

**TOWNSHIP OF PRINCETON
ZONING BOARD OF ADJUSTMENT
Minutes of the *SPECIAL* Meeting
Thursday, March 8, 2012 – 6:00 P.M.
Municipal Complex, Main Meeting Room
400 Witherspoon Street, Princeton, New Jersey**

PRESENT: Carlos Rodrigues, Louisa Clayton, Richard Kahn, William Spadea, Sara Segal

ALSO PRESENT: Robert P. Casey, Attorney; and Debra Rogers, Secretary

ABSENT: Antonio Pirone, Ravi Manchi and Geoff Aton

The meeting commenced at 6:07 P.M. with Ms. Rogers reading the Open Public Meetings Act statement.

1. APPLICATION:

- a) **KREVITSKIE, Michael**
268 Mt. Lucas Road
Section 5404, Lot 13, R-6
“C” Lot Width
File No. 2378-12Z (9831)

Present for the hearing was Michael Krevitskie, applicant.

There were two members of the public present.

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

Chairman Rodrigues appointment Member Segal to hear the application in the absence of Member Pirone.

Mr. Krevitskie stated that in January 2012 a 5 ton tree fell onto his house and since then he and his wife have been living in temporary housing in South Brunswick and their son has been staying with friends in Princeton. He said the whole family has been stressed because of the situation and it is very important for them to obtain a variance for the lot width in order for them to sell the lot. They would like to purchase another property but cannot do so until this lot is sold.

Attorney Casey swore in Mr. Krevitskie.

Chairman Rodrigues asked if the new owners will be demolishing the old house and rebuilding a new house.

Mr. Krevitskie said he is not sure but he would assume that it would occur that way.

Attorney Casey noted that the surrounding lots are all developed and seem to be of the same size and shape so the applicant could not purchase any land from any of the adjacent property owners. He asked Mr. Krevitskie if any of his neighbors have offered to purchase his lot.

Mr. Krevitskie said no, no one has offered.

Attorney Casey stated that when the original subdivision occurred for these lots they must have been conforming, but perhaps over the years the zoning has changed and therefore the lots are now non-conforming.

The Board held a brief discussion about the easements on the lot and whether or not that would be a problem for the new owners.

Chairman Rodrigues reminded the Board that they are only considering the lot width and if the new owners cannot conform to the zoning requirements they will have to appear before the Board.

Member Kahn noted that the variance request should be increased. He said the request is for 3 feet wherein it should be from the narrowest part of the lot. The existing lot width is 74.7 feet and the variance request should be 10.3 feet to match the 85 foot zoning requirement. The other members agreed with Member Kahn.

Chairman Rodrigues asked if there were any 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.

Attorney Casey noted that in the interest of time, he had prepared a resolution for the Board to adopt rather than waiting until the next meeting.

Upon motion made by Richard Kahn and seconded by William Spadea, a motion was made to grant the lot width variance of 10.3 feet and to adopt the resolution for the application of Michael Krevitskie.

ROLL CALL: **Aye Louisa Clayton**
 Aye Richard Kahn
 Aye William Spadea
 Aye Carlos Rodrigues
 Aye Sara Segal

2. EDUCATIONAL SESSION:

I. ROLE OF THE ZONING BOARD

- ❖ Civic Honor
- ❖ Opportunity to effect change in the Community on a neighborhood basis
- ❖ Goal – Reputation for Professionalism, Efficiency, and Fairness
- ❖ Zoning Court – Quasi Judicial
 - Rules and Regulations
 - Administrative appeals “A”
 - Interpretations “B”
 - In the “variance business”
 - When is a “variance required”
 - Two Types of bulk “C” variances
 - C1 – hardship
 - C2 – flexible (Lang Case)
 - 9 or 10 types of use “D” variances
 - Expansion of non-conforming use
 - Conditional use element
 - FAR
 - Density
 - Height (10’ or 10%)
- ❖ Direct issuance of a permit (40:55D-35)
- ❖ Ancillary Subdivision and Site Plans
- ❖ Annual Report
- ❖ Non-conforming Use Cert. (40:55D-68)

