

PRINCETON ZONING BOARD OF ADJUSTMENT
Minutes of Regular Meeting
Wednesday, February 26, 2014– 6:30pm
Main Meeting Room
400 Witherspoon Street, Princeton, NJ 08540

PRESENT: Penelope Baskerville, Louisa Clayton, Michael Floyd,
Richard Kahn, Barrie Royce, Sara Segal, Doreen Blanc-
Rockstrom

ALSO PRESENT: Karen Cayci, Attorney; Derek Bridger, Zoning Officer;
Lee Solow, Planner; Jack West, Land Use Engineer; and Debra
Rogers, Secretary

ABSENT: Steven Cohen

There were twenty-three (23) members of the public present.

The meeting commenced at 6:42 p.m. with Chairman Royce reading the Open Public Meetings Act statement.

1. MINUTES:

Upon motion made by Michael Floyd and seconded by Louisa Clayton, a motion was made to adopt the January 22, 2014 minutes as written and amended.

ROLL CALL: **Aye** **Penelope Baskerville**
 Aye **Louisa Clayton**
 Aye **Michael Floyd**
 Aye **Richard Kahn**
 Aye **Sara Segal**
 Aye **Barrie Royce**

2. RESOLUTION OF MEMORIALIZATION:

Upon motion made by Louisa Clayton and seconded by Michael Floyd, a motion was made to adopt the Devin Properties LLC resolution as written.

ROLL CALL: **Aye** **Penelope Baskerville**
 Aye **Louisa Clayton**
 Aye **Michael Floyd**
 Aye **Richard Kahn**
 Aye **Sara Segal**
 Aye **Barrie Royce**

3. **ANNUAL REPORT:**

Member Floyd asked if the Olden House bulk regulations, or lack thereof, would be included in the annual report.

Mr. Bridger said that yes, he would add language to the report addressing that issue.

Upon motion made by Michael Floyd and seconded by Richard Kahn, a motion was made to adopt the 2013 Annual Report of the Princeton Zoning Board as amended.

ROLL CALL:

Aye	Penelope Baskerville
Aye	Louisa Clayton
Aye	Michael Floyd
Aye	Richard Kahn
Aye	Sara Segal
Aye	Doreen Blanc-Rockstrom
Aye	Barrie Royce

4. **APPLICATIONS:**

- a) **NAMES, Lauri**
16 Madison Street
Block 28.02, Lot 39, R-4
C1/C2 – Front-yard Parking REMAND
File No. Z13 13-094V
(Carried from the 1/22/14 meeting)

Present for the hearing was Lauri Names, applicant and Mark Roselli, attorney for the applicant.

Attorney Cayci noted that all of the applicants noticing documents were in order and the Board was in a position to continue jurisdiction of the application.

Chairman Royce asked the attorneys to present their case.

Mr. Roselli noted that he would like to have some rebuttal time after the objectors have finished presenting their case.

Ms. Studholme said that the objectors began their case last month with the legal argument and testimony from Rebecca Cox and a few other neighbors. She said she will have at least one other neighbor testify, the Planner and the Landscape Architect. She said before she begins she would like to mark the planners report as exhibit O-6. She also submitted exhibit O-4 Mr. Sprungs resume’.

Attorney Cayci swore in Mr. Matthew Sprung, Professional Planner.

Chairman Royce noted that the Board has a copy of his resume and to please make his testimony quick.

Mr. Sprung gave his qualifications. He continued by saying that he looked at the neighborhood as well as the R-4 zoning district. He said he disagrees with Cofone that this variance can be granted without detriment to the neighbors. He said the vision statement from the Master Plan and noted that this neighborhood is a small, narrow, short street with parking only allowed on one side of the street. He said there is granite curbing with 3 ½ - 4 feet of landscaping between the curbing and the sidewalk. He said the front yards have stoops or front porches and it's very apparent that the residents "live in the front" on this street. He said the subject lot is non-conforming with a request to have parking in the front yard yet most homes in the area do not provide off-street parking. He said he thinks it's an extreme request to have parking in the front yard. He said with regards to the C-1 positive criteria, this would get parking off of the street but off street parking is not required in the R-4 zoning district. He said he believes this is a self-created hardship and not a hardship. He said with regards to C-2 the applicants must prove that the benefits outweigh the detriments. He said this proposal does not meet the criteria listed in the municipal land use law. He said the parking of a vehicle in the between the sidewalk and the front of the house is poor civic design and will be taking away the open space of the front yard. He said any advantage gained by the property owner will not outweigh the detriments to the neighborhood. He said with regards to the negative criteria if this is granted it will cause substantial detriment to the public good. He noted that no other lots on the street have parking within the front yard setback.

