

**TOWNSHIP OF PRINCETON
ZONING BOARD OF ADJUSTMENT
Minutes of the Regular Meeting
Wednesday, September 19, 2012 – 7:30 P.M.
Municipal Complex, Main Meeting Room
400 Witherspoon Street, Princeton, New Jersey**

PRESENT: Carlos Rodrigues, Penelope Baskerville, Louisa Clayton, William Spadea, Sara Segal and Geoff Aton

ALSO PRESENT: Peter Kneski, Zoning Officer; Robert P. Casey, Attorney; and Debra Rogers, Secretary

ABSENT: Antonio Pirone, Richard Kahn, Ravi Manchi

There were fourteen (14) members of the public present.

The meeting commenced at 7:35 P.M. with Ms. Rogers reading the Open Public Meetings Act statement.

1. MINUTES:

Upon motion made by William Spadea and seconded by Penelope Baskerville, a motion was made to adopt the minutes of May 23, 2012 as written and amended.

ROLL CALL:

Aye	Penelope Baskerville
Aye	Louisa Clayton
Aye	William Spadea
Aye	Carlos Rodrigues

2. TIME EXTENSION REQUEST:

a) CRAVER, Dana

97 Castle Howard Court
Section 7701, Lot 35, R-5

Time Extension Request for previous approval

File No. 2359-10Z (9728)

Attorney Casey explained that the applicant sent a letter to the Board secretary requesting an extension of time to obtain building permits for their variance that was previously approved. He said that this approval fell under the Permit Extension Act and therefore the State Statute allows it to be extended.

Chairman Rodrigues said there is no question that this request is covered by the Permit Extension Act. He asked for a motion to approve the request.

Upon motion made by Penelope Baskerville and seconded by William Spadea, a motion was made to approve the extension of time request by Dana Craver.

ROLL CALL: **Aye Penelope Baskerville**
 Aye Louisa Clayton
 Aye William Spadea
 Aye Sara Segal
 Aye Geoff Aton
 Aye Carlos Rodrigues

3. APPLICATIONS:

- a) BRUIN, James & Jeannine**
150 Snowden Lane
Section 7504, Lot 10, R-7
“C”- Lot Area
File No. 2382-12Z (9834)

Present for the application were Jeannine Bruin, applicant; Frank Brennan, Attorney; and Thomas Harris, Surveyor/Engineer.

Members Segal and Aton were appointed to hear the application in the absence of Members Kahn and Pirone.

Attorney Casey said all the noticing documents were in order and the Board was in a position to entertain jurisdiction of the application.

Attorney Casey swore in Jeannine Bruin and Thomas Harris.

Mr. Brennan said he is the attorney representing the Bruin’s who are the contract purchasers of 150 Snowden Lane. He said the subject lot is also known as Block 7504, Lot 10, in the R-7 zoning district. He said the lot is non-conforming as to lot size and that is the reason the applicants are here tonight. He asked Mrs. Bruin various questions regarding the existing house and the layout of the new home they are proposing.

Mrs. Bruin said that the realtor would not even take through the whole house because of the mold issues. She said there are trees that have busted through in the basement which caused water problems and mold issues.

Mr. Brennan passed out pictures of the existing house to show the current condition of the house.

Mrs. Bruin said that her father-in-law is a home builder and will be building the new home should the variance get approved.

Mr. Brennan handed out pictures showing the proposed elevations of the new house.

Mrs. Bruin said the proposed house will be approximately 2401 square feet with 3 bedrooms and 3 bathrooms on the second floor, the basement will eventually be finished with another bedroom and bathroom located there and the first floor will be kitchen, living rooms and family areas, as well as a 2-car detached garage.

Mr. Brennan asked Mrs. Bruin if she talked to any of the neighbors.

Mrs. Bruin said she delivered a letter to all of the properties within 200 feet and beyond and then spoke to some people via telephone and some via email.

Mr. Brennan asked Mrs. Bruin if it was her intention to live in the proposed dwelling.

She said yes, they will be living there.

