

**PLANNING BOARD &
ZONING BOARD OF ADJUSTMENT
TOWNSHIP OF CRANBURY**

23-A NORTH MAIN STREET
CRANBURY, NEW JERSEY 08512
(609) 395-0900, Ext. 221
FAX: (609) 395-3560

Application No: ZBA 383-23

Application Title: John & Deborah Repko

Block(s): 23 Lot: 41

Street Address: 46 Cranbury Neck Rd

Type of Application: Use of Bulk Variances

Date of Board Hearing: 10/4/23

DATE REPORT WAS RECEIVED BY PB/ZBA OFFICE	NAME OF AUTHOR OF REPORT	FIRM OR AGENCY NAME
9-21-23	Susan Ryan	HPC
9/29/23	Liz Lehning	Phillips, Preiss - Planner

Historic Preservation Commission
Township of Cranbury
23-A North Main Street
Cranbury, New Jersey 08512

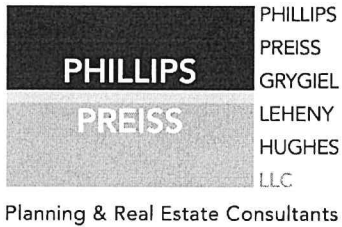
TO: Zoning Board of Adjustment

FROM: Susan Ryan, HPC Chair

DATE: September 21, 2023

RE: Application No. ZBA383-23
John Repko
Block 23, Lot 141
46 Cranbury Neck Road – A100 Zone
Use and Bulk Variances

HPC reviewed the ZBA383-23 John Repko plans for the use and bulk variances for the three (3) barns at the May 16, 2023 meeting. The 46 Cranbury Neck Road property has been identified only on the Master Plan in 2010 as a historic site. As a courtesy, the applicant presented a concept plan at the May 16, 2023 HPC meeting. The HPC had discussions with the applicant advising the main concern is the elevation seen from the road and any materials that can be retained and repaired would be beneficial for the historic integrity. The intended use is not of concern to HPC. It was advised by the owner that the intention is not to have the barn be used as a separate residence, it is to have extra space and the bathroom will not have a bath or shower. The zoning officer also advised it cannot be used as a separate residence. HPC supports the application from the concept presented to them.



Memorandum

To: Cranbury Township Zoning Board

From: Elizabeth Leheny, AICP, PP

cc: Edwin Schmierer, Esq.
David J. Hoder, P.E., P.P., C.M.E.
A. Andrew Feranda, PE, PTOE, CME
Robin Tillou

Date: September 29, 2023

RE: **Application No.:** ZBA 383-23
Applicant: John P. Repko
Application: "d(1)" Use Variance and "c" Bulk Variance Relief
Address: 46 Cranbury Neck Road
Block/Lot: Block 23/ Lot 141
Zone: A-100 (Agricultural Preservation)
PLANNING REVIEW LETTER

INTRODUCTION

John P. Repko (the "Applicant") is seeking variance relief to renovate and convert three existing farming buildings on his property to an office studio building; multi-purpose entertainment space building; and storage and greenhouse building. The Applicant is seeking "d(1)" use variance relief to permit the multi-purpose entertainment space as it is not an expressly permitted accessory use in the Cranbury Land Development Ordinance. Additionally, bulk variance relief is requested to permit an "area of assembly" less than 150 feet from a side lot line.

SITE DESCRIPTION

The subject property is located on the northern side of Cranbury Neck Road. It is approximately 13.4 acres and is currently improved with a main house; a tennis court; an inground swimming pool; and three ancillary barn buildings located to the west of the main house. The barn buildings include:

- Barn #1 ("Pott's Cider House")¹ is approximately 286 square feet and located to the northwest of the main house. It sits on supports which elevate the floor level from the ground.
- Barn #2 ("Pott's Wheelhouse") is approximately 786 square feet and is located to the west of the main house just to the south of Barn #1.
- Barn #3 ("Potts Barn") is approximately 1,286 square feet and is located to the west of Barn #2.

The closest barn structure to Cranbury Neck Road is Barn #3 which is situated 379 feet from the roadway which is well within the 150 foot required front yard setback. The area of the lot between Cranbury Neck Road and the barns is farm fields.