Ms. Studholme asked Mr. Sprung if the Zoning Board has worked to eliminate parking in the front yards.

Mr. Sprung said yes, that is correct. He said the granting of this variance will impair the zoning ordinance and the zone plan. He said this does not meet 2.i of the municipal land use law where it states "...good civic design..." He said this proposal is undesirable and poor civic design. He said parking in the front yard will undermine the zoning scheme. He said the former Princeton Borough ordinance state "harmonious neighborhoods"; the granting of this variance will not make this neighborhood "harmonious".

Ms. Studholme said Madison Street is made up of small lots with old houses. She asked Mr. Sprung if the granting of this variance will impair the zoning scheme.

Mr. Sprung said yes, there are properties on Madison Street that cannot accommodate a parking space and only have parking in the side yard. He said if the Board grants this variance the neighborhood will end up unsightly. He said the Board cannot sell out the community character for the sake of one resident's front yard parking. He said Madison Street has a special character with assessed value that should be maintained and enhanced. He said the Master Plan wants to maintain, preserve and protect the community character. He said the zoning Board granted front yard parking variances for the properties located at 52 Aiken, 34 Linden and 114 Mercer Street. He noted that only Linden Lane is located in the R-4 zoning district and in all cases the neighbors were in favor of the application. He noted that Aiken Avenue was a dead end street and the Mercer Street application was improving an existing condition. He stated again that the granting of this variance would have a negative impact on the neighborhood.

Member Segal asked how many other residents on Madison Street cannot park in the side yard.

Mr. Sprung there is only one other property - #5 Madison – all others either share a drive with the neighbor or have a driveway in the side yard of the property.

Member Segal verified that there is only one other property that cannot park on its lot.

Ms. Studholme said Madison Street is a very small, tiny street. She noted that if approved, it would be a detriment to the whole R-4 zoning district not just this street. She said if the Board grants one variance for this there will be others that will come in a request the same variance. The Board would be setting a bad precedent by granting this variance request.

Member Floyd asked if there are parking permits granted for on-street parking.

Mr. Sprung said yes, the town issues permits and he believes the applicant has a permit to park on-street.

Ms. Studholme said she would like to have their landscape architect Thomas Sterns sworn in to testify.

Attorney Cayci swore in Thomas Sterns, landscape architect.

Mr. Sterns submitted exhibit O-5 – pictures of Madison Street.

Mr. Sterns said he has reviewed all of the materials that were submitted, read the transcripts from the previous hearing and read all of the reports for this application. He said he agrees that the variance cannot be granted without substantial detriment to the neighborhood.

Mr. Roselli objected saying Mr. Sterns is here in the capacity of a landscape architect and not a professional planner.

Ms. Studholme said she would be happy to introduce Mr. Sterns as a professional planner, that she has a legal right to do so.

Member Kahn asked if Mr. Sterns would present anything different that Mr. Sprung if he testified as a planner.

Mr. Studholme said no, he would not.

Attorney Cayci said Mr. Sterns is here to testify as a landscape architect and should testify in that capacity.

Mr. Sterns referred to page 1 of exhibit O-5, a picture of the existing conditions of 16 Madison Street. He referred to page 2 showing a superimposed SUV in the front yard setback of 16 Madison Street.

Chairman Royce noted that the photo is not real and asked if it was “to scale”.

Mr. Sterns said they worked hard to show the car was measured properly.

Ms. Studholme said the picture shows from across street what it would look like to have a car parked in the front yard of 16 Madison Street.

Mr. Sterns referred to page 3 of exhibit O-5 which shows the view looking south. He also referred to page 4 showing what it would look like to have a car in the front of the house.

