

**TOWNSHIP OF PRINCETON
ZONING BOARD OF ADJUSTMENT
Minutes of the Regular Meeting
Wednesday, April 25, 2012 - 6:00 P.M.
Municipal Complex, Main Meeting Room
400 Witherspoon Street, Princeton, New Jersey**

PRESENT: Carlos Rodrigues, Penelope Baskerville, Antonio Pirone, Louisa Clayton, Richard Kahn, William Spadea, Ravi Manchi, Sara Segal and Geoff Aton

ALSO PRESENT: Peter Kneski, Township Zoning Officer; Robert P. Casey, Attorney; and Debra Rogers, Secretary

There were four (4) members of the public present.

The meeting commenced at 6:02 P.M. with Ms. Rogers reading the Open Public Meetings Act statement.

1. MINUTES:

Upon motion made by Penelope Baskerville and seconded by William Spadea, a motion was made to adopt the minutes of March 28, 2012 as written and amended.

ROLLCALL:

Aye	Penelope Baskerville
Aye	Louisa Clayton
Aye	Richard Kahn
Aye	Ravi Manchi
Aye	William Spadea
Aye	Sara Segal

2. APPLICATIONS:

- a) **RINEHART, Thomas**
261 Moore Street
Section 7110, Lot 23, R-8
“C” – Combined Sideyard setback for addition
File No. 2375-12Z (9828)

Present for the hearing were Thomas Rinehart, applicant; and Frederick Cammerzall, Attorney.

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 Thomas Rinehart.

Mr. Cammerzall said the applicant is seeking a variance for the combined sideyard setback requirement. He said the addition does not encroach into the sideyard requirement but because of pre-existing conditions, the combined sideyard requirement cannot be met. He asked Mr. Rinehart various questions regarding the addition and variance request.

Mr. Rinehart said he currently resides at 261 Moore Street and needs a larger and more functional dining room. He said the proposal is for approximately 350 s.f addition, which will not be visible from the street as it will be located totally in the rear of the house. He also said the proposal will not have a negative impact on the neighborhood, zone plan or zoning ordinance.

Member Kahn noted that the size of the lot does not meet the minimum requirements and asked the applicant why they did not request a variance for that as well.

Mr. Rinehart said he was just asking for the variance that pertained to the proposal but would be willing to amend his application if the Board wanted to grant that variance as well.

Attorney Casey warned the Board that since the applicant did not include the phrase “any and all variances the Board may deem necessary” in the public notice, the application could not be amended to include a lot area variance.

Member Kahn said the rear dimension should actually be 58.7 feet instead of what the applicant has listed.

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.

Chairman Rodrigues asked for comments from the Board.

Member Clayton said the proposal was very conservative and she had no problems approving the request.

Upon motion made by Louisa Clayton and seconded by William Spadea, a motion was made to approve the application as it has been presented to the Board.

ROLL CALL: **Aye Penelope Baskerville**
 Aye Louisa Clayton
 Aye Richard Kahn
 Aye Ravi Manchi
 Aye Antonio Pirone
 Aye William Spadea
 Aye Carlos Rodrigues

b) REDEL/Levine

59 Shadybrook Lane

Section 4703, Lot 39, R-5

“C” Lot Area & Lot Width for a new home

File No. 2381-12Z (9833)

Present for the hearing were Henry Redel and Ms. Levine, applicants; and Frank Falcone, Engineer/Planner.

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 Mr. Redel & Ms. Levine and Frank Falcone.

Mr. Redel said the existing house at 59 Shadybrook Lane has asbestos and lead paint and needs to be torn down. He would like to build a new home on the property but the lot size is deficient and as a result they are requesting variance for lot area and lot depth.

