

PRINCETON ZONING BOARD OF ADJUSTMENT

Minutes of the Special Meeting

March 16, 2016 7:30 P.M.

Municipal Complex – Main Meeting Room

Princeton, New Jersey

1. OPENING STATEMENT

The meeting commenced at 7:34 p.m. with Chairman Royce reading the Open Public Meetings Act statement.

2. ROLL CALL

PRESENT: Louisa Clayton, Steven Cohen, Eve Coulson, Michael Floyd

Doreen Blanc-Rockstrom, Barrie Royce,

ABSENT: Wendy Farrington, Bainy Suri, Harlan Tenenbaum

ALSO PRESENT: Karen Cayci, Attorney; Derek Bridger, Zoning Officer; John M. West, P.E., Land Use Engineer; Lee O. Solow, Director of Planning; Claudia Ceballos, Board Secretary.

There were twenty one (21) members of the public present.

3. APPLICATIONS

a) 199 Snowden, LLC/Owner

TJB Architects LLC/Applicant

199 Snowden Lane, Block: 7505, Lot: 15, R5 Zone

C1/C2 – lot area for a new single family house

Z1616-312 V

MLUL Deadline: 6/9/16

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

Mr. Derek Bridger, Zoning Officer was sworn in by Attorney Cayci.

Present for the application