Member Blanc-Rockstrom inquired about the size of the curb-cut that would be needed to install the parking in the front yard. She noted that she was very concerned about the precedent this would set if the variance was granted.

Ms. Studholme said that the town Engineer Mr. Jack West is in attendance and can address that concern later the landscape architect finishes.

Member Blanc-Rockstrom asked about the turning radius at the curb area.

Mr. Sterns said he agrees the granting of this variance would set a precedent and thinks it would impair the aesthetic value of the street. He said parking in the front yard is not good civic design. He said he measured the applicants' plans and there is 23 feet from the house to the curb area; the applicant would have to install the parking area and then have depressed curbing from the sidewalk to the curb line.

Mr. Roselli objected to Ms. Blanc-Rockstrom's questions stating they are engineering questions and not landscape questions. He also noted that the applicants' plans are for a 9 X 19 parking spot but it could be reduced down to 8 X 18 if the Board was so inclined, but it would require another variance.

Chairman Royce asked if anyone has any questions for the landscape architect.

Mr. Roselli said he would like the opportunity to cross-examine the planner and the landscape architect.

Mr. Roselli asked Mr. Sterns if the drawing depicting the SUV parked in the front yard is in fact not drawn to scale.

Mr. Sterns said the photo is a representation of what he believes a car would look like.

Mr. Roselli asked Mr. Sprung if he stated that the variance should not be granted because the property was not unique.

Mr. Sprung said yes, that was correct.

Mr. Roselli asked if the subject property was the only one on the street that did not have access to on-site parking or access.

Mr. Sprung said 5 Madison Street also does not have access or parking on-site.

Mr. Roselli noted that Mr. Sprung stated that parking in the front yard would negatively impact the neighborhood, yet there are many other residents that park in the front yard setback.

Mr. Sprung said they park on the side of the house, not in the front yard setback.

Mr. Roselli said most cars that have side driveways are not parked past the building and anyone sitting on a front porch can see those cars.

Mr. Sprung said there is a big difference between visually seeing cars on the side of a house and a car that is parked in the front yard.

Mr. Roselli said he had no further questions for Mr. Sprung but reserved the right to “summation” after the public portion.

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

Ms. Studholme said there are a few of her clients that would like to comment.

Mr. Weiss, 14 Madison Street, said he has lived on Madison Street for 32 years. He said when the owners of 12 Madison Street moved in, they would park their cars in the front yard – they applied for a variance and were denied; 15 Madison Street eliminated their parking, and 17 Madison was denied a variance. He submitted a picture of the landscaping on Ms. Names property and said that if she installs a parking space, the landscaping will have to be removed.

Attorney Cayci asked when the picture was taken.

Mr. Weiss said it was taken in 2012 at the time of the 1st hearing on this matter.

Mr. Reid, Princeton Attorney, said Ms. Names is asking to park in her front yard, which is something that Ms. Studholme does all the time. He said it is no different and should be granted the variance.

Mr. Cox, 42 Wiggins Street, said he has lived in this neighborhood since 1975 and he opposed this proposal. He said this request is against the betterment of Madison Street and if granted will be the only one on the block with a variance. He said the Board should take into consideration that this will be setting a precedent if granted. He said the applicant purchased the lot knowing there was no parking and there are others on the street with the same problem. He said he has an easement with his neighbor to allow parking. He noted that parking is only permitted on the east side of Madison Street, but that it could change in the future and parking could be on the west side.

Chairman Royce asked if there were any other members of the public who wanted to comment on the application. Hearing none, he closed the public portion of the hearing.

Mr. Roselli in response to the testimony that has been given, asked the Board to recognize the fact that they have granted this same variance in the past in the R-1 and R-3 zoning districts for 34 Linden, 114 Mercer and 52 Aiken. He also noted that in the 52 Aiken case the applicant was the one that terminated the parking easement and then came back to this board to ask for a front yard parking variance. He said the Board also approved variances for 100 Bayard Lane, and 74 Jefferson Road. He noted that in the resolution of the 74 Jefferson case, it is stated that the applicant did not ask for a front yard parking variance; Mr. Bridger noted that the applicant would need the variance for front yard parking. He said they have presented evidence that Ms. Name’s property is smaller than the other lots and she is only 1 of 2 properties that do not have access to off-street parking. He said there are neighbors who continue to park in the front yard and he has pictures that show that.

