

PRINCETON ZONING BOARD OF ADJUSTMENT

Minutes of the Special Meeting

WEDNESDAY, August 6, 2014 7:30 P.M.

Municipal Complex – Main Meeting Room

Princeton, New Jersey

PRESENT: Louisa Clayton; Steven Cohen, Michael Floyd, Richard Kahn, Barrie Royce, Doreen Blanc-Rockstrom and Harlan Tenenbaum

ALSO PRESENT: Lou Rago, Attorney and Derek Bridger, Zoning Officer

ABSENT: Sara Segal

There were five members of the public present.

1. OPENING STATEMENT

The meeting commenced at 7:30 p.m. with Chairman Royce reading the Open Public Meetings Act statement.

2. APPLICATIONS:

- a) JOSEPH MCLAUGHLIN
25 Old Orchard Lane
Block 901, Lots 4; R-2 Zone
C1 – setbacks for generator
Z1414-062V

Present for the application was Mr. Joseph McLaughlin, owner and applicant.

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

Attorney Rago swore in Mr. 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 installation of a natural gas generator an exception to the required setback.

Mr. Bridger 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. The subject lot is non-complying with respect to the following bulk requirements:

Mr. Bridger said that the required lot area is 65,340 sf. or 1.5 acres the existing lot are is 4,991sf. or 0.1146 acres; the lot width required is 175 feet and the existing is 37 feet; the lot depth required is 175 feet and the existing is 126.29 feet; the lot frontage required is 87.5 feet and the existing is 40.46 feet.

Mr. Bridger said that the existing real property is non-complying with respect to the following bulk requirements: right side requirement is 15 ft. and the existing is 0 ft.; the left side requirement is 15 ft and the existing is 5 ft.; the building height setback requirement is 1.5:1 and the existing is non-complying; the floor area ratio requirement is 12.5% and the existing is 41.8%. Mr. Bridger provided some background about the subject property and he said that this property is located in the Orchard Lane Development which was approved by the Zoning Board of Adjustment on October 13, 1980. The development consists of a 13 unit townhouse cluster development which approved approximately 3,500 to 4,500 sf. lots whereas the required lot area is 1.5 acres. A condition of the approval of the cluster was the preservation of 7.5 acres of surrounding open space around the townhouse development which is owned and maintained by the Orchard Lane Homeowners Association. The approval gave bulk variance for the construction of the townhouses and the small lot variance but maintained the existing R2 zoning. Mr. Bridger said that if the homeowners want to do anything they need a variance due to the side yard setback requirements.

Mr. Bridger said that the applicant is proposing to install a natural gas generator 2 feet off of the left side property line and approximately 40 feet off of the rear property line. The required left side setback is 15 feet. Variance relief is required.

Mr. Bridger said that the applicant is requesting a C1 variance.

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

Attorney Rago swore in Mr. Joseph McLaughlin.

Mr. McLaughlin said he is looking to install this backup generator. He testified that his townhouse is an “end lot” that he is requesting permission to install a back-up natural gas generator on his property in order to supply electricity during times of emergency.

Chairman Royce said that one of the concerns would be the noise and how it affects the neighbors.

Mr. McLaughlin said that the manufacture’s specifications say that under normal operational conditions the noise label is 65 decibels, which fall within the noise ordinance guidelines in the area. Mr. McLaughlin said that with landscaping he can conceal the front and side of the unit pushing all the noise towards the back where the bulk of the acreage would provide even more noise buffering.

Mr. Tenenbaum said that in the documents submitted by applicant indicate that the noise level would be similar to the noise of an idling truck.

Mr. Bridger said that per the manufacture’s specs is 63 decibels measured at a 20 ft distance from the unit.

Mr. Bridger noted that the state law mandates 65 decibels during the day.

Ms. Rockstrom inquired regarding the distance between the shrubs and generator.

Mr. McLaughlin said the tree will go up and the branches will hang over and it is probably 4 ft off the façade. He said that generators have to be at least 18” from the façade.

Ms. Clayton asked the applicant to clarify if the lawn was part of the common space. And Mr. McLaughlin confirmed that it was part of the common space.

Attorney Rago asked the applicant to describe why he selected this location.

Mr. McLaughlin responded that because of its proximity to both gas and electric outlets servicing his home and to enable him to better conceal the generator through landscaping, which would also have the effect of directing noise away from his neighbors.

There was no public comment.

Mr. Bridger clarified that the variance should be granted as 1½ foot setback.