Mr. Brennan said that because this is a lot area variance request, there is a way to eliminate the variance request by purchasing land from adjacent property owners or asking them to buy this lot. He asked Mrs. Bruin if she spoke to her neighbors about any of it.

Mrs. Bruin said she did speak with the adjacent property owners and they were not interested in selling any of their land and they were not interested in buying this lot.

Mr. Brennan said he would like to have Mr. Harris make a presentation.

Mr. Harris showed his site plan which had the subject property and all the properties within 200 feet. He said the applicants are only requesting one variance for lot area; all other bulk requirements will be met.

Mr. Brennan asked Mr. Harris about the other lots in the neighborhood.

Mr. Harris said that most of the lots are also non-conforming with the exception of 4 lots, even outside the 200 foot diameter most of the lots are the same size.

Chairman Rodrigues asked if there were any members of the public who wanted to comment on the application.

Mrs. Dweck, 146 Snowden Lane, asked the Zoning Board to be aware of the aesthetics of the neighborhood. She said most of the homes are cape cods and she does not feel this proposed style home will fit well in the neighborhood.

Mrs. Czarny, 55 Leavitt Lane, said she is very concerned about the water issues. She noted that right now there are drainage issues where houses are getting flooded and she is worried that this structure will make it worse. She said she spoke to the Borough Engineers about this issue and nothing has been done.

Karen Longo, 140 Snowden Lane questioned the legality of the noticing. She said her property is located within 200 feet of this lot and she was not sent a notice in the mail. She said Mrs. Bruin delivered a letter to her but she was never given any “formal” notice. It was then discovered that she never obtained a certified property owners list from Princeton Borough. However Mrs. Bruin said she delivered her letter to all the homes on the topo map and beyond. One of the neighbors validated that Mrs. Bruin did hand deliver a letter to everyone and she gave Attorney Casey a copy of the documents that Mrs. Bruin gave her. It was decided that the Board could continue jurisdiction of the application.

Chris Baldwin, 140 Snowden Lane, said she is concerned because a home will be torn down and a much larger home with a different style will be built. She said her house is identical to the existing house and she raised her family in it just fine. She is also concerned about the style and height of the proposed house and how it will change the character of the neighborhood. But she said the most important issue is the water runoff. She said the neighborhood had voiced their concerns years ago and nothing was done. She wants to go on record stating that there is an issue with the water. She said when it rains there is a river along the property lines and this issued has caused tensions with the neighborhood. She said if indeed this construction is approved, she wants it to be known that the problem will intensify.

Chairman Rodrigues asked if there were any other members of the public who wanted to comment on this application. Hearing none, he closed the public portion and the Board went into deliberative session.

Mr. Brennan said he would like to have additional testimony from Mrs. Bruin regarding the noticing.

Brennan said the topo map shows the Township/Borough boundary lines and all of the properties (regardless of whether or not it is in the Township or Borough). He asked Mrs. Bruin is she brought the letter to all of the properties shown on this map.

Mrs. Bruin said yes, and to some properties beyond that 200 foot limit.

Attorney Casey said he can not find a certified mail receipt for the Mercer County Planning Board or the Princeton Borough Municipal Clerk. He said that the application would have to be carried to the next meeting on October 24, 2012 at 7:30 p.m. He asked the applicants attorney to re-notice all of the properties within 200 feet as well as the Mercer County Planning Board and the Princeton Borough Municipal Clerk. He also suggested that the applicants be prepared to address some of the storm-water concerns of the neighbors.

This application was adjourned until the October 24, 2012 meeting at 7:30 p.m.

- b) WEISS, Danna**
270 Lambert Drive
Section 8101, Lot 22, R-1
“C” – Lot Area
File No. 2383-12Z (9835)

Present for the applicant was Danna Weiss, applicant; Mark Solomon, Attorney; and Frank Falcone, Engineer/Planner.

There were seven members of the public present.

Members Segal and Aton were appointed to hear the application in the absence of Members Kahn and Pirone.

Attorney Casey said all of the noticing documents were in order and the Board was in a position to entertain jurisdiction of the application.