Mr. Bridger said the parking is a nightmare to enforce; it is done by the Police Department.

Mr. Roselli said he finds it hard to believe that she would negatively impact the aesthetics of the street or that by granting this variance it would negatively impact the zone plan or zoning ordinance. He respectfully asked the

Board to grant the variance. He said he would like to submit photos that were taken by Ms. Names showing the continued front yard parking by the neighbors.

Attorney Cayci swore in Lauri Names.

Mr. Roselli asked Ms. Names if she took the photos of the neighbors parking in the front yard.

Ms. Names said yes, she took the photos on January 26 and January 27, 2014.

Mr. Roselli noted that the exhibit (marked as A-10) consists of 10 pages of photos.

Ms. Names said the photos show front yard parking at 10, 11, 13, 23, 12 and 14 Madison Street all parking within the front yard setback. She also noted that 14 Madison fits 2 cars.

Mr. Roselli said he would also like to submit the resolutions for 34 Linden Lane, 52 Aiken Avenue, 114 Mercer Street and 74 Jefferson as exhibits and would like them to be marked A-11 – A-15. He also noted that the property owner of 14 Madison Street said he was concerned about increase water run-off and the applicant had an engineer do calculations to show that the run-off would actually decrease.

Attorney Cayci said the engineer is not here to cross-examine and the Board could not accept his calculations.

Mr. Roselli thanked the Board for its time and asked that this application be approved.

Ms. Studholme noted that the previous approvals that Mr. Roselli spoke about all had neighborhood approval, in this case there is neighborhood opposition. She also noted that she is trying to get her husband and father in law to stop parking in the front yard setback on her property on Madison Street.

Mr. Bridger said he would like to speak to the previous approvals that were cited. He said 34 Linden Lane has a driveway in front of the house and there was no neighbor opposition; 114 Mercer Street was granted because it is a busy street – it was for safety reasons; 52 Aiken was granted because it is something that is not uncommon on the street; and 100 Bayard Lane was granted for safety reasons. He said all of the cases were unique.

Member Floyd noted that the past approvals were granted because the applicant was improving the condition.

Member Kahn noted that 52 Aiken was not improving situation.

Mr. Bridger said in the case of 52 Aiken, the next door neighbor was previously granted the same variance.

Member Kahn noted that 52 Aiken has similarities to this application.

Chairman Royce said lastly he would like to hear from staff.

Mr. Solow said there really isn't anything else that he can add. He said the 2 planners gave conflicting testimony and it is now up to the Board to do some balancing. He said he feels that the impact is localized to this street and not the entire zoning district. He said the Board need to decide whether or not the applicant

demonstrated a hardship and/or if the granting of the variance will enhance the purposes of zoning. He noted that most residents have a driveway or the ability to park behind the house on the side of the property.

Member Floyd inquired about the criteria for on-street parking permits.

Mr. Bridger said that a permit will be issued only if there is no ability to park in the site.

Chairman Royce suggested that the Board enter in deliberative session. He said the Board may want to first answer the question of whether the impacts would be localized to the street or impact the entire R-4 zoning district.

Member Kahn said that every application is unique and that he doesn't think this would impact the entire R-4 zoning district. Members Clayton, Segal and Baskerville agreed.

Member Floyd said he disagrees with that. He thinks the impacts would extend further into the R-4 zoning district. He said one would be shortsighted if they thought this would be localized to the street.

Member Kahn said the Board needs to consider each application on its own merit.

Chairman Royce suggested the Board think about precedent.

Member Floyd said most applicants will do as this one has and bring up previous approvals.

Chairman Royce asked for a motion either to approve or deny the application.

Member Floyd moved to deny the application.

Attorney Cayci said that perhaps it would be better to make a motion to approve the application.

Chairman Royce said he does not think there is anything wrong with the motion to deny.

Member Blanc-Rockstrom seconded Member Floyds motion to deny. The motion failed.

Upon motion made by Penelope Baskerville and seconded by Sara Segal, a motion was made to approve the application as it has been presented.

