

PRINCETON ZONING BOARD OF ADJUSTMENT

Minutes of the Regular Meeting
December 9, 2015 7:30 P.M.
Municipal Complex – Main Meeting Room
Princeton, New Jersey

1. OPENING STATEMENT

The meeting commenced at 7:30 p.m. with Chairman Royce reading the Open Public Meetings Act statement.

2. ROLL CALL

PRESENT: Louisa Clayton, Steven Cohen, Eve Coulson, Michael Floyd,
Richard Kahn, Doreen Blanc-Rockstrom, Barrie Royce,
Bainy Suri (7:39 PM), Harlan Tenenbaum
ABSENT: Wendy Farrington
ALSO PRESENT: Karen Cayci, Attorney; John West, P.E., Land Use Engineer/ Deputy
Zoning Officer; Claudia Ceballos, Board Secretary.

There were twenty three (23) members of the public present.

3. MINUTES

September 16, 2015- Motion was made by Ms. Clayton to accept the minutes as written and amended, seconded by Ms. Rockstrom and carried with a voice vote of six ayes among those members eligible to vote. No one opposed. No one abstained.

4. ADMINISTRATIVE MATTERS

- a) Resolutions: Open Public Meetings Act for 2016
 - i. 2016 Meeting Schedule
 - ii. Notice of Special Meetings
 - iii. Charges for Subscribers for agenda mailings

Motion was made by Mr. Floyd to adopt the three resolutions, seconded by Mr. Tenenbaum and carried with a voice of eight ayes. No one opposed. No one abstained.

5. RESOLUTIONS

- a) RB Homes
 - 15 Harris Road; Block 7108, Lot 3, Zone 3 (Twp)
 - C1 – Lot area for new single family dwelling
 - Z1515-238 V
 - Approved with conditions

A motion was made by Mr. Cohen to adopt the resolution, seconded by Mr. Floyd and carried with a voice vote of five ayes among those members eligible to vote. No one opposed. No one abstained.

- b) Mr. Suqiang Li/Owner
TJB Architect/Applicant
404 North Harrison Street; Block: 7202, Lot: 9, R6 Zone (Twp)
C1 - Lot depth for new single family dwelling
Z1515-268V
Approved with conditions

A motion was made by Ms. Coulson to adopt the resolution, seconded by Mr. Floyd and carried with a voice vote of seven ayes among those members eligible to vote. No one opposed. No one abstained.

- c) M.R.M. Construction LLC
279 Russell Road; Block 8203, Lot 9 Zone R2 (Twp)
C1 – Lot area and Lot width – new single family dwelling
Z1515-263V
Approved with conditions

A motion was made by Mr. Floyd to adopt the resolution, seconded by Ms. Rockstrom and carried with a voice vote of six ayes among those members eligible to vote. No one opposed. Ms. Coulson recused herself.

- d) Peter James Carril
111 Mountain Avenue
Block 6804, Lot 23 & 22; R2 (Twp)
C2 – Addition - side yard setback, rear yard setback, left side yard to height ratio
& rear yard to height ratio
Z1515-240V
Approved with conditions

A motion was made by Mr. Tenenbaum to adopt the resolution, seconded by Mr. Floyd and carried with a voice vote of five ayes among those members eligible to vote. No one opposed. No one abstained.

- e) Next Phase Development, LLC
747 Kingston Road; Block 5903, Lot 5, Zone 5 (Twp)
C1 – Lot area for new single family dwelling
Z1515-274 V
Approved with conditions

A motion was made by Ms. Clayton to adopt the resolution, seconded by Mr. Cohen and carried with a voice vote of six ayes among those members eligible to vote. No one opposed. No one abstained.

6. APPLICATIONS

- a) Estate of Elizabeth Whelan, Owner (carried from 11/10/15)
Garey & Tell Investments, LLC, Applicant
12 Rollingmead; Block 7505, Lot 46, Zone R5 (Twp)
C1/C2 – Lot area and lot width for a new single family dwelling
Z1515-279 V
Deadline for action: 2/18/16

Attorney Cayci advised that all the noticing documents were in order and the Board was in a position to entertain jurisdiction of the application.

