

**MINUTES
OF THE
CRANBURY TOWNSHIP
ZONING BOARD OF ADJUSTMENT
CRANBURY, NEW JERSEY
MIDDLESEX COUNTY**

**MINUTES OF OCTOBER 5, 2016
APPROVED ON NOVEMBER 2, 2016**

TIME AND PLACE OF MEETING

The regular meeting of the Cranbury Township Zoning Board of Adjustment was held at the Cranbury Township Town Hall (Old School Building), 23-A North Main Street, Cranbury, New Jersey, Middlesex County on October 5, 2016 at 7:30 p.m.

CALL TO ORDER

Michael Dulin, Vice-Chairman called the meeting to order and presided over the meeting.

STATEMENT OF ADEQUATE NOTICE

Pursuant with the Sunshine Law, adequate notice in accordance with the Open Public Meeting Act was provided of this meeting's date, time, place and agenda was mailed to the news media, posted on the Township bulletin board, mailed to those requesting personal notice, and filed with the Municipal Clerk.

MEMBERS IN ATTENDANCE

- Joe Buonavolonta
- Sean Deverin
- Robert Diamond
- Michael Dulin
- John Hoffman
- Marilee Meacock
- David Nissen
- Fran McGovern (Alternate #1)
- Ronald Witt (Alternate #2)

PROFESSIONALS IN ATTENDANCE

- Trishka Cecil, Esquire – Board Attorney
- Josette C. Kratz, Secretary
- Richard Preiss, P.P., Board Planner

APPLICATION

ZBA284-16 Romaine, Fiona & James
Block 25, Lot 24, Zone RLD-1
2 Barclay Street
Bulk Variance (Porch & Addition)

REPRESENTATIVES: Fiona & James Romaine, Owner/Applicant
Maximillian Hayden, Architect

BOARD PROFESSIONALS' REVIEWS:

Richard Preiss - Phillip Preiss Grygiel, LLC, dated September 7, 2016

PUBLIC WHO SPOKE:

Roy Reinhardt, sworn
Susan Mavoides, sworn
Elizabeth M. Durkin, Esquire – The Durkin Firm – Representative for West Orange Baby, LLC
(adjacent preserved farmland)

Fiona & James Romaine, Maximillian Hayden, and Richard Preiss were sworn.

Ms. Cecil stated jurisdiction was announced at the September 7, 2016 hearing and application was carried to a date certain of October 5, 2016 (this hearing); therefore, the Board could proceed.

Site plans used as “exhibits” were same as those submitted as part of the original application and where on file in the Planning & Zoning Office; therefore, they did not have to be entered in as evidence.

Mr. Hayden stated the non-conforming lot in question fronted on Barclay Street (a two lot deep road off Main Street) and sat adjacent to Preserved Farmland. The house was a bungalow style home constructed in the late 1920’s with a second floor addition built approximately 20 years ago. The Romaines have four children, and they would like to add a family room and a master bedroom addition to the rear with a porch to the left side, which would wrap around to the front. The porch would be 8’ wide, which would create a 3’ 3.75” side yard setback. The Romaines felt this was the only location that made sense from an architectural standpoint, taking advantage of the amazing preserved farmland vista. The Romaines were seeking relief from both the side and front yard setbacks.

Mr. Deverin asked if the house was within the Historic Preservation area. Mr. Hayden answered it was not.

Mr. Hayden pointed out there was a buffer area on the farmer’s property adjacent to the Romaines which the farmer does not mow and the Romaines have maintained. Presently there are large trees, which restricted how close farm equipment could get to the Romaines property, in addition to a slight embankment the farmer would have to excavate in order to make that area tillable. This acts as a natural barrier. Mr. Hayden felt the area was about a 20’ to 30’ wide strip.

Mr. Romaine stated from the edge of his property line it was about 22’.

Mr. Hayden stated the house would remain as a single-family residence. The only change would be to have a typical family room, living room and four bedrooms when finished, which presently there was only a living room.

Mr. Preiss stated where Barclay Street ends was at the preserved farmland, also, there was the “Right-to-Farm” in Cranbury so the applicant needed to know that in the future any activity that could be done on a farmland property that could occur and the applicant would have no right to claim a nuisance. There was nothing prohibiting the farm from reclaiming the property and bringing the activity closer. He stated he wanted to assure both the Board and the Applicant understated the setback would only be 3’ +/- from the property line.

Mr. Dulin asked who was located on the other three sides.

Mr. Romaine stated there was a community lot that many are entitled to use, but not part of the farm.

