

PRINCETON ZONING BOARD OF ADJUSTMENT
Amended Minutes of Regular Meeting
Wednesday, June 25, 2014– 7:30pm
Main Meeting Room
400 Witherspoon Street, Princeton, NJ 08540

PRESENT: Steven Cohen, Michael Floyd, Barrie Royce, Doreen Blanc-Rockstrom, and Harlan Tenenbaum

ALSO PRESENT: Karen Cayci, Attorney; Derek Bridger, Zoning Officer.

ABSENT: Penelope Baskerville, Louisa Clayton, Richard Kahn and Sara Segal.

There were nine (9) members of the public present.

1. OPENING STATEMENT

The meeting commenced at 7:31 p.m. with Chairman Royce reading the Open Public Meetings Act statement.

2. MINUTES:

a. May 28, 2014

A motion was made by Steven Cohen, seconded by Doreen Blanc-Rockstrom to adopt the minutes of May 28, 2014 as written and amended.

ROLL CALL: Aye Steven Cohen
Aye Barrie Royce
Aye Doreen Blanc-Rockstrom
Aye Harlan Tenenbaum

3. RESOLUTIONS OF MEMORIALIZATION:

a. MRM CONSTRUCTION LLC

232 Russell Road
Block 8202, Lot 14, R-2
C1 – Lot Area & Lot Width for New House
File No. Z14 14-019V

A motion was made by Doreen Blanc-Rockstrom and seconded by Harlan Tenenbaum to adopt the resolution of MRM Construction LLC, as it has been written.

ROLL CALL: Aye Steven Cohen
Aye Barrie Royce
Aye Doreen Blanc-Rockstrom
Aye Harlan Tenenbaum

- b. CAPEILLERES, FABIEN
55 Princeton Avenue
Block 54.01, Lot 6, R2
C1/C2 – Setbacks for AC Units
File No. Z1313-057V

A motion was made by Harlan Tenenbaum and seconded by Doreen Blanc-Rockstrom to adopt the resolution of Fabien Capeilleres as it has been written.

ROLL CALL: Aye Steven Cohen
 Aye Barrie Royce
 Aye Doreen Blanc-Rockstrom
 Aye Harlan Tenenbaum

c. APPOINTMENT OF ACTING BOARD SECRETARY

A motion was made to adopt the resolution to appoint Derek Bridger as acting secretary to the Zoning Board.

ROLL CALL: Aye Steven Cohen
 Aye Barrie Royce
 Aye Doreen Blanc-Rockstrom
 Aye Harlan Tenenbaum

4. APPLICATIONS:

- a) PICARD, Serge and DOYON-PICARD, Melanie
201 Hun Road; Block 8201, Lot 4; R2 Zone
C1 - Hardship variance to permit the development of a single- family dwelling on a non-conforming lot.
File No. Z1414-053 V

Present for the application were Mark Solomon, Esquire, Pepper Hamilton, LLP, and Frank J. Falcone, PLS and PP, Princeton Junction Engineering.

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

Attorney Cayci swore in Derek Bridger, Zoning Officer.

Mr. Bridger provided an overview of the application. Mr. Bridger advised that an application has been filed for a hardship variance N.J.S. 40:55D-70 c (1) pursuant to Section 10B-20 of the Princeton Township Land Use Ordinance to permit the development of single family dwelling on a non-conforming lot. He said that the subject property is located in the R2 Zone and is subject to the use and bulk regulations in accordance with Sections 10B-253 & 255 and 10B-246 of the former Princeton Township Land Use Ordinance. The existing single-family use is permitted as-of-right. Mr. Bridger said that the subject lot is non-complying with respect to the lot area requirement of 65,340 sf and this lot has 61,068 sf. He said that the applicant indicates that the existing single family dwelling will be demolished and a new structure will be constructed.

Mr. Bridger noted that the new single family dwelling will be required to meet all of the applicable setbacks and bulk requirements or seek the applicable variance relief. The applicant has requested a C1 variance for the substandard lot area.

Mr. Bridger discussed the criteria for the Board when considering C1 variance.