Mr. Falcone said the existing house on the lot was built in the 1950's and is a small 2-story home. He introduced Exhibit A-1, a color version of the variance plan. He said the lot size is short by 879 square feet. Exhibit A-2, a highlighted version of the Princeton Township Tax Map, shows that 49% of the lots on Shadybrook Lane are undersized as this lot is. Exhibit A-3, the site development plan, shows the existing 2,600 square foot home. He said the lot width at the building line needs to be 100 feet and at the building line of the house it is only 91.4 feet. He explained how the lot has a unique narrowness to it. He said he feels the variances can be approved without any detriments to the neighbors, zone plan or zoning ordinance.

Member Kahn suggested that the variance be taken from the narrowest point on the lot to ensure that if a mistake is made in the field by a few feet the applicant does not have to come back to the Board.

Mr. Falcone also noted that there is a service easement at the rear of the property.

Attorney Casey said the idea to place the house where it is being proposed is to keep current streetscape. He suggested that the Board create a maximum dimension for the resolution.

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.

The Board then held a brief discussion on the lot width dimension for the purpose of defining the required setback variance, and it was decided that Mr. Falcone would work with Mr. Kneski (Zoning Officer) to determine the exact lot width dimension at the 40-foot easement line.

Upon motion made by Richard Kahn and seconded by Antonio Pirone, a motion was made to approve the application of Mr. Redel & Ms. Levine as it has been presented but with the lot width dimension taken at the 40-foot easement line; and conditioned upon engineering review of the site plan, soil movement, storm water drainage and tree protection and removal.

ROLL CALL: **Aye** **Penelope Baskerville**
 Aye **Louisa Clayton**
 Aye **Richard Kahn**
 Aye **Ravi Manchi**
 Aye **Antonio Pirone**
 Aye **William Spadea**
 Aye **Carlos Rodrigues**

The Board took a recess at 6:50 p.m.

The Board returned at 7:30 p.m. and member Segal left the meeting.

- c) **RODAN INVESTMENTS LLC**
84 Deer Path
Section 7506, Lot 6, r-5
“C” Lot Area for a new home
File No. 2380-12Z (9832)

There were twenty (20) members of the public present for this application.

Present for the hearing were Daniel Barsky, applicant; and Christopher Tarr, Attorney.

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 Daniel Barsky.

Mr. Tarr said the subject lot is located at 84 Deer Path and the applicants are seeking a variance for lot area in order to demolish the existing home and rebuild a new home on the lot.

Mr. Barsky went over a powerpoint presentation with the Board showing how the existing structure is in disrepair. He showed pictures of the kitchen, living room and the outside siding and noted that the Princeton Township Construction Department has determined this structure to be unsafe since 2009. He noted that only 4 lots out of 39 meet the minimum lot size requirements for the zoning district. He also noted that this lot is bigger than 60.5% of the lots in the neighborhood. He said they can not purchase any additional land because all of the lots surrounding this lot are also undersized. He respectfully requested that the Board approve this

request. Mr. Barsky said they will comply with all of the other zoning requirements including ordinance 10B-300 pertaining to the FAR. He said it is their intention to build a 3,000 square foot house.

Member Kahn discussed the FAR saying the applicants can build up to a 4,000 square foot house on the lot based on the zoning ordinance 10B-330. He said it allows a larger FAR for smaller lots.

Member Kahn noted that this neighborhood has a unique character to it and he hopes the builder is sensitive to that.

Mr. Tarr said his clients are acutely aware of the character of this neighborhood.

Chairman Rodrigues said that for an application for an undersized lot where no other variances are requested the applicant is not required to produce architectural plans under the *Municipal Land Use Law*.

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

Mr. Sharon, 108 Clover Lane, said the applicants have been working hard to design something that will fit into the neighborhood. He said he may not be entirely happy with it, but they have done an admirable job.

Mr. Kaplan, 72 Clover Lane, said he supports the applicants. He said whatever they want to build will be an improvement to the neighborhood. He said he welcomes Mr. Barsky to the area and thanked him for purchasing the lot.