Present for the application Christopher S. Tarr, Esq., and Whit Garey, both sworn in by Attorney Cayci.

Mr. West, P.E., Land Use Engineer/Deputy Zoning Officer was sworn in by Attorney Cayci.

Mr. West provided an overview of the application using Mr. Bridger's October 9, 2015 memorandum. Mr. West said that the applicant has made an application for C1 variance to demolish an existing house and to permit the development of single-family dwelling on a non-conforming lot in exception to the required lot area and lot width. Mr. West said that the existing lot area is 8,532 sq. ft. and the required is 21,780 sq. ft.; the existing lot width is 60 ft. and the required is 100 ft.

Mr. West reviewed with the Board the standards for granting the C variances.

Mr. West recommended that the garage and driveway be relocated as there would not be sufficient turning radius and to avoid excavations near a 60" plus tall tree on adjacent property.

Mr. Tarr informed the Board that, that applicant was not able to acquire land from neighbors nor to sell the property. Letter were sent out but there was no response.

Mr. Garey presented exhibit A1 – power point presentation showing zoning map, tax map, neighboring properties and the survey.

Mr. Garey said that existing house is at the end of its life and wants to demolish it. Mr. Garey agreed to relocate garage and driveway, and to avoid excavations near the 60" tall tree on the property next door, according to Mr. West's recommendations.

Chairman Royce opened the meeting to the public at this time:

Nancy Sworzak of 18 Rollingmead, was sworn in by Attorney Cayci. She said she lives next door, and she is concerned that the proposed location of the a/c units appear to be located within the setback. She is also concerned with a 60 ft. plus tree which she believes is located on the property line and asked that the applicant consider removing the tree for safety reasons. She said that Municipal Arborist said that the tree is currently in good health.

Betty Soloway of 6 Rollingmead, was sworn in and said that she is concerned with the drainage impacts from the new house.

Mr. West advised that applicant will be required to provide a drainage plan for review and approval by the Princeton Engineering Department.

Anne Davison of 412 Franklin Avenue, was sworn in and said that she is concerned with the size of the proposed house, it may be too large for the lot.

Chairman Royce recommended that she gets in touch with Council regarding her concerns.

Elizabeth Foley of 59 Snowden Ln, was sworn in and said that she agreed with prior comments regarding oversized homes on small lots. She said that Harry's Brook runs on her property and that adding drainage to the storm sewer system will affect her property as it will drain into Harry's Brook.

Mr. West again advised that the applicant's drainage plane would be reviewed for adequacy by the Princeton Engineering department.

Hearing no further comments, the public portion was closed.

Mr. Tarr said that the applicant will comply with Mr. West's comment with respect to relocation of the proposed garage and driveway and will create a front-entry garage. Mr. Tarr said that the applicant believes the 60ft. plus tree referenced in public comment is actually located on the adjacent Sworzak property. However, he advised that the applicant will work with the municipal arborist to protect the tree but will not remove the tree. Mr. Tarr confirmed that the applicant will comply with all bulk regulations with respect to the proposed residence other than lot area and lot width.

Ms. Clayton asked for clarification on what variances were being requested. Mr. Tarr noted that only lot area and lot width variances were being requested.

Ms. Clayton asked if the conditioning of the garage would be for this project only or would it carry with the property.

Mr. Kahn said that he has an issue with this condition which has nothing to do with Zoning.

Attorney Cayci said that the applicant is making it a condition because it is important to the neighbors.

Board Members discussed the application and a motion was made by Ms. Clayton and seconded by Mr. Tenenbaum to grant a C (1) variance regarding lot area to permit demolition of an existing home and construction of a new single-family home with conditions, and carried with the following roll call vote:

FOR: Clayton, Cohen, Floyd, Kahn, Rockstrom, Royce
AGAINST: None
RECUSED: None

AFFIRMED: Coulson, Suri
ABSENT: Farrington

- b) Orlando Fuquen and Stephanie Chorney
11 Race Street; Block 6904, Lot 1, Zone R9 (Twp)
C2- front yard setback for addition and canopy porch
Z1515-283 V
Deadline for action: 3/12/16

Attorney Cayci advised that all the noticing documents were in order and the Board was in a position to entertain jurisdiction of the application.

