

**TOWNSHIP OF PRINCETON  
ZONING BOARD OF ADJUSTMENT  
Minutes of the Regular Meeting  
Wednesday, April 27, 2011 - 7:30 P.M.  
Municipal Complex, Main Meeting Room  
400 Witherspoon Street, Princeton, New Jersey**

**PRESENT:** Carlos Rodrigues, Richard Kahn, Antonio Pirone, Brent Krasner, Louisa Clayton, William Spadea (arrived at 7:50 p.m.) and Robert Ross

**ALSO PRESENT:** Peter A. Kneski, Zoning Officer; Christine Lewandoski, Deputy Zoning Officer; Robert P. Casey, Attorney; Robert V. Kiser, Township Engineer; and Debra Rogers, Secretary

**ABSENT:** Barbara Felton and Penelope Baskerville

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

The meeting commenced at 7:37 P.M. with Ms. Rogers reading the Open Public Meetings Act statement.

**1. MINUTES:**

**Upon motion made** by Brent Krasner and seconded by Louisa Clayton, a motion was made to approve the minutes of March 23, 2011 as written and amended.

**ROLL CALL:** Aye    **Louisa Clayton**  
                  Aye    **Brent Krasner**  
                  Aye    **Richard Kahn**  
                  Aye    **Antonio Pirone**  
                  Aye    **Carlos Rodrigues**

**2. RESOLUTIONS OF MEMORIALIZATION:**

- a) **TARQUINIO, Peter**  
694 Ewing Street  
Section 5403, Lot 13, R-6  
**Request for change in condition**  
File No. 2350-09Z (9719)

Attorney Casey described the changes that were being requested by the applicant's attorney to the resolution and to the deed restriction. After a brief discussion by the Board it was decided that the Board would make changes to the resolution but denied the specific changes to the deed restriction that were being requested by the applicants attorney.

**Upon motion made** by Louisa Clayton and seconded by Brent Krasner, a motion was made to amend the resolution of **PETER TARQUINIO** and that said resolution would be placed into the deed restriction.

**ROLLCALL:** Aye Louisa Clayton  
Aye Brent Krasner  
Aye Richard Kahn  
Aye Antonio Pirone  
Aye Carlos Rodrigues

- b) **MARSHALL, Berit & Tom**  
170 Jefferson Road  
Section 7107, Lot 12, R-8  
“C” – Sideyard Setbacks  
File No. 2367-10Z (9820)

Upon motion made by Antonio Pirone and seconded by Richard Kahn, a motion was made to adopt the resolution of **BERIT AND TOM MARSHALL** as written and amended.

**ROLL CALL:** Aye Louisa Clayton  
Aye Brent Krasner  
Aye Richard Kahn  
Aye Antonio Pirone  
Aye Carlos Rodrigues

**3. APPLICATIONS:**

- a) **TENACRE FOUNDATION**  
884 Great Road  
Section 3501, Lot 9, R-1  
**Preliminary and Final Major Site Plan with “D” Variance for Solar Array**  
File No. 2361-10Z (9698)

Present for the application were William Bell, CFO of Tenacre and Mark Solomon, Attorney for Tenacre.

Chairman Rodrigues appointed Members Spadea and Ross to hear the application in the absence of Members Baskerville and Felton.

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 is the attorney representing Tenacre Foundation and they are in front of the Board for Preliminary & Final Site Plan approval as well as a “D” variance for a proposed solar field. He said the solar field is being proposed on a lot across the street from the main campus. Since it is on a separate lot, the proposed solar array cannot be considered an accessory use, under which it would be permitted, therefore triggering the “d” variance request. He said he has some reservations on whether or not a “d” variance is required. He said the solar array will disturb 2+ acres on the lot – and the energy generated from the array will account for ½ of Tenacre’s electric needs. He said the applicant appeared in front of SPRAB and the Princeton Environmental Commission and both groups endorsed the project. He said there have been some revisions to the plans due to a meeting the applicant had with Robert Kiser, the Township Engineer and Ron DiLapo, the Township Fire Official. He noted that solar arrays are

considered to be inherently beneficial uses. He said the applicant has been working on this project for over 5 years and they are anxious to get a resolution to this.

Attorney Casey swore in the following people:

William Bell – CFO Tenacre  
Thomas Fick – Engineer  
Curtis Helm – Environmental Specialist  
David Buckner – Solar Engineer

Mr. Bell stated that Tenacre has been in operation since the 1920's and always tries to be a good "neighbor". They have been working on this project for about 5 years and felt that this site was the least intrusive. He said that the solar array will be well hidden and should barely be seen if at all. He also noted that Tenacre will own the solar panels outright when they are installed.

