

**PRINCETON ZONING BOARD OF ADJUSTMENT**  
**Minutes of Regular Meeting**  
**Wednesday, July 23, 2014– 7:30pm**  
**Main Meeting Room**  
**400 Witherspoon Street, Princeton, NJ 08540**

PRESENT: Louisa Clayton; Steven Cohen, Michael Floyd, Barrie Royce, Sara Segal and Harlan Tenenbaum

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

ABSENT: Richard Kahn and Doreen Blanc-Rockstrom

There were two 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.

**Announcement:**

Chairman Royce observed that Penelope Baskerville died on July 7, 2014. She served in the Princeton Zoning Board of Adjustment; she was a great member of the Community. She will be missed.

**2. MINUTES:**

a. June 25, 2014

A motion was made by Steven Cohen, seconded by Harlan Tenenbaum to adopt the minutes of June 25, 2014 as written and amended.

ROLL CALL:       Aye   Steven Cohen  
                      Aye   Michael Floyd  
                      Aye   Barrie Royce  
                      Aye   Harlan Tenenbaum

**3. RESOLUTIONS OF MEMORIALIZATION:**

- 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. Z1414-053V

A motion was made by Michael Floyd and seconded by Steven Cohen to adopt the resolution of PICARD, Serge and DOYON-PICARD, Melanie, as it has been written.

ROLL CALL:       Aye   Steven Cohen  
                      Aye   Michael Floyd

Aye     Barrie Royce  
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. Z1414-051V

A motion was made by Steven Cohen and seconded by Harlan Tenenbaum to adopt the resolution of MRM CONSTRUCTION, LLC, as it has been written.

ROLL CALL:     Aye     Steven Cohen  
                      Aye     Michael Floyd  
                      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. Z1414-057V

A motion was made by Steven Cohen and seconded by Harlan Tenenbaum to adopt the resolution of CRANBURY HEIGHTS ESTATES LP, LLC, as it has been written.

ROLL CALL:     Aye     Steven Cohen  
                      Aye     Michael Floyd  
                      Aye     Barrie Royce  
                      Aye     Harlan Tenenbaum

d. APPOINTMENT OF ACTING BOARD SECRETARY

A motion was made to adopt the resolution to appoint Claudia Ceballos as secretary to the Zoning Board.

**4. APPLICATIONS:**

a) BIELAUS, Robert and Karina

7 Boudinot Street; Block 11.02, Lot 22.02; R1 Zone

C-1 Hardship variance to permit a parking area within the front yard setback

File No. Z1414-065V

Present for the application was Mr. Robert Bielaus, owner and applicant.

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 variance pursuant to Section 17A-20(c) 2 of the Princeton Land Use Ordinance (formerly known as Princeton Borough) to permit construction of parking within the required front yard setback. He said that the subject property is located in the R1 Zone and is subject to the use and bulk regulations in accordance with Sections 17A-227 & 231 of the Princeton Land Use Ordinance. The existing single family use is permitted as of right.

Mr. Bridger said that the subject property is non-complying with respect to the lot width where as requirement is 125 feet and the existing is 70 feet. Also, it is non-complying with lot depth the requirement is 125 feet the existing is 100 feet. The lot area requirement is 20,000 sf and the existing is 7,000 sf. Mr. Bridger noted that the subject property is non-complying with respect to the following bulk requirements: the front yard setback requirement is 35 feet the existing is 26.3 feet, the accessory structure setback requirement is 5 feet and the existing is half a foot. The applicants are proposing to construct 9'X19' parking space within the required front yard setback. The proposed space will be located adjacent to the existing driveway. The proposed parking space will be located on the front property line (0' setback). The required setback is 35 feet. The proposed parking within the front yard setback requires variance relief pursuant to Section 17A-387 (c) restricts parking from being located within the front yard. Mr. Bridger said that there is no prevailing setback I this block because it is the only house that is subject to the setback.

Mr. Bridger said the applicant is seeking a C2 variance.

Mr. Bridger discussed the criteria for the Board when considering C2 variance.

Mr. Floyd asked that Mr. Bridger confirm the minimum combined side yard in the R1 zone.

Mr. Bridger clarified that the combined is side yard is 30 the smaller is 10 feet.

Mr. Cohen noted that few years ago the Board approved a variance for the addition on the second floor.

Mr. Bridger noted that under prior ownership, the Property was previously granted a variance with respect to height to setback ratio to permit a second floor addition.

Attorney Cayci swore in Mr. Robert Bielaus.