Mr. Solomon stated that he is the attorney for the applicant, PICARD, Serge and DOYON-PICARD, Melanie. He said that Mr. Bridger had accurately described the application and informed the Board that letters were sent to the adjoining property owners in an attempt to sell the property to adjoining owners or purchase additional land to mitigate the bulk conditions. He provided copies of the following letters which were marked collectively as Exhibit A-1. Mr. Solomon advised that none of the aforementioned property owners expressed interest in purchasing the property or selling a portion of their land to the applicant.

Mr. Tenenbaum inquired as to who sent out the letters to the surrounding property owners.

Mr. Solomon responded that he sent out the letters to the adjoining property owners.

Attorney Cayci sworn in Frank Falcone.

Frank J. Falcone, PLS and PP, reviewed his credentials to the Board. Mr. Falcone has been a licensed surveyor and planner in the State of New Jersey has previously been accepted as an expert witness to the Board. Mr. Falcone testified with respect to the required variance and referenced the following exhibits which were marked and entered into evidence:

Exhibit A-2: Sheet 82 of the Tax Map of Princeton, NJ dated 2012.

Exhibit A-3: Plan of Existing Conditions showing Structures within 200 feet submitted with the application prepared by Frank J. Falcone, NJ PLS 32112, dated May 21, 2014.

Mr. Falcone said that the subject property is approximately 1/10 undersized with respect to lot area as it is 61,068 square feet in size while the zone requirement is 65,340 square feet. He said that 86% of the surrounding lots are undersized varying in size from .69 to 3.75 acres. Mr. Falcone said that there are some compliant lots adjacent to the Stony Brook and therefore required to have additional buffer areas.

Mr. Falcone said that the applicant seeks to construct a new home on the property which will comply with all bulk standards other than lot area.

Chairman Royce asked if the new house will adhere to the setbacks required for this zone.

Mr. Falcone confirmed that the setback of the main part of the proposed house will be generally consistent with that of the surrounding properties. Mr. Falcone said that he believes that granting the variance will not cause a detriment or impairment to the neighboring lots or the zone plan and the denial of the variance will cause a particular hardship to the owner as the noncompliant bulk conditions cannot be mitigated.

Chairman Royce said that he has some concerns in regards to the keeping the street escape. Chairman asked that the applicant address the potential size of the house and the front yard setback.

Mr. Falcone said that he is not positive as to the size of the new proposed home. And regarding the street escape, the house will be in alignment with the other structures.

Mr. Cohen asked how prevailing front setback come in to play in this lot.

Mr. Bridger said that there is no ordinance addressing the prevailing front yard setback in the former Township. He said the front yard setback is 25 feet and the parking setback is 30 feet.

Mr. Falcone said that because this lot is a pie shape lot, it does not get its required lot width until an average of 30 or 35 feet back from the front property lot. Mr. Falcone said that the new structure will be pretty much in line with the other structures in the area.

Chairman Royce asked if there was any public comment but no one provided comment.

Mr. Solomon said that the requirements to satisfy the request for C-1 variance have been met; this application is about the lot size. Mr. Solomon requested approval for C-1 variance.

A motion was made by Harlan Tenenbaum seconded by Michael Floyd, to approve a C-1 variance from the requirements of Section 10B-246 of the former Township Land Use Ordinance regarding lot area to permit demolition of an existing single family residence and construction of a new single-family home on the property.

ROLL CALL: Aye Steven Cohen
 Aye Michael Floyd
 Aye Barrie Royce
 Aye Doreen Blanc-Rockstrom
 Aye Harlan Tenenbaum

- b) MRM CONSTRUCTION, LLC
 4393 Provinceline Road; Block 6101, Lot 9; R1 Zone
 C1- Hardship variance to permit the development of a single-family dwelling on a non-conforming lot.
 File No. Z1414-051 V

Present for the application were Mark Solomon, Esquire, Pepper Hamilton, LLP, and Frank J. Falcon, PLS and PP, Princeton Junction Engineering.

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

Chairman Royce reminded Mr. Bridger that he was still under oath.

Mr. Bridger provided an overview of the application. He advised that an application has been filed for a hardship variance N.J.S. 40:55D-70 c (1) pursuant to Section 10B-20 of the Princeton Township Land Use Ordinance to permit the development of single family dwelling on a non-conforming lot.