Mr. Fick gave his qualifications to the Board and the Board accepted Mr. Fick as an expert witness. He submitted **Exhibit A-1**, a Rendering of the Site Plan. He discussed the general location of the panels, the landscaping and the general site information, saying that the site slopes slightly. He said the property is located at 884 Great Road, in the R-1 zoning district. The land is open with scattered landscaping. He said there are some isolated wetlands, which will not be disturbed. He said this lot was also selected because it has good southern exposure and has natural wooded buffers and screening. He said there will be 2,772 panels, all facing "true south", in 15 rows, with 10 feet between each row. He said the plans show a 4' proposed fence around the array, but the applicants have since changed that to an 8' deer fence. He submitted **Exhibit A-2**: pictures of the deer fencing. He said the array will have a single row of posts with a racking system; there will be no concrete footings. He also noted that the applicant is not proposing any grading or land changes. Converters will be installed on the panels to channel energy (through cables) to the conduits on the Great Road which then go under the road to the Tenacre main campus. Bluegrass seeding will be spread in areas not considered lawn areas. He also noted that they will need to remove several trees. Some of the apple trees are diseased and will be removed and new apple trees will be planted in another location. He submitted **Exhibit A-3**, a letter from Kale's Nursery about the diseased apple trees and their replanting plan. He said they will also need to remove 22 trees located in the riparian zone, and DEP has issued a permit for those trees to be removed. He also noted that the applicant met with Mr. Kiser and Mr. DiLapo because the fire official was requesting a 20' wide and 150' long access drive starting at the end of the existing parking area. He said that will be laid with stabilized turf.

Chairman Rodrigues asked if the panels are combustible.

Mr. Solomon said the risk of that is very low but they had nevertheless agreed to the request by the fire official.

There was a brief discussion about storm-water management. Mr. Kiser noted that the solar panels are not impervious but Joe Skupien, the Township's stormwater consultant evaluated the site for some baseline information and, once the panels are installed, he will go back and review it again. Since this is the first solar array, the Township is trying to gain as much information as it can.

Member Krasner inquired about the land in between the rows and asked if that area would be maintained and if so, will there be enough room for a lawnmower.

Mr. Fick said yes, there is 10' between the rows and that is plenty of room. He also noted that a path will lead to the solar panel field will be created.

Chairman Rodrigues asked about the fencing.

Mr. Solomon said the electrical code requires limited access to the site, thus the proposed 4' fencing. SPRAB requested they install a higher fence to keep the deer out.

Member Pirone asked if the 8' would be high enough.

Mr. Bell said they have been advised that the 8' should be adequate.

Member Krasner asked if there was a problem with the animal life continuing among the array.

Mr. Buckner said no, there is not a problem with the wildlife – they are concerned about the deer scratching the panels if they were to rub their antlers on them.

Mr. Helm gave his qualification and the Board accepted him as an expert witness.

Mr. Helm said he assisted with the permitting for removing trees in the riparian zone. He conducted the tree survey, delineated the wetlands and attended the applicant's meeting at DEP with respect to the C-1 300-foot riparian zone. He said they received a permit from DEP to remove the trees in June of 2009.

Mr. Solomon noted that the applicant has relied on the permit from DEP and it is not their intention to obtain a Letter of Interpretation (LOI).

Mr. Helm described how the applicant will remove the 12 trees located within the riparian zone.

Mr. Buckman gave his qualifications and the Board accepted him as an expert witness. He said the modules have become much more efficient over the years. He said every module is series connected through a junction box.

Chairman Rodrigues asked if there would be a glare from the panels.

Mr. Buckman said the panels are anti-reflective.

Chairman Rodrigues asked if the panels get hot.

Mr. Buckman said yes, they do heat up.

Member Krasner asked about the energy that will generated in the summer vs. in the winter.

Mr. Buckman said the summer months will generate 40% of Tenacre's annual consumption.

Member Kahn asked about the life cycle of the panels.

Mr. Buckman said previously the life system was about 4 years. He said the panels that are being proposed for this site have a life cycle of 25+ years.

Member Clayton asked if they would be planting norway maple trees.

Mr. Helm said no, they will not be planting them.

Member Clayton said she had an opportunity to visit the site and felt that the lot is very well screened. She said when she looked out from the site she could barely see a small portion of one lot.

Chairman Rodrigues asked Mr. Kiser if he had any comments to make.

Mr. Kiser asked the applicant if they agreed to all of his recommendations.