ROLL CALL:

Aye	Penelope Baskerville
Aye	Louisa Clayton
Nay	Michael Floyd
Aye	Richard Kahn
Aye	Sara Segal
Nay	Doreen Blanc-Rockstrom
Nay	Barrie Royce

b) Resolution appointing special Counsel Louis P. Rago.

A motion was made and seconded and the Board voted unanimously to appoint Louis P Rago, Esquire to hear the application in the absence of Karen Cayci, Esquire.

c) Chabad Lubavitch of Greater Mercer County

645 State Road

Block 2701, Lot 3, R-A & R-2

Major Site Plan, Place of Worship – D Variance/C Variances/Conditional Use

File No. Z13 13-030PUV

Present for the hearing were Rabbi Dovid Dubov, applicant; Steven Sake, Attorney; David Cohen, Architect; and Mitchell Ardman, Engineer/Planner.

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

Mr. Saks, attorney for the applicant said that this is a fairly simple D-3 conditional use application. He said the proposal cannot meet one of the conditions of the conditional use standards relating to the parking setbacks. He said the proposal meets all of the other conditional use standards. He said this lot is 18.44 acres and the applicant is only disturbing .78 acres.

Mr. Bridger referred to his report saying that the applicant is seeking a d-3 variance with access to the lot from the adjacent property owner. He said this property is located in the RA and R-2 zoning districts where a house of worship is a permitted use. He said the d-3 variance concerns access to the site because it is not from an arterial road. He said the remaining variances are bulk variances. He said the applicant is required to provide 15 parking spaces and they are proposing 10 have 10 spaces – 1 handicap. He said staff is asking the applicant to construct the 5 banked parking spaces to satisfy the parking requirement and the applicant has agreed to do so. He said the applicant has agreed to almost of the recommendations in all of the reports. He said the applicant is seeking various sign variances including an ornamental sign, a steep slope variance, light trespass variance and numerous c variances. He said SPRAB has recommended approval of the d-3 variance, the Shade Tree Commission has concurred with staff and is recommending replacement trees and the Princeton Environmental Commission is recommending that the lights are on timers and the entrance sign lighting is pointed downward; the applicant plants native plantings, the applicant utilize energy star appliances, suggested that the applicant recycle 75% of its construction waste and that the storm water run-off meets the town requirements.

Member Floyd asked if SPRAB had any comments on the ornamental sign.

Mr. Bridger said that SPRAB recommended approval.

Attorney Rago asked Mr. Saks to state who is witnesses would be.

Mr. Saks said David Cohen, Architect; Mitch Ardman, Engineer/Planner; Rabbi Dubrov, applicant; and David Newton, congregant would be testifying.

Mr. Saks entered exhibit A-1 which is a site plan showing the overall site along with the adjacent property. He said there is an office building located on the adjacent parking lot and the applicants have obtained an easement from them for access to their site and also for overflow parking should they need it. He said the applicants feel this is a better alternative than to have cars trying to access the site from Route 206. He said the proposed building has been located where it is on the site due to a wetlands buffer area.

Attorney Rago swore in David Newton.

Mr. Saks asked Mr. Newton various questions and his responses are below.

Mr. Newton said he is a current congregant and has been since 1990 when the Rabbi came to Princeton. He said the Rabbi performs a lot of charitable and education work to the community including a summer camp for special needs children. He said the Rabbi and his family provide help to senior citizens and people who are incarcerated. He noted that the Chabad movement has over 5,000 houses located worldwide and the Rabbi was ready to move forward with this proposal in 2008 but then the recession hit. He said when this is built, it will be a benefit to the whole community.

Attorney Rago swore in David Cohen, architect.

Mr. Cohen discussed his qualifications with the Board and the Board accepted him as an expert witness. He presented a PowerPoint presentation to the Board. The PowerPoint consisted of the same plans as were submitted to the Board members. He referred to sheet A.1.0 and pointed out to the Board stating there will be a multi-purpose room, kitchen, handicap accessible bathrooms and a ritual bath. He said the 2nd and 3rd floors will be used for the Rabbi's residence. He said there are a large number of bedrooms which will accommodate his family and guests; there will be office space, storage space and a mechanical area. He also went over the front, side and rear elevations and said that visually it appears as a 2 story building because the building is being built into the slope.

Chairman Royce asked if the building would be handicap accessible.