He said that the subject property is located in the R2 Zone and is subject to the use and bulk regulations in accordance with Sections 10B-253 & 255 and 10B-246 of the former Princeton Township Land Use Ordinance. The existing single-family use is permitted as of right. He advised that the subject lot is non-complying as the lot area requirement is 87,120 sf. and this lot contains 79,500 sf. He said that the applicant indicates that the existing single family dwelling will be demolished and a new structure will be constructed.

Mr. Bridger said that the new single family dwelling will be required to meet all of the applicable setbacks and bulk requirements or seek the applicable variance relief. The applicant is requesting a C1 variance for substandard lot area.

Mr. Solomon stated that he is the attorney for the applicant, MRM CONSTRUCTION, LLC, advised the Board that the applicant had previously attempted to sell the Property to adjoining owners or purchase additional land to mitigate the bulk conditions. He provided copies of the following letters which were marked collectively as Exhibit A-1 and which he represented were sent by his office via certified and first class mail. Mr. Solomon advised that none of the adjoining property owners expressed interest in purchasing the property or selling a portion of their land to the applicant.

Mr. Solomon reminded Mr. Falcone that he was still under oath.

Mr. Falcone testified with respect to the required variance and referenced the following exhibits which were marked and entered into evidence:

Exhibit A-2: Sheet 61 of the Tax Map of Princeton, NJ; Exhibit A-3: Survey Plan showing existing structures within 200 feet submitted with the application prepared by Frank J. Falcone,

NJ PLS 32112, dated May 9, 2014.

Mr. Falcone testified that the subject property is noncompliant with respect to lot area as it is 2.21 acres in size while the zone requirement is 2 acres. He noted that the property is the smallest lot in the neighborhood and that most of the surrounding lots are compliant with respect to the minimum lot area. He said that there is only one adjacent lot, Lot 2, Block 6101 which could have provided additional acreage to the Property without itself becoming noncompliant. However, the owner of Lot 2 declined to sell any additional land to the applicant. Mr. Falcone explained that the applicant seeks to construct a new home on the property which will comply with all other bulk standards other than lot area.

Chairman Royce asked if there was any public comment but no one provided comment.

A motion was made by Michael Floyd and seconded by Harlan Tenenbaum, to approve a C-1 variance to approve the demolition of an existing single family residence and construction of a new single-family home on the property.

ROLL CALL:

Aye Steven Cohen
Aye Michael Floyd
Aye Doreen Blanc-Rockstrom
Aye Barrie Royce

Aye Harlan Tenenbaum

- c) CRANBURY HEIGHTS ESTATES LP, LLC
350 Cherry Hill Road; Block 3901, Lot 8; R-A Zone
C1/C2- Hardship variance to permit the development of a single-family dwelling
on a non-conforming lot
File No. Z1414-057 V

Present for the application were Christopher H. DeGrazia, Esquire, Drinker Biddle & Reath, and Frank J. Falcone, PLS and PP, Princeton Junction Engineering.

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

Attorney Cayci stated that Mr. Bridger still under oath.

Mr. Bridger provided an overview of the application. He advised that an application has been filed for a hardship variance N.J.S. 40:55D-70 c (1) pursuant to Section 10B-20 of the Princeton Township Land Use Ordinance to permit the development of single family dwelling on a non-conforming lot. Mr. Bridger said that the property is located in the RA Zone and is subject to the use and bulk regulations in accordance with Sections 10B-253 & 255 and 10B-246 of the former Princeton Township Land Use Ordinance. He noted that the existing single-family use is permitted as of right. He said that the lot is non-complying with respect to the following bulk requirements:

1. The lot area requirement is 174,240 sf. (4 acres) and the existing is 96,465 sf. (1.79 acres)
2. The lot width requirement is 200 feet and the existing is 181.22 feet

Mr. Bridger said that the applicant indicates that the existing single family dwelling will be demolished and a new structure will be constructed. Mr. Bridger said that the new single family dwelling will be required to meet all of the applicable setbacks and bulk requirements or seek the applicable variance relief. The applicant is requesting a C1 variance and in the alternative a C2.