Mr. Solomon said yes, they agree to the recommendations with the exception of providing the LOI; they will not be transplanting any of the fruit trees; they will not be installing a post and rail fence, it will be an 8' deer fence; they have agreed to the fire access road of 150' and +/- 20 feet wide of stabilized grass, and they will not be installing a vegetative buffer. He said with regards to the SPRAB report, it basically mimics the Engineering report so there is no need to include it.

Mr. Kiser said that after the installation of the solar array, if there is a need to further buffer, the applicant should work with the Township Arborist.

Attorney Casey asked if the applicant agreed to the recommendations in the SPRAB report.

Mr. Solomon said yes, with the exception of #1 and #3.

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

Chairman Rodrigues asked Mr. Solomon if he had any final comments to make.

Mr. Solomon said this is the first solar array project in Princeton Township and the applicant is looking forward to proceeding with the project. He also noted that solar arrays have been declared inherently beneficial uses. There are no negative impacts from this project and there will be no substantial detriment to the zone plan or zone ordinance. He said should there be any impacts, they will be mitigated or eliminated. He said he feels this is a technical variance, because the accessory use is on a separate lot. He respectfully asked the Board to approve this application.

Member Clayton asked if this variance will pass along with the property.

Attorney Casey said the variance is not specific to the owner, only to the land.

Chairman Rodrigues asked for comments from the Board.

Member Krasner said he is favorable towards the project, it will not be intrusive and the applicant has made a case for the positive and negative criteria.

**Upon motion made** by Brent Krasner and seconded by Louisa Clayton, a motion was made to approve the use variance, grant preliminary and final site plan approval and also the requests for the waivers in the site plan, conditioned upon the applicant meeting the requisite recommendations in Mr. Kiser's Engineering report with the exception of those mentioned by the applicant.

**ROLL CALL:** Aye    **Louisa Clayton**  
                  Aye    **Brent Krasner**  
                  Aye    **Richard Kahn**  
                  Aye    **Antonio Pirone**  
                  Aye    **William Spadea**  
                  Aye    **Robert Ross**  
                  Aye    **Carlos Rodrigues**

- b) **PETRONE, Michael & Emilie**  
48 Bertrand Drive  
Section 3201, Lot 6, R-4  
**“C” Sideyard and Setback to Height for Addition**  
File No. 2366-10Z (9819)

Present for the applicant were Michael Petrone, applicant; and Bailey Hecht, Architect.

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

Attorney Casey swore in Michael Petrone and Bailey Hecht.

Mr. Hecht submitted **Exhibit A-1** reduced sets of the architectural plans – he handed these out to the Board. He said the property is located in the R-4 zoning district. The applicants are proposing an alteration and addition to their property at 48 Bertrand Drive which results in a request for a side-yard setback of a little over 2 feet and a setback to height ratio variance of 4.25 feet. He said the applicants need more space and have decided to add to the garage space.

Chairman Rodrigues asked Mr. Hecht to explain why the applicants are choosing to add to the left side, which triggers the variances; if they add to the right there would not be a variance request.

Mr. Hecht said they are adding to the left-side because of the interior circulation. They could not configure the addition to the right and if they added to the rear of the structure it would be an eyesore, not to mention that the cost would be a lot more.

Mr. Petrone noted that they met with the neighbors and no one was opposed to the variances.

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

Member Kahn had a question about the side-yard variance of 2.1 feet and the fact that it could be done without the variance.

Mr. Petrone said he thinks the benefits of the variance will outweigh any detriments.

**Upon motion made** by Louisa Clayton and seconded by Robert Ross, a motion was made to approve the application of **MICHAEL AND EMILIE PETRONE** as it has been presented to the Board.

**ROLL CALL:** Aye    **Louisa Clayton**  
                  Aye    **Brent Krasner**  
                  Aye    **Richard Kahn**  
                  Aye    **Antonio Pirone**  
                  Aye    **William Spadea**  
                  Aye    **Robert Ross**  
                  Aye    **Carlos Rodrigues**

- c) **CADDEAU, Patrick & Mary**  
265 Western Way  
Section 8703, Lot 5, R-5  
**“C” – Various for Garage**  
File No. 2368-10Z (9821)

Present for the application were Patrick Caddeau, applicant; and Greg Simmons, Engineer.

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

Attorney Casey swore in Patrick Caddeau and Greg Simmons.