II. REGIONAL PLANNING BOARD

- ❖ Planning Function
- ❖ Master Plan – Legislative
- ❖ Recommend Ordinances – Legislative
- ❖ Mostly Administrative – Site Plans and Subdivisions
- ❖ Ancillary Flexible “C” Variances
- ❖ Conditional Use Applications

III. DIFFERENCES BETWEEN THE BOARDS

❖ <u>Zoning</u>	vs.	<u>Planning</u>
Variance Court	vs.....	Master Plan
Existing	vs.....	New Development
Micro	vs.....	Macro
Ancillary Subdivision & Site Plans	vs.....	Basis Subdivision and Site Plans
Basic “C” Variances & Ancillary Site Plans & Subdivisions	vs.....	Ancillary “C” Variances
Zoning	vs.....	Planning
Exceptions	vs.....	Rule
Specific Change	vs.....	General Change

7 Members	vs.....	12 Members
Little Legislative	vs.....	Lots of Legislative
Judicial/Some Administrative	vs.....	Administrative/Some Judicial
No Work Sessions (Agenda Meetings) ..	vs.....	Work Sessions (SPRAB)
“D” Variances	vs.....	No “D” Variances
Planner on Call	vs.....	Full Time Planner
Seldom Use Township Engineer	vs.....	Always Use Township Engineer

IV. APPLICATION PROCESS – STAFF

❖ Two Clocks

- Completeness
- Time for Decision
- Use of Staff – Communicate
- Screen for Necessary Variances
- Staff Review
 - Completeness Review
 - Bulk Zoning Regulations
 - Set Back to Height Ratio
 - Floor Area Ration (FAR)
 - Impervious Surface Ordinance
 - Need for Building Plans – the McMansion Phenomena (Dallmeyer case)

V. HISTORIC PRESERVATION

- ❖ Historic Preservation Overlay Zones and Buffer Zones
- ❖ Historic Preservation Commission
- ❖ Preservation Plans
- ❖ Role of the Zoning Board of Adjustment in Approval of Preservation Plans

VI. THE HEARING

- ❖ Role of the Chair
- ❖ Alternate Members
- ❖ The Dialectic – “Stream of Consciousness”
- ❖ Team Players
- ❖ Participate
- ❖ The Public
- ❖ Strategy
- ❖ Deliberative Process – Support the Decision-Poll Each Member
- ❖ The Decision

VII. ROLE OF THE ATTORNEY

- ❖ Has one client (not nine)

- ❖ Protect the Board (civil rights liability)
- ❖ Communicate on and off the record
- ❖ Help earn a reputation for Professionalism, Efficiency and Fairness
- ❖ During hearings seldom opine on approval, but give prerogatives
- ❖ Mold the collective wisdom of 7/9 into 1

VIII. CONFLICT OF INTEREST

- ❖ Communicate before the Hearing with the Attorney
- ❖ Within 200 feet of Applicant
- ❖ Personal/financial interests
 - Step down from the Board

IX. OUTSIDE THE RECORD – THE VIEW

- ❖ Before the Hearing okay to better understand the evidence
- ❖ After the Hearing – only with notice and consent
- ❖ Both cases on the record
- ❖ Sunshine Law

X. RECOMMENDED READINGS

- ❖ Rules and Regulations
- ❖ Cox
- ❖ Dallmeyer Case
- ❖ Lang Case

3. ADJOURNMENT:

Upon motion made by Richard Kahn and William Spadea, a motion was made to adjourn the meeting at 8:17 p.m.

ROLL CALL:

Aye	Louisa Clayton
Aye	Richard Kahn
Aye	William Spadea
Aye	Carlos Rodrigues
Aye	Sara Segal

Respectfully Submitted,



Debra Rogers, Secretary

Date Approved: March 28, 2012