Ms. Suri recused herself.

Present for the application Orland Fuquen and Stephanie Chorney, owners, and John DaCruz, RA, all sworn in by Attorney Cayci.

Mr. West provided an overview of the application using Mr. Bridger's November 12, 2015 memorandum. Mr. West noted that the property is located at the corner of Birch Avenue and Race Street and under the R9 Zone of the former Township Land Use Code must comply with two front yard setbacks. Mr. West said that applicants want to construct two additions, a one story addition 15.3' x 11.17'ft on the Birch Avenue side and a 3'6" by 7' canopy porch over existing entrance on the Race Street elevation. Mr. West noted that the required front yard setback is 25 feet and the existing is 23.8 (Race St) and existing 28.85(Birch Ave); and the required side yard setback is 5 feet and the existing is 1.10 ft.

Mr. West said that applicants have applied for C2 variances for the addition, a front yard setback on the Birch Avenue side of 17.8 ft., a front yard setback on the Race Street of 20.2 ft. and a preexisting side yard setback of 1.10 ft.

Mr. West said that this is an undersized lot.

Mr. West reviewed with the Board the standards for granting the C variances.

Stephanie Chorney said that they have lived there for 15 years, they have a family room that is 6' by 8' and are looking to enlarge it to accommodate their family. They propose a one story addition to add a vestibule area, family room and to reconfigure the existing bathroom and would like to install a canopy at the front door for protection during inclement weather.

Orland Fuquen, said that the living space is "very squeezed", that they need more space for spend time together as a family.

John DaCruz, RA informed the Board that he is a licensed architect in the State of New Jersey, New York and Pennsylvania. The Board agreed to accept Mr. DaCruz' credentials.

Mr. DaCruz used a power point presentation, which had 15 slides. (Exhibit 1).

Mr. DaCruz said that the current residence is a two story single-family home with a free-standing garage on an undersized lot. He said that as a corner lot the property has two front yards of 25 ft. and 2 side yards of 5 ft.

Mr. DaCruz also said that the exterior material of the existing residence is stucco but that due to the age of the house, it would be difficult to recreate the stucco and the proposed material for exterior of the addition is wood to match the existing garage.

Mr. DaCruz noted that the neighboring homes are much closer to the street than the proposed addition and that the size and location of the proposed addition are consistent with the character of the neighborhood. The 3'6" x 7" canopy to be placed over the front door which will required an approval for the front yard setback to be 20.2 and the proposed addition on Race Street the required is 25 ft. which will required an approval for the front yard setback to be 17.8 on Birch.

Mr. Cohen said that the addition could be placed in a place where no variance would be required and Mr. DaCruz said that requiring placement of the addition to a compliant location would cause the applicants to lose the patio area, would require relocation of the existing air conditioning condensers to a more visible location and would require additional reconfiguration of the residence.

Mr. Floyd asked that the purposes of zoning be addressed and Mr. DaCruz read item number three of the application.

Mr. Kahn asked Mr. DaCruz what is the hardship, Mr. DaCruz responded that it is an undersized lot and it is a corner lot with two front yards of 25.

Chairman Royce opened the meeting to the public at this time:

Joseph Gessner of 30 Race Street, was sworn in and said that he supports the project, very modest and reasonable request.

Hearing no further comments, the public portion was closed. Members discussed the application and Mr. West summarized the variances required. Motion was made by Ms. Clayton to approve C2 variances with conditions as presented, seconded by Mr. Tenenbaum and carried with the following roll call vote:

FOR: Clayton, Rockstrom, Royce, Tenenbaum
AGAINST: Cohen, Floyd, Kahn
RECUSED: Suri
AFFIRMED: Coulson
ABSENT: Farrington

- c) Gretchen M. Oberfranc & Charles L. Creesy
64 Dorann Avenue; Block 7308, Lot 13 Zone R7 (Twp)
C2 - front & side parking setbacks to permit expanding driveway & adding parking space
Z1515-286V
Deadline for action: 3/12/16

Attorney Cayci advised that all the noticing documents were in order and the Board was in a position to entertain jurisdiction of the application.