Mr. Caddeau said he has lived in the house for 5 years, has 2 children and tried to design something that would work well in the neighborhood. He said they will be taking the garage and shifting it from the back of the house closer to Western Way. He said by doing this, it will allow them to add to the kitchen, mudroom and family room. He said they want to change the roof on the garage from a gable roof to a hip roof, which will give the bedrooms a better view of the yard. They are also proposing to enclose the porch and use that area as a study. They would like to continue using the existing garage because they only have 1 car by choice. He also noted that it is impossible to provide another parking space on the lot – that’s why they are requesting a variance for it. He said they are only requesting 1 variance for the construction and that is for the front-yard setback on Western Way – and 1 waiver for the parking requirement.

Mr. Simmons said the lot is very narrow and they have the minimum in impervious coverage on the lot. He said he does not feel that the proposal will cause any detriment to the neighborhood. He addressed the stormwater run-off saying that the downspouts will be directed to Western Way and not to the adjacent property owners. He noted that most of the variances are for pre-existing non-conforming issues. He submitted **Exhibit A-1** which depicts the variances that are being requested; Lot Area 14,280, Lot Width of 50’, Front-yard Setback on Western Way side of 15.4’, the porch enclosure of 3.7’ and the house/garage of 13.5’. He said there will be no impact on the setback to height requirements.

Member Kahn asked if the car will be able to fit into the garage.

Mr. Simmons said yes.

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

Ms. Carol Pierce, 168 S. Harrison Street, said that she is the adjacent property owner. She stated that she has 3 concerns with the project: stormwater run-off, preservation of property and privacy. She discussed a property 9 houses away from hers that has been designated wetlands. She said the Township Topo Map

confirms that stormwater runs down Western Way to 265 Western Way and then ultimately into her backyard at 168 S. Harrison Street. She said she has been concerned about increased stormwater on her property. She said she would like to see a condition placed on an approval that no additional stormwater flow onto her property. She also said she is very concerned about the preservation of her tree during construction. She noted that the tree roots are 6 feet from the proposed construction.

Member Kahn noted that the construction is not coming any closer to the tree than it is now. He asked if there would be new footings for the garage.

Mr. Simmons said no, the footprint will remain the same.

Ms. Pierce said that these lots are all non-conforming and you can't do much without being on top of one another. She said she objects to the den windows – they will intrude on privacy.

Chairman Rodrigues asked the applicant if he would like to respond to the concerns of Ms. Pierce.

Mr. Caddeau said he tried to contact Ms. Pierce three times and she never returned his calls. He said he went over to her house the other night to discuss this and was told they would not discuss it. He said the so-called wetlands are not a concern at all. Everyone in that area deals with wet basements but by turning the downspouts, the water will be redirected away from her property making the current situation better. He also noted that he has been concerned over the health of her tree and it falling on his lot. He submitted photos of the downspouts (**Exhibit A-2**).

Chairman Rodrigues asked the applicant to instruct his construction crew to be careful around the tree roots. He inquired about the south facing window.

Mr. Caddeau said that window does not line up at all with her windows and will not infringe on her privacy. He said right now his fence stops at the side of the house. He said he will continue the fence once the construction has been completed.

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

Mr. Arora, 279 Western Way, said the plan is reasonable and he approves of it.

Mr. Vandyek, 266 Western Way, said he reviewed the proposal and he feels it will be an improvement to the neighborhood.

Mr. Taylor, 288 Western Way, said he viewed the plans, he likes the plans and he feels it will improve the property.

Mr. Habicht, 273 Western Way, said she is impressed with the plans and has no objections.

Mr. Tartaglia, 20 Southern Way, said the proposal is in keeping with the neighborhood and he supports the project.

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.

Member Kahn said this is a very modest addition and the requests are reasonable.

**Upon motion made** by Richard Kahn and seconded by William Spadea, a motion was made to approve the application of **PATRICK AND MARY CADDEAU** as it has been presented to the Board.

**ROLL CALL:** Aye    **Louisa Clayton**  
                  Aye    **Brent Krasner**  
                  Aye    **Richard Kahn**  
                  Aye    **Antonio Pirone**  
                  Aye    **William Spadea**  
                  Aye    **Robert Ross**  
                  Aye    **Carlos Rodrigues**

**4. ADJOURNMENT:**

**Upon motion made** by Antonio Pirone and seconded by Richard Kahn, a motion was made to adjourn the meeting at 10:10 p.m.

**ROLL CALL:** Aye    **Louisa Clayton**  
                  Aye    **Brent Krasner**  
                  Aye    **Richard Kahn**  
                  Aye    **Antonio Pirone**  
                  Aye    **William Spadea**  
                  Aye    **Robert Ross**  
                  Aye    **Carlos Rodrigues**

**Respectfully Submitted,**



**Debra L. Rogers, Secretary  
Zoning Board of Adjustment**

Date Approved: June 22, 2010