Mr. Deverin asked about the limitation to the preserved farmland. Mr. Preiss stated it could be used for all farming purposes but not residential housing. A barn, shed and/or greenhouse are allowed.

Mr. Hoffman asked what the most intense development of that property could be.

Ms. Cecil said she has seen large commercial flower growers build greenhouses right down the property line. They are not exempt from setbacks, however if they could prove it was essential to the farming application/operation they can build. Farmland preservation was about preserving the farmland operation, and agriculture as an industry, not preservation of vistas and open space.

Mr. Roy Reinhardt, sworn, explained he has farmed his entire life stated no farmer do not want to come closer to residential lots. When breaking virgin soil they create a large flooding problem onto the neighboring lot, they generally do not volunteer to that problem. He said he had farmed that property and there was a grade going toward the house, hence why the 25' buffer existed for years. From Barclay Street along all the residential houses going up Main Street was this size buffer or larger; a line nobody crossed.

Ms. Durkin, representing the owner of the adjacent agricultural preserved farmland, Orange Baby LLC, stated they were concerned about the setback. She pointed out the zone allowed for a 20' setback and this lot already had a significant non-conformity that would be further encroached which Orange Baby was concerned.

Ms. Cecil and Mr. Dulin asked the Applicant's attorney what was specifically the client's concern. The applicant already understands they have no recourse if the client builds anything. What was the impact on your client? Ms. Cecil was asking in order to find out there are no substantial negative impacts. Would it prevent your client from performing construction of building or farming operation?

Ms. Durkin stated the burden of proof was on the applicant not the objector. She understood what they would like to do on this undersized lot, stated that if they bought this home having four children agreed to adding a master bedroom and mudroom, but not the porch. They own a farm and there will now be a structure 3' off the property line and are concerned about farming the fields and using any product, animals and structures with residential neighbor with a 3' setback, which was in violation of ordinance. She stated she was having difficulty reaching her client due to the hurricane down south.

RECESSED - to allow for the applicant and the adjacent property owner's attorney to discuss a possible solution amongst themselves.

Mr. Preiss restated the applicant would plant a 3' hedge at 3' height and 3' depth on their property line and they would have to maintain it from the applicant's property.

Ms. Durkin stated her client was also concerned no construction activity would take place on their property during the applicant's construction. The applicant agreed to place a silt fence to demark the property line during construction. If the Board approved the application with those conditions, she was satisfied.

Mr. Preiss explained the areas of proof related to the granting of a "C" Variance, noting this was an undersized house on an undersized lot. The lot was very narrow and there was logic to placing the house on the proposed placement because of the enjoyment of the vista. The affirmative criteria have been meant. The negative criteria was necessary, given the fact that the adjacent affected property was represented by counsel and seems to be satisfied with the conditions imposed on the applicant. He felt the resolution should note that the applicant was aware of the fact that there was a right to farm ordinance in Cranbury and series of activities that could be conducted on the adjacent property within 3.5', giving no reason for the applicant to voice concerns. The hedge will prohibit accidental encroachment on the adjacent property after construction.

Susan Mavoides, sworn, spoke in favor of the application. She added that working with the different boards had been a positive experience.

Mr. Dulin closed the public session.

Mr. Dulin did not understand what negative impact the hedge would alleviate.

Mr. Preiss stated it resolved the objection of the neighbor. If the hedge satisfied, there was no detriment to the public good to the one most affected.

Mr. Govern motioned to approve the application along with the conditions as discussed. Mr. Deverin seconded the motion.

ROLL CALL:

MOTION MADE: Mr. McGovern
MOTION SECONDED: Mr. Deverin

AYES: Mr. Deverin, Mr. Diamond, Mr. Dulin, Mr. Hoffman, Mr. McGovern
NAYS: None
ABSTAIN: None
ABSENT: Mr. Nissen, Mr. Witt, Ms. Meacock

MOTION PASSED

MINUTES

Upon a motion made and seconded the minutes for June 1, 2016 and September 7, 2016 were approved.

ADJOURNMENT OF MEETING

There being no further business, on motion duly made, seconded, and carried, the meeting was thereupon adjourned.

CERTIFICATE OF SECRETARY

I, the undersigned, do hereby certify;

That I am duly elected and acting secretary of the Cranbury Township Zoning Board of Adjustment and, that the foregoing minutes of the Zoning Board of Adjustment, held on October 5, 2016, consisting of six pages, constitute a true and correct copy of the minutes of the said meeting.

IN WITNESS WHEREOF, I have hereunto subscribed my name of said Zoning Board of Adjustment this November 2, 2016.

Josette C. Kratz, Secretary

/jck