Mr. Cohen said yes, the public areas would have handicap accessibility. He discussed the proposed signage and the site sections. He also noted that there would be a 2 foot overhang to shade the windows as an energy saving measure. He entered exhibit A-2 which were samples of the finished materials for the building. He said there will be glazing on the south-side and north-side of the property.

Member Segal asked if there would be handicap access on the second floor.

Mr. Cohen said no, only to the public areas. He said the 2nd and 3rd floors are the Rabbi's residence and not for public access. He said they have agreed to all of the conditions in all of the reports with the exception of a very few. He said one condition was for inside trash and recycling. He said there will be numerous cans (trash and recycling) located throughout the building that will be emptied and put in the trash outside.

Chairman Royce inquired about the trash pickup.

Mr. Cohen said if it is decided to do food waste recycling, it will be brought down to Route 206 because they do not offer back door service. He said they really have not discussed a trash hauler since the towns merged and the trash pickup is now free. He said they would also like to state that they are not in favor of the courtyard plantings. He said this space is intended to be used for its Harvest Festival. He said people will live and eat meals outside. He said plantings would impede this – and he also noted that this space will be used for summer camp.

Member Blanc-Rockstrom asked if this is a large congregation.

Mr. Cohen said they are not a dues paying congregation they make contributions as they can. He said there are usually about 10-20 people and on a great week there will be 25 people. He said it is likely that on high holidays the Rabbi will go off site and hold the services somewhere else.

Member Segal confirmed that they also have shared parking with the office building next door for 20 parking spaces.

Mr. Saks said that was correct.

Mr. Cohen noted that the non-dense occupancy of the building is 55 people and 15 spaces are sufficient to meet the parking needs of 55 people.

Chairman Royce inquired about drainage and noted that he was annoyed that the applicant was only supplying handicap accessibility on the first floor.

Mr. Cohen noted that the upper floors are the residential portion of the building and the public should not have access to that.

Member Blanc-Rockstrom noted that the Shade Tree Commission is asking for replacement trees and asked if the applicant was agreeable to that.

Mr. Saks said that they would be meeting the ordinance.

Chairman Royce inquired about the lighting.

Mr. Cohen said there will be no light spillage onto the neighboring properties.

Member Clayton asked if the applicant was expecting to have sun in the courtyard.

Mr. Cohen said no, they would like to place ground turf in that area.

Attorney Rago swore in Rabbi Dovid Dubov.

Mr. Saks entered Exhibit A-3, dated 7/30/13 and asked the Rabbi if he was familiar with it and asked him numerous questions and his answers are below.

Rabbi Dubov said yes, he is familiar with it. He said with reference to their outreach services, the visit Jewish people who are incarcerated, he is a volunteer chaplain at numerous hospitals in Mercer County, the visit nearly 150 elderly Jewish people in the area and they offer Torah and bible study off site. He said with regards to their in-reach services they are an Orthodox Organization and have been holding services for nearly 20 years. He said the average number of attendees at the service each weekend is 10-15 people. He said on high holidays the average number of people attending ranges from 40-50 people and if need be they will go off site to hold their services. He said they also have a program for special needs children where they service 5-6 children at a time. He also noted that they have volunteers that will go to the homes of children who are not able to leave the house.

Chairman Royce asked if they have people that walk to the services.

Rabbi Dubov said there are very few.

Member Segal said she is concerned about the lack of handicap accessibility to the 2nd and 3rd floor of the building.

Rabbi Dubov said if the need ever arose they would make arrangements for the handicap person to stay in the multi-purpose room. They can arrange to have a bed placed there.

Member Kahn noted that the 2nd and 3rd floors are for the Rabbi's residential use only and his home does not need to provide handicap accessibility.

Member Clayton asked about the lack of accessibility to the site from Route 206.

Mr. Saks said the easement is a permanent access agreement that runs with the land.

Rabbi Dubov said he thought it would be better for the environment to have fewer trees removed and therefor they negotiated an easement so there will be less traffic issues on Route 206. He said the adjacent office building has some water issues and this proposal will be improving that issue.

Attorney Rago swore in Mitchell Ardman, Engineer/Planner.

