall be subject to the review and approval of the Municipal Landscape Architect to protect residents to the south from headlight glare and other light trespass.

Parking/ Site Circulation

11. Within six years of the issuance of the certificate of occupancy for the new building, a total of at least seven parking spaces on site (including those spaces already supplied with EV equipment) shall be supplied with electric vehicle supply equipment. (The six spaces proposed with EV in the initial construction of the project also satisfy the three year requirement of NJSA 40:55D-66.20.)
12. The Applicant shall use different materials for the on-site parallel parking spaces to distinguish them from the drive aisle and visually reduce the appearance of the drive aisle width from Charlton Street.
13. Pervious surfaces will be used where practicable, and the Applicant will study whether pervious surfaces can be used for the two parking spaces that project into the buffer.

Site plan

14. There shall be a clear demarcation between Lot 24 and the property in question along the Nassau Street exit driveway by fencing and curbing. Princeton University, however, can fence in the entire Lot 24.
15. The entry to the lobby shall be moved three to four feet to the south and the entrance to the parking garage shifted as well to address the jog in the entry from Charlton and access to the parking garage and lobby.
16. The two southern spaces in the parking garage shall be compact spaces, and the site plan shall be revised accordingly by setting forth the dimensions of the spaces.
17. The site plan shall be revised to include sight triangles at the egress driveways. The proper sight triangles can be maintained as designed.
18. All proposed traffic signs and striping shall follow the requirements specified in the Manual on Uniform Traffic Control Devices.
19. Fire lanes and striping shall be subject to the approval of the Fire Sub Code Official.

Storm water management

20. The Applicant shall consider using cisterns rather than rain barrels for roof runoff.

Lighting

21. The photometric site plan shall be revised to ensure the light trespass meets the requirements of B17A-365.1.
22. The Applicant shall provide a lighting plan for the below grade parking garage. It shall be subject to review by the Land Use Engineer and shall comply with the requirements of B17A-365.1(d)(3).
23. The Applicant shall submit details of the backlit signs for review to ensure compliance with the Princeton Code, including B17A-371, or obtain additional approvals as needed.
24. The Applicant shall use 2700k LED lighting on the exterior.

Utilities

25. The Applicant shall coordinate with the utility company to identify the most appropriate location for the electrical transformer which may, at the utility company's discretion, be a different location than indicated on the submitted site plan.
26. The Applicant shall install underground services on its property for the existing buildings shown as remaining at 9-11 Charlton and 13 Charlton Street to the extent practicable. At a minimum several existing services interior to the site shall be relocated underground to support emergency vehicle access.

27. The Applicant shall review existing over-head utility services on site and remove conflicts, if any, with less than 14 feet of clearance for emergency service vehicles.
28. The Applicant shall supply hydrant flow test results from New Jersey American Water to determine if same comply with municipal standards.
29. The plans shall be revised to include a proposed fire hydrant within 50-100 feet of the FDC as required.
30. The FDC location shall be approved by the Fire Marshal.
31. The Applicant shall reconstruct any portion of the driveway and sidewalk on Nassau Street which is disturbed for the installation of the water main.

Access

32. The Applicant shall prepare, subject to the review of the Board Attorney, a declaration of easement whereby the Applicant grants Princeton University (as the owner of adjacent Lot 24) driveway access on the Applicant's property in accordance with the terms set forth in an email from Christopher DeGrezia, Esq., dated October 13, 2022 as modified by an email from Thomas Letizia, Esq., also dated October 13, 2022, both of which are attached hereto.

Signage

33. The Applicant shall place a small wayfinding sign, subject to municipal staff approval, in the front of the building on Nassau Street to direct pedestrians to the Charlton Street sidewalk serving the new building.

Affordable Housing

34. The Board Attorney shall prepare, have executed, and record the affordable housing instruments for the nine affordable units.

Other

35. This approval is subject to emergency services being satisfied and appropriate documentation being submitted with respect thereto.

36. The sewer connection fee shall be computed and paid prior to the issuance of building permits at the then current connection fee rate.

37. The Applicant shall consolidate the three existing lots as a condition of approval before building permits will be issued. The new consolidated lot will be identified as Block 47.01 Lot 38.

38. The Applicant shall make every reasonable attempt to attain a Zero Energy Ready project.

39. The contractor shall be encouraged to perform life-cycle assessment (LCA) for material selection, and ownership shall elect to use materials that reduce embodied carbon to the extent practicable.

40. A community vegetable/herb garden or appropriate rooftop vegetation for residents shall be included in a rooftop amenity program.

41. A preliminary Indoor Air Quality plan shall be prepared following the preparation of construction documents and identification of relevant building systems.

42. The Applicant's engineer shall submit a construction cost estimate for the installation of all site improvements and public site improvements, which shall be subject to the review and approval by the Land Use Engineer in order to determine the amount required for a Performance Guarantee and inspection fees.

43. Approvals from the following agencies, if required, shall be submitted to the municipal staff.
 - a. Mercer County Planning Board
 - b. Mercer County Soil Conservation District
 - c. Delaware and Raritan Canal Commission
 - d. Princeton Sewer Department
 - e. Stony Brook Regional Sewer Authority
 - f. New Jersey Department of Transportation

CONCLUSION

Based on the foregoing, the Board at its October 13, 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: 10/13/22

FOR Wilson, Capozzoli, Chao, Cohen, McGowen, O'Donnell, Quinn, Taylor

AGAINST: No one

ABSTAIN: No one

INELIGIBLE TO VOTE: Sacks, Tech-Czarny, Bottigheimer

Vote on findings:

FOR:

AGAINST: No one
ABSTAIN: No one

INELIGIBLE / ABSENT: Sacks, Tech-Czarny, Bottigheimer