Present for the application Gretchen M. Oberfranc and Charles L. Creesy, owners and applicants, both sworn in by Attorney Cayci.

Mr. West provided an overview of the application using Mr. Bridger's November 12, 2015 memorandum. Mr. West noted that the applicants are seeking C2 variance relief to expand the existing driveway and to create a parking space within the required front and side yard setbacks on the eastern side of the driveway. Mr. West said that the property is located in the R7 Zone of the former Township, the existing single family use is permitted as of right and a 25 ft. front yard setback and a 10 ft. side yard setback, are required. The applicant proposes a front yard setback of 16 feet and a side yard setback of 5'6" for the proposed parking space. Mr. West said that Mr. Bridger's memo sets forth the standards for granting C2 variance.

Ms. Oberfranc said that they have lived on Dorann Avenue for 30 years. She advised that they have made renovations to their home and now wish to continue to use their existing garage as one parking space and expand the existing driveway to create an additional parking space on the eastern side of the driveway to allow them to use the garage without first backing out their second car onto Dorann Avenue.

Mr. Creesy presented photographs included in the application, describing their property and various residences located on Dorann Avenue which shows their neighbors having parking spots located very close to their property lines.

Mr. Creesy said that they plan to move the tree near the garage to the corner near Dorann Avenue and the right-hand property line which is abutted by their neighbor's driveway, the tree will shield the proposed new parking space as well as their neighbor's driveway

Mr. Creesy said that their street is only one block long with no sidewalks and that it is usually difficult to find street parking.

Ms. Oberfranc said that the height of the proposed plantings would be approximately ½ of the height of their cars.

The application was opened to public comment but no comment was provided.

Members discussed the application and a motion was made by Mr. Kahn to approve C2 variances with conditions as presented, second by Mr. Cohen and carried with the following roll call vote:

FOR: Clayton, Cohen, Floyd, Kahn, Rockstrom, Royce, Tenenbaum
AGAINST: none
RECUSED: none
AFFIRMED: Coulson, Suri
ABSENT: Farrington

- d) Robert L. and Barbara D. Rebak
74 Jefferson Road, Block: 22.01, Lot: 8, R3 Zone
C2 – building coverage for installation generator & 2 air conditioning condensers
Z1515-284 V
Deadline for action: 3/19/16

Attorney Cayci advised that all the noticing documents were in order and the Board was in a position to entertain jurisdiction of the application.

Present for the application Barbara D. Rebak, sworn in by Attorney Cayci.

Mr. West provided an overview of the application using Mr. Bridger's memorandum dated October 20, 2015, revised November 20, 2015. Mr. West said that the applicant wish to install a natural gas generator in exception to the required building coverage standard.

Mr. West said that the property is non-compliant with respect to the required lot width and non-compliant with respect to combined side yard setback and height to setback ratio. Mr. West noted that in 2012, the applicant received approvals for floor area ratio and smaller side yard setback to permit construction of an addition and placement of air conditioning condensers, however, the calculations did not include the footprint of the two air conditioners (18 sf. total) in the building coverage. Mr. West said that Mr. Bridger recommends that the variance be granted for the two existing a/c units that was overlooked in the building coverage calculations in the 2012 application. Mr. West said that the total proposed building coverage is 25.3 % and the permitted building coverage is 25%.

Mrs. Rebak said that she and her husband wish to install a natural gas generator to provide power during outages. Mrs. Rebak said that the generator will be located at the back of their residence far from any neighbors' windows. Mrs. Rebak said that the generator will not be noisy nor intrusive.

The application was opened to public comment but no comment was provided.

Motion was made by Mr. Cohen to approve C2 variances to allow coverage of 25.3% to install the gas generator and two a/c units as presented, second by Mr. Tenenbaum and carried with the following roll call vote:

FOR: Clayton, Cohen, Floyd, Kahn, Rockstrom, Royce, Tenenbaum
AGAINST: none
RECUSED: none
AFFIRMED: Coulson, Suri
ABSENT: Farrington

7. ADJOURNMENT

There being no further business, the meeting was adjourned at 9:33 PM.
Respectfully Submitted,

Claudia Ceballos
Secretary
Approved: 3/23/16