Mr. Solomon said he the attorney representing the applicant Danna Weiss who has filed an application for lot area for the property at 270 Lambert Drive, block 8101, lot 22 in the R-1 zoning district. He said the lot is 1.66 acres where 2 acres are required, and noted that 74% of the lots in the area are undersized. He said the applicant is proposing to tear down the existing house and rebuild a new home. He said this is a classic c-1 variance because of the hardship that exists by the size of the lot. He said he sent letter to the adjoining property owners asking if they would sell any part of their land to the applicant or if they would like to buy the subject lot. He said the responses he received were “not interest to buy or sell”. He submitted those letters and they were marked as Exhibits A-1, A-2 and A-3. He noted that the property to the north is 2.04 acres and the most they could have sold the applicants were .04 acres which would not eliminate the non-conformity.

Attorney Casey swore in Frank Falcone of Princeton Junction Engineering.

Mr. Falcone explained a rendering of sheet 3 of the plans that were submitted to the Board members; this was marked as Exhibit A-4. He said the lot area is short by 14,800 square feet. He also noted that the applicant will be utilizing the existing driveway, detached garage, shed and tennis court; however the tennis court will be modified. He then discussed a rendering of the Princeton Township Tax Map that was marked as Exhibit A-5. The rendering showed that 32 out of 43 lots are undersized in the neighborhood. He also said that it was his opinion that there would be no detriment to the public or the zone plan should the request is approved.

Mr. Solomon asked if the proposed new home would meet all of the other bulk requirements.

Mr. Falcone said yes, all of the other bulk requirements would be met as well as the FAR and impervious surface coverage. He did note that the FAR is depicted on the plans as being 10%; however this is an undersized lot so that actual FAR maximum is slightly higher than the 10%,

but in any event, the FAR will conform to the requirements. He said the tennis court will be modified to comply with the impervious surface coverage.

Chairman Rodrigues asked if there were any members of the public who wanted to comment on this application.

Mr. Phares, 94 Rosedale Road, confirmed that his daughter at 620 Rosedale Road did not want to sell any portion of her land to the applicant and he thinks the new home will have a negative impact on the neighborhood.

Chairman Rodrigues asked if there were any other members of the public who wanted to comment on the application. Hearing none, he closed the public portion and the Board went into deliberative session.

Mr. Solomon said the positive and negative criteria have been met and he respectfully asked the Board to approve the applicants request for a C-1 variance.

Attorney Casey asked Mr. Falcone if he could be a little more specific with regards to the FAR.

Mr. Falcone said based on the maximum FAR the applicant could build a house of approximately 8,000 square feet, however, the final plans are not completed yet, but the applicant is proposing to build a new house in the range of 6,600 square feet. He also noted that the existing structure is in the 6,000 square foot range. He said the proposed house will be approximately 1,500 square feet or more under the maximum allowed.

Chairman Rodrigues asked for comments from the Board.

Member Baskerville said she has no objection to the variance request, but voiced a concern over tearing down a perfectly good home to do this.

Member Clayton also said she had no objection to the variance request.

Upon motion made by William Spades and seconded by Louisa Clayton, a motion was made to approve the variance request of Danna Weiss as it has been present with the condition that the applicant receives Engineering approval of the site plan, storm-water management and tree removal prior to the issuance of a building permit.

ROLL CALL:	Aye	Penelope Baskerville
	Aye	Louisa Clayton
	Aye	William Spadea
	Aye	Sara Segal
	Aye	Geoff Aton
	Aye	Carlos Rodrigues

4. ADJOURNMENT:

Upon motion made by William Spadea and seconded by Penelope Baskerville, a motion was made to adjourn the meeting at 8:45 p.m.

ROLL CALL: **Aye** **Penelope Baskerville**
 Aye **Louisa Clayton**
 Aye **William Spadea**
 Aye **Sara Segal**
 Aye **Geoff Aton**
 Aye **Carlos Rodrigues**

Respectfully Submitted,



Debra Rogers, Secretary

Date Approved: October 24, 2012