Mr. DeGrazia stated that he is the attorney for the applicant, CRANBURY HEIGHTS ESTATES LP, LLC, he advised the Board that he had confirmed with the owners of adjacent lots, 364 Cherry Hill Road (Lot 7) and 330 Cherry Hill Road (Lot 9), Attarwala Fakhruddin and Mckee Marian Brownlee respectively, that neither wishes to purchase the property or sell additional land to the applicant to mitigate the noncompliant bulk conditions. Mr. DeGrazia noted that both owners were present at the meeting.

Attorney Cayci swore in Mr. Falcone.

Frank J. Falcone, PLS and PP, reviewed his credentials to the Board. Mr. Falcone has been a licensed surveyor and planner in the State of New Jersey has previously been accepted as an expert witness to the Board. Mr. Falcone testified with respect to the required variance and referenced the following exhibits which were marked and entered into evidence:

Exhibit A-1: Princeton Zoning Map with the Property and adjacent lots highlighted.

Exhibit A-2: Survey/Site Plan Submitted with the application.

Mr. Falcone said that the subject property is noncompliant with respect to lot area and lot width.

He explained that the surrounding residential lots are nearly all noncompliant with respect to lot area, noting the acreage of the following lots, all located in the same block, lot 2 (1.87 acres), lot 3 (1.92 acres), lot 6 (1.53 acres), lot 7 (1.56 acres), lot 9 (2.91 acres) and lot 10 (2.51 acres). He noted that the variance sought for lot width of 181.22 feet is minor, representing an 18.78 foot deviation from the zone standard.

Mr. Falcone said that the applicant seeks to construct a new home on the property which will comply with all other bulk standards other than lot area and lot width. He said that the existing residence is in poor condition and is a nonconforming structure as it violates the zone front and side yard setback requirements and that the requested variance will permit replacement with a conforming house. Mr. Falcone said that the width of the property narrows to the back of the property but that there is a sufficient building envelope to locate the new house consistent with the setback of the existing shed which is also consistent with the setbacks of the surrounding existing homes.

Mr. Falcone said that he believes that granting the variance will not cause a detriment or impairment to the neighboring lots or the zone plan because the applicant will be continuing a residential use, the surrounding lots are of similar size and that denial of the variance will cause a particular hardship to the owner as the noncompliant bulk conditions cannot be mitigated and will prevent replacement of the existing residence.

Chairman Royce asked if there was any public comment:

Attorney Cayci swore in Mr. Fakhruddin.

Mr. Attarwala Fakhruddin of 364 Cherry Hill Road inquired as to whether there would be an additional hearing to address the size of the proposed new home.

Chairman Royce explained that the Board's jurisdiction was limited to whether a variance is appropriate to permit construction of a new residence and that the Board does not have site plan jurisdiction. He further explained that should the new residence fail to comply with the zone bulk requirements other than lot area and width, the applicant would be required to apply for additional variances.

Attorney Cayci swore in Ms. Brownlee.

Mckee Marian Brownlee, 330 Cherry Hill Road, testified in opposition to the application. Ms. Brownlee expressed concern that the new residence would be much larger than the existing home and that a smaller home would be more compatible with the neighborhood. She also said that applicant had orally represented to her that the new residence would be located to be consistent with the setback of the existing shed and that the applicant would plant a row of evergreen trees along the property line to provide screening.

Chair Floyd said that applicant shall install evergreen trees along the property line with the neighboring property, to provide adequate screening and that the light source of any new exterior light fixtures may not be visible and such fixtures must be shielded to prevent light spillage onto surrounding properties.

A motion was made by Steven Cohen seconded by Michael Floyd, to approve a C-1 variance to permit demolition of the existing single-family dwelling and construction of a new single family home on the property with conditions.

ROLL CALL: Aye Steven Cohen
 Aye Michael Floyd
 Aye Doreen Blanc-Rockstrom
 Aye Barrie Royce
 Aye Harlan Tenenbaum

5. ADJOURNMENT

Chairman Royce adjourned the meeting at 8:27 PM.

Respectfully Submitted,

Derek Bridger

Derek Bridger
Secretary

Dated: July 21, 2014

Approved: July 23, 2014