Mr. El-Shakhs, 66 Deer Path, asked if the 3,000 square feet will be the complete volume of the house and asked how the neighbors can be assured that the house will not be larger than 3,000 square feet.

Attorney Casey said if the Board is inclined to approve the application the resolution will recite the applicant's statement of it being their intention to build a house no larger than 3,000 square feet.

Mr. Carlen, 75 Clover Lane, said he welcomes the project. He said the project, as some of his other neighbors have described to him, will fit well into the neighborhood. He said he thinks 4,000 square feet would be too much for the neighborhood and would like to see something in the resolution reflecting the 3,000 square feet.

Chairman Rodrigues asked if there were any other members of the public who wanted to comment on the application. Hearing none, the Board went into deliberative session.

Member Kahn said that the proposal concerns him because the Deer Path / Clover Lane neighborhood is unique in the Township.

Mr. Barsky said he will limit the square footage to what he stated so the new house will better fit into the neighborhood. He said he wants to keep his word to the neighbors.

Member Spadea said limiting the square footage is beyond the Board’s scope for a lot area variance. He said he is not in favor of setting an arbitrary limit to the square footage in the resolution.

Upon motion made by William Spadea and seconded by Ravi Manchi, a motion was made to approve the application as presented to the Board with the applicant’s recital of their intention to build a house no larger than 3,000 square feet and conditioned upon engineering review of the site plan, soil movement, storm water drainage and tree protection and removal.

ROLL CALL:

Aye	Penelope Baskerville
Aye	Louisa Clayton
Aye	Richard Kahn
Aye	Ravi Manchi
Aye	Antonio Pirone
Aye	William Spadea
Aye	Carlos Rodrigues

d) ANGELONE, Joseph & Michelle
27 Marion Road East
Section 4703, Lot 43, R-5
“C” – **Lot Area for new home**
File No. 2377-12Z (9830)

There were 2 members of the public present for this application.

Present for the hearing were Joseph & Michelle Angelone.

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

Member Kahn recused himself and stepped down into the audience.

Mr. Angelone said they are seeking a lot area variance in order to demolish the existing home and build a new one on the lot. He said they have lived in Princeton for 6 years and completely renovated a house on Shadybrook Lane. He said they sold that house with the intention of moving back to New York but after the house was sold they could not bring themselves to leave Princeton. He said he made arrangements with his company to open an office in Princeton and they searched for a new home. He said they found this house on Marion Road East and fell in

love with the area. Unfortunately, he said, the house is not functional for his family and he would like to build a new one on the lot. He said what they build will conform to the zoning requirements.

Attorney Casey asked if the applicant could purchase any additional land from the adjacent property owners.

Mr. Angelone said no, the lots are developed and they are also undersized.

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

Mr. Kahn, 35 Marion Road East, said he is adjacent to this lot and he has no objection to this proposal.

Upon motion made by Antonio Pirone and seconded by Louisa Clayton, a motion was made to approve the application as it presented conditioned upon engineering review of the site plan, soil movement, storm water drainage and tree protection and removal.

ROLL CALL: **Aye** **Penelope Baskerville**
 Aye **Louisa Clayton**
 Aye **Ravi Manchi**
 Aye **Antonio Pirone**
 Aye **William Spadea**
 Aye **Carlos Rodrigues**

3. ADJOURNMENT:

Upon motion made by Antonio Pirone and seconded by William Spadea a motion was made to adjourn the meeting at 8:14 p.m.

ROLL CALL: **Aye** **Penelope Baskerville**
 Aye **Louisa Clayton**
 Aye **Richard Kahn**
 Aye **Ravi Manchi**
 Aye **Antonio Pirone**
 Aye **William Spadea**
 Aye **Carlos Rodrigues**

Respectfully Submitted,

A handwritten signature in blue ink, appearing to read "Debra L. Rogers". The signature is fluid and cursive, with the first name "Debra" being the most prominent.

Debra L. Rogers, Secretary

Date Approved: May 23, 2012