

# METRO

The Times

## Princeton arts/transit foes claim university promised town cash for site

- School's attorney says allegation is 'absolutely baseless'
- Court focusing on legality of ordinance allowing development

By **Brendan McGrath**  
STAFF WRITER

PRINCETON — A group that opposes Princeton University's \$300 million art and transit development is claiming that the town adopted local zoning laws allowing the project in exchange for a series of payments from the school.

The residents alleged that the largely tax-exempt university promised \$950,000 in total, but said it would withhold the majority of the money until after the site plan for the arts and transit project was passed.

The university's attorney

said yesterday the claim was false. "I think the allegation is actually absolutely baseless," the attorney, Jonathan Epstein, said.

The issue has yet to surface in ongoing courtroom discussions that are focused on whether the ordinance allowing the development conforms with the town's master plan.

The allegations about the payments are based on language in a memorandum signed by the town and the university. The university agreed to make a \$500,000 payment to a transit fund and pay

\$450,000 for three crosswalks to be installed in the town, according to the residents' complaint. Only \$100,000 would be paid up front, and the university would give the rest after the site plan was approved, the complaint said.

Today will be the third day of hearings in this case. So far, Bruce Afran, the attorney for the plaintiffs, has focused on trying to prove to Superior Court Judge Douglas Hurd that the ordinance is illegal because it conflicts with Princeton's master plan. Afran and Epstein have both called witnesses with

planning backgrounds.

Carlos Rodrigues, a former chair of the Princeton Township zoning board, said during his testimony over the first two days of hearings that the ordinance was inconsistent with the master plan because the plan calls for fewer institutional takeovers of commercial and residential land. The ordinance allowing the project will reduce both types of land and replace it with more building primarily used by the university, Rodrigues said.

Epstein held that the ordinance is consistent with the master plan and therefore legal.

"The planning board did a review of the ordinance and

did not find any substantial inconsistencies with the master plan," he said.

Yesterday, Epstein called Lee Solow, Princeton's planning director, to testify.

Solow said that his opinion was that the project was consistent with the town's master plan because it improves the traffic situation in the area around the former Dinky train station, where the arts and transit project is centered, and makes the area more aesthetically appealing as a gateway to the community.

"We're really taking some deteriorated buildings and providing what in my opinion would be an enhanced entrance to town and campus,"

Solow said.

Municipal land use law requires ordinances to be substantially consistent with the town's master plan, and Solow's testimony so far has demonstrated that this is the case with the ordinances that have allowed the university to move forward with its project plans, Epstein said.

This case is one of five legal actions that different groups of residents have taken to oppose the university's arts and transit project, which has led to the relocation of the Dinky train station and the demolition of a number of old houses.

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## Princeton residents sue university

**\$330 million Arts and Transit project conflicts with master plan, group says**

By **Brendan McGrath**  
STAFF WRITER

PRINCETON — A group of Princeton residents is suing to prevent Princeton University from continuing the largest expansion project in its history.

The \$330 million Arts and Transit project, which is already underway, is transforming the former Dinky rail station and the area surrounding it, and residents are claiming that it was all made possible with an ordinance that conflicts with Princeton's master plan.

"The arts plan is very destructive the way it's been conceived," said Bruce Afran, the attorney for plaintiff Walter and Anne Neumann and Marco Gottardis. "There are people all over the community who oppose what the university is doing."

The town's master plan calls for a reduction in the conversion of residential and commercial land into institutional, non-taxable land, and this project is actually adding to the rate of conversion, Afran said.

The old Dinky station was

shut down last month as part of the university's arts and transit plan and will eventually be replaced by a new station 460 feet to the east. Two buildings from the old station will be converted into a café and a restaurant.

Afran's clients named the university, as well as the former township and borough of Princeton in the suit. The municipalities have since merged, but Afran said that his case remains the same: The ordinance that allows the university to continue with its project was illegally passed.

Municipal land use law requires town ordinances to be substantially consistent with

master plans and to explain any discrepancies, and that did not happen here, Afran said.

Hearings began yesterday in the case.

An attorney for Princeton University, Jonathan Epstein, disagreed with Afran's assertion that the municipality broke the law.

Town officials "complied with municipal land use law," Epstein said. "They complied with the process and the substantive provisions."

"The plaintiffs are focused on some rather small intricacies of the master plan," Epstein said. They are ignoring the fact that the 2009 element of the master plan was adopted with

the university's plans in mind, making the ordinance substantially consistent with the master plan, he said.

Arguments will continue today as the university is expected to call Lee Solow, Princeton's planning director, as a witness in the case. Court testimony will likely wrap up tomorrow, Afran said, but he does not expect a decision for a few weeks.

"If we prevail they will have no authority to do any of that work," Afran said.

In addition to the closing of the old Dinky station, a series of older homes were all destroyed earlier this year as part

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of the project, Afran said.

The institution continues to overtake local businesses and residences in a way that both reduces the town's tax base and takes away from the town's identity, Afran said, and he does not think that residents are receiving anything in return.

University officials have said that the arts community would have programs that are open to the public, but Afran said yesterday the public may have the wrong impression of what is going to happen.

"People think this is going to be a new Lincoln Center," Afran said. "Those campus buildings are not for the use of the public."

The theatre that will open will be used for the university and will not be big enough to bring the potential entertainment benefits some residents are hoping for, he said.

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