PROPOSED PROJECT

The Applicant proposes to restore and convert the three ancillary barns on their property as follows:

- Barn #1 ("Pott's Cider House") - The barn will be renovated into a greenhouse and storage.
- Barn #2 ("Pott's Wheelhouse") - The barn will be renovated and used as a home office/studio/workshop. It will include a powder room and a woodshed.
- Barn #3 ("Potts Barn") - The barn will be renovated to serve as living and entertaining space and will include a powder room and a warming oven.

Doors and windows will be installed and/or replaced on the buildings. However, it appears that the bulk, massing, style, and colors of the barn structures will remain substantially similar to what exists on the property currently.

ZONING COMPLIANCE

Use

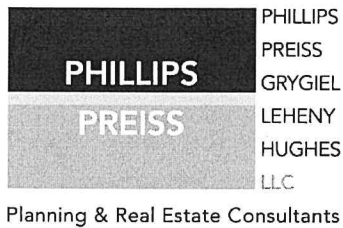
Single-family homes and commercial or home agriculture are permitted uses in the A-100 zone; as are accessory uses and accessory buildings customarily incidental to the above uses and located on the same lot.

The Applicant is requesting a use variance because the living and entertaining space in proposed Barn #3 is not expressly listed as a permitted accessory use in the Cranbury Land Development Ordinance.

Bulk

Additionally, the Applicant is requesting relief from §150-14(B)(g) of the Land Development Ordinance, which requires that the minimum distance between lot lines

¹ We note that the planner's report and the architectural plans appear to differ with regard to the numbering of the barns. We believe that Barn #1 on the architect's plans is Barn #3 in the planner's report and vice versa. Barn #2 appears to be consistent on both the planner's report and architectural plans.



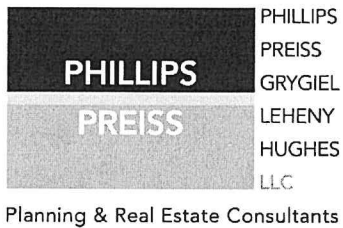
and places of outdoor activity such as recreation areas and areas of assembly is 150 feet. Barn #3, i.e., "multi-purpose family entertaining space" building is setback only 137 feet from the side property line. The Applicant is requesting a variance.

PLANNING EVALUATION

1. The Applicant should provide testimony on the barn buildings including, but not limited to the following:
 - a. Description of the proposed uses;
 - b. How and when the structures would be used by residents of the main home;
 - c. Size and uses of any upper story areas in Barns #2 and #3;
 - d. Confirmation that the powder rooms in Barns #2 and #3 will not have shower/bath facilities;
 - e. The intended use of the warming oven; and
 - f. Any increases in floor area of the existing barn structures.

2. Accessory uses and accessory buildings customarily incidental to the above uses and located on the same lot are permitted in the A-100 zone. In the Cranbury Zoning Officer's denial letter for this application dated February 2, 2022, he wrote that an accessory use must be subordinate or minor in significance when compared to the primary use of the property and the use must bear a reasonable relationship to the primary single-family use. He requested that the Applicant "provide a detailed description of the proposed use of the 'multi-purpose family entertaining space' building [i.e., Barn #3], and provide the circumstances that would permit a determination that the use in question is an implied accessory use, including any factual record that indicates that the subject accessory use is customary for homeowners in Cranbury Township."

Based on the information submitted, the Applicant is not appealing the Zoning Officer's decision that the use is not permitted to the Zoning Board, but is rather requesting a use variance. As such, the Applicant shall provide justification for the requested d(1) use variances. Pursuant to the MLUL at N.J.S.A. 40:55D-70(1), the applicant must affirmatively demonstrate that the site is "particularly suitable" for the proposed use pursuant. In addition, the Applicant must address the negative criteria, i.e., that the granting of the variance will not substantially impair the public good nor the intent and purpose of the zoning and master plan, must be satisfied. Per the Medici enhanced quality of proof, the applicant must "reconcile" the proposed use with the fact that the zoning and master plan prohibit it from the zone.



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3. The Applicant is requesting a bulk variance. Per the Municipal Land Use Law (“MLUL”), in order for the Board to grant the “c” variance, the applicant has to either indicate that a hardship exists, that is, the strict application of the zoning regulation would create a practical difficulty to the applicant or that the benefits of granting the variances would outweigh the detriments and would advance the purposes of the MLUL. The applicant is also required to address the negative criteria, that is, an indication that the grant of the variances would not harm the public good, nor the purpose or intent of the zoning ordinance.