Mr. Ardman gave his qualifications to the Board and the Board accepted him as an expert witness. Mr. Ardman referred to exhibit A-1 and said the site is more than 18 acres. He said it has sufficient frontage on Route 206 to create a driveway if needed. He said this lot is on the boundary line of the residential zone. He said the relevant portion of the lot is located in the R-A zoning district and the driveway easement area is located in the S-2 zoning district. He entered exhibit A-4 titled the dimension plan and details. He discussed the proposed conditions on the site and noted that the applicant has agreed to build the banked parking of 5 spaces in order to fulfill the 15 parking space requirement. He said the applicant will be disturbing only 6,254 square feet of the 18 acres for religious and residential purposes. He said the design stayed clear of the wetlands and the wetlands buffer area and they kept the disturbance to a minimum. He said the building is setback 83 feet and the applicant has agreed to all of the conditions in all of the reports except for the 2 that were mentioned previously.

He said they feel this is the best design because they are planning to keep the structure away from Route 206. He said if they move the structure closed to Route 206 you would see it from the road and the access would become slightly more difficult. He also noted that the building is being located a significant distance from any residential property; in fact it is 335 feet away from the structure along Route 206 and there is 300 feet of wooded area between the building and the residential properties at the top of the hill off Mt. Lucas Road. He said there is adequate buffering in the slope and around the building to provide a screening for the headlights so that they don't shine up into the residential properties.

Chairman Royce inquired about trees in the parking lot.

Mr. Ardman stated that the applicant has agreed to add more screening in the parking areas; pine trees and shade trees and to add evergreen trees along Route 206. He said there are significant sized trees on the property to block any impacts. He said the development of the new structure is wholly in the R-A zoning district. He also noted that the coverage is well below the maximum for the zoning district. He said the proposal is well scaled and fits well into the area. He said the storm-water management plan meets Princeton's standards. He also reiterated that the proposal will improve the drainage issues on the adjacent office building lot.

Chairman Royce inquired about utilities and whether or not they would be underground.

Mr. Ardman said they will bring them in from the overhead lines from Route 206 and then put them underground on the site. He said they would be tying into the sanitary sewer on the adjoining property. He noted that they have submitted plans to the outside agencies for approval. He noted that the applicant could apply to DOT for an access permit, but they would require the applicant to seek out a shared driveway first. He said the applicants have secured the easement with the property owner next door and they feel that the easement is the best way to service the property. He described the sign variances and explained that there will be a timer on the lights to shut the lights off at 11:00 p.m. Also noted that they will make sure nothing impedes the visibility at the entrance/exit drive.

Member Clayton inquired as to why the applicant is putting the 5 extra parking spaces in the parking setback. She noted that the building could be shifted to avoid that setback variance.

Mr. Ardman noted that in order to achieve that they would have to push to the whole design up the hill 40 feet and that would cause extra disturbance.

Mr. Saks noted that they are also right up against the wetlands buffer and really cannot shift it up any further without disturbing that buffer area.

Member Clayton said it could be shifted down and over and they applicant would also avoid the steep slope variances.

Mr. Cohen said if the design is moved down it would prohibit access for any future project. He also noted that the easement is located in the S-2 zoning district and the building was designed to meet the S-2 zone standards.

Mr. Saks noted that the adjacent parking lot has a 4.86 foot setback.

Mr. Ardman noted that it's parking lot to parking lot, and they felt it was appropriate to have a 0 setback.

Mr. Saks also said that they did not want to build closer to Route 206 because 206 is a gateway into the town as state in the Master Plan and they didn't want to disturb the visual aesthetics of the gateway.

Rabbi Dubov also noted that because this structure will also serve as his residence, he wanted it to be as far away from Route 206 as possible for safety reasons.

Mr. Saks said he wanted to Mr. Ardman to testify regarding the planning aspects of the application.