A motion was made by Harlan Tenenbaum seconded by Steven Cohen, to approve the application of JOSEPH MCLAUGHLIN for a C1 variance for the installation of a natural gas generator in exception to the required setback with conditions.

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

b) JOHN AND MARGUERITE D'AMICO
 29 Old Orchard Lane
 Block 901, Lots 6; R-2 Zone
 C1 – setbacks for generator
 Z1414-063V

Present for the application was JOHN D'AMICO, owner and applicant.

Mr. Rago swore in Mr. D'Amico.

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

Mr. Bridger said that Mr. D'Amico is seeking 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 installation of a natural gas generator in exception to the required setback. 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 lot is non-complying with respect to the following bulk requirements: the required lot area required is 65,340sf. or 1.5 acres and the existing is 3,840sf. or 0.1146 acres. The lot width required is 175 feet and the existing is 32 feet. The lot depth required is 175 feet and the existing is 125.82 feet; the lot frontage required is 87.5 feet and the existing is 32.51 feet.

Mr. Bridger said that the existing real property is non-complying with respect to the following bulk requirements: the right side required is 15 ft. and existing 0 ft.; the left side required is 15ft. and the

existing 0 ft.; the building height setback required is 1.5:1 and the existing is non-complying. The floor area ratio required is 12.5 % and the existing is 54.3 %.

Mr. Bridger said that the applicant's proposed location of the generator is 2 ft off the right property line back behind the adjoining house

Mr. D'Amico said that his Lot is 30 feet wide and the generator will obviously be on his side of the fence, however, it would be directly opposite the air conditioning unit on his neighbor's property.

Mr. D'Amico indicated that he felt this location was appropriate given the fact that whatever noise is generated would be offset by his neighbor's air conditioning unit.

Chairman Royce asked if any of the neighbors have expressed any concerns regarding the noise.

Mr. D'Amico said that none of his neighbors have expressed any concerns regarding the noise.

Ms. Clayton said that she visited the site and Mr. D'Amico invited her to the back to inspect the site and she said that the design of these units does separate them and give privacy in their backyards.

Ms. Clayton said that she does not feel that the generator would cause any problems with his neighbors.

Mr. Bridger suggested that the generator be two feet from the fence.

Mr. D'Amico stated that given the need for space surrounding the generator, he was requesting variance relief to enable him to be 1½ feet distance from his fence.

There was no public comment.

A motion was made by Louisa Clayton seconded by Harlan Tenebaum, to approve the application of JOHN AND MARGUERITE D'AMICO for a C1 variance for the installation of a natural gas generator in exception to the required setback with conditions.

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

c) **LOUISE W. GROSS**
 30 Old Orchard Lane
 Block 901, Lots 11; R-2 Zone
 C1 – setbacks for generator
 Z1414-061V

Present for the application was LOUISE W. GROSS, owner and applicant.

Mr. Rago swore in Mrs. Gross.

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

Mr. Bridger said that the applicant has applied 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 installation of a natural gas generator in exception to the required setback.

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 lot is non-complying with respect to the following bulk requirements: the required lot area required is 65,340sf. or 1.5 acres and the existing is 0.09 acres. The lot width required is 175 feet and the existing is 37 feet. The lot depth required is 175 feet and the existing is 117 feet; the lot frontage required is 87.5 feet and the existing is 37 feet.

Mr. Bridger said that the existing real property is non-complying with respect to the following bulk requirements: the right side required is 15 ft. and existing 0 ft.; the left side required is 15ft. and the existing 5 ft.; the building height setback required is 1.5:1 and the existing is non-complying. The floor area ratio required is 12.5 % and the existing is 49.5 %.

The applicant is proposing to install a natural gas generator 1 1/2 feet off of the left side property line. The required left side setback is 15 feet.

Mrs. Gross said that she is requesting permission to install a back-up natural gas generator on her property in order to supply electricity during times of emergency. She said the proposed location of the generator and stated that she selected this location because of its proximity to both gas and electric outlets servicing her home and behind her existing air conditioning unit which would screen the generator.

No public comment was made.

A motion was made by Harlan Tenenbaum, seconded by Richard Kahn, to approve the application of LOUISE W. GROSS for a c (1) variance the installation of a natural gas generator in exception to the required setback with conditions.

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

3. ADJOURNMENT

There being no further business the meeting was adjourned at 8:09 PM.

Respectfully Submitted,

Claudia Ceballos
Secretary

Approved: September 17, 2014