Mr. Robert Bielaus explained that he and his wife proposed to create a gravel parking space in front of their residence in the front yard setback to augment their existing gravel driveway to accommodate their two cars. The dimensions of the proposed parking space would be 9 feet by 19 feet and would be located along the western edge of the existing driveway. He said that they believe that this would not affect the esthetics of the neighborhood and benefit the community, the parking on Boudinot is highly restricted on the side on their street, on the north side of the street parking is strictly prohibited and on the side south parking is restricted to two hours from 8am to 6pm Monday – Saturday. The parking is also highly competitive as Boudinot and Morven Place seem to be treated as the private parking of the Peacock Inn. He explained that the property currently has a

single car garage with a single-lane gravel driveway and that it is necessary to park their two cars in tandem because they do not use their garage for parking. In order to move the vehicles, it is necessary to park one car on the street long enough to allow the car to be pulled out which Mr. Bielaus explained is inconvenient. For that reason, Mr. Bielaus stated that frequently it is necessary to park as far down as the corner of Boudinot Street and Library Place in order to find a space. He advised that he and his wife find it necessary to move their cars once or twice a day, in order to access their cars.

Chairman Royce inquired regarding the constraints for finding other solutions.

Mr. Bielaus said that due to the dimensions of their lot it would be impossible to widen the driveway near the garage; the edge of the driveway is within 6” of the property line to right of the house. The location of a driveway on the other side of the property would require a curb cut and removal of a mature tree.

Mr. Bielaus stated that he believes that the proposed parking space will be adequately shielded from public view by the existing fence on the property but he did mention that a car in the proposed parking space would be visible from the sidewalk in front of the house.

Mr. Bielaus advised that he and his wife choose not to use the garage for parking and that they park their two vehicles in tandem on the driveway. He further testified that he believes that his property is one of the smallest properties on Boudinot and that he could not widen the existing driveway without violating the zone setback requirements. Mr. Bielaus said that he believes that many of the residences on Boudinot Street have two car garages.

No public comment was made.

The Board discussed the application and found that in light of the existing garage and driveway, there is adequate room on the property to legally park two vehicles and that the lot size, depth and area do not encumber such parking. The Board further found that the visual impact of parking in the front yard setback will not be ameliorated by the existing fence. Based on the foregoing, the applicant has failed to satisfy the criteria for a C2 variance and has not demonstrated that approving the requested variance to park in the front yard setback will advance any purposes of the Municipal Land Use Law nor has the applicant demonstrated that granting the requested variance would advance the purposes of the zoning or the zone plan or that a deviation from the zoning ordinance requirements would substantially outweigh the detriments to the zone plan. The Board further found that the subject application can be distinguished from prior variances granted by the Board because the current applicant has on-site parking and has sufficient space on the property to park two vehicles.

Mr. Cohen said that he knows the area and he knows that this is tight situation.

Mr. Cohen asked if the applicant could be allowed to create a pull over area in that sections where he is looking for the variance.

Attorney Casey noted that the applicant is seeking a C2 variance, that is a variance that does not require showing an undue hardship instead as it is documented on Mr. Bridger’s memo that there are other criteria that the applicant would need to address. After discussion by the Board, it was

concluded that that the applicant did not meet the criteria for C2.

A motion was made by Harlan Tenenbaum seconded by Michael Floyd, to deny the application of Robert and Karina Bielaus for a C2 variance to permit parking in the front yard setback.

ROLL CALL:       Aye    Louisa Clayton  
                      Nay    Steven Cohen  
                      Aye    Michael Floyd  
                      Aye    Barrie Royce  
                      Aye    Sara Segal  
                      Aye    Harlan Tenenbaum

RESOLUTION OF THE PRINCETON ZONING BOARD  
OF ADJUSTMENT  
(TO GO INTO CLOSED SESSION)

Whereas, the Zoning Board has determined that it is necessary to review the status of pending litigation known as Weiss at al. v. Names and the Princeton Borough Zoning Board of Adjustment; and

Whereas, N.J.S.A. 10:4-12 permits the Board to conduct a meeting from which the public is excluded for the foregoing purpose; and

Whereas, the discussion conducted in closed session shall be made available at such time as the issues discussed therein are resolved and its disclosure would not subvert any particular exception for convening a closed session.

NOW THEREFORE BE IT RESOLVED, that the Princeton Zoning Board of Adjustment shall go into closed session for the purpose of discussing pending litigation as permitted by N.J.S.A. 10:4-12.

**5. ADJOURNMENT**

There being no further business the meeting was adjourned at 8:27 PM.

Respectfully Submitted,

Claudia Ceballos  
Secretary

Approved: September 17, 2014