Mr. Ardman said that the applicants are seeking a D-3 variance because of the access to the site and they believe that they have placed the access in the proper location. He said he feels as if the applicant has met the goals and intent of the municipal land use law as being inherently beneficial. He said with regard to the C-2 variance requests, he feels the design is better than the alternatives and will minimize any impacts with the more than adequate careening. He said the easement satisfies the overflow parking requirement through the easement that they have obtained with the adjacent property owner. He said with regards to the signage, they have designed all the signs to meet the requirements of the S-2 (since the parking is located in the S-2 zoning district). He said with regards to the ornamental 3-D art work on the building, it is mostly considered the same as stained glass on a church and therefore should be exempt as a sign. He said with regards to the steep slope, the weighed the proximity of Route 206 and the wetlands and this was the best location and most appropriate for this proposal. He noted that all of the lighting will comply with the ordinance. He said this proposal meets the intent and purposed of the municipal land use law and he does not believe there will be a negative impact on the zone plan or zoning scheme.

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

Attorney Rago swore in Joan McGee of the Stony Brook Millstone Water Shed Assoc.

Ms. McGee noted that they are very concerned about the steep slope variance that is being requested by the applicant. She marked exhibit P-1 a steep slope drawing. She said there will be 100's of tons of soil and boulders that will be removed as a result of building into the slope. She said the retaining wall is only 3 feet away from the wetlands buffer and may intrude into the buffer area. She said the tree roots will be damaged and could eventually be an environmental disaster. She said this proposal is a detriment to the public health and safety. She referred to the applicants exhibit A-4 and said the applicant should have an independent hydrological study done because it's so closer to the buffer area. She also noted that the structure could be moved closer to Route 206.

Chairman Royce said the Board is not in any position to redesign the project and noted that she has made her point.

Ms. McGee said she is just trying to make the point that this project is detrimental to the health and safety of the public. She said the applicant could move the structure closer to Route 206.

Attorney Rago swore in George Huellstrunk.

Mr. Huellstrunk said he is a neighbor to the east of the project. He said this is a very important piece of property with the animals and vernal ponds. He said he is concerned that in the future the land could be

subdivided and there would be more development. He said he also believes that he will be able to see headlights and asked for additional screening.

Attorney Rago swore in Rienhard Schild of 74 Dogwood Hill.

Mr. Schild said the wetlands are very important to his neighborhood. He also stated that he would like to see additional plantings. He said he is also concerned about the light and sounds that may come from the property.

Mr. Ardman said the project has been designed on a residential scale to minimize any impacts.

Mr. Ardman noted that the disturbance area will be further from the wetlands buffer. He also noted that the wetlands will be delineated with stakes out in the field. He noted again that the applicant is fixing an existing drainage issue and that this design meets all of the municipal guidelines.

Chairman Royce asked what the timing is for the drywells.

Mr. Ardman said they will drain within 72 hours.

Attorney Rago swore in Jack West, Town Land Use Engineer.

Mr. West said that the applicant has agreed to work with staff to minimize the disturbance area and they have done everything up to this point to minimize any impact. He said the town will ensure that they are disturbing the buffer area.

Mr. Saks asked Mr. West if the location of the building was acceptable to the town.

Mr. West relied yes.

Chairman Royce closed the public portion of the hearing and the Board went into deliberative session.

Member Clayton said it just seems odd that the building was moved up so far into the steep slopes.

Chairman Royce said the Board has heard a litany of testimony regarding that issue – the applicant has worked hard with staff to minimize the impacts.

Attorney Rago noted for the record that the applicant will need 5 affirmative votes in order for this to be approved.

Chairman Royce asked for a motion and a second.

Upon motion made by Penelope Baskerville and seconded by Michael Floyd, a motion was made to approve the application as it has been presented with the condition that the applicant meet all recommendations in the staff and advisory board reports with the exception of the 2 mentioned in the meeting.

ROLL CALL: Aye Penelope Baskerville
 Aye Louisa Clayton
 Aye Michael Floyd
 Aye Richard Kahn
 Aye Sara Segal
 Aye Doreen Blanc-Rockstrom
 Aye Barrie Royce

5. ADJOURMENT:

Upon motion made by Richard Kahn and seconded by Michael Floyd, a motion was made to adjourn the meeting at 10:40 p.m.

ROLL CALL: Aye Penelope Baskerville
 Aye Louisa Clayton
 Aye Michael Floyd
 Aye Richard Kahn
 Aye Sara Segal
 Aye Doreen Blanc-Rockstrom
 Aye Barrie Royce

Respectfully Submitted,



Debra Roger, Secretary

Date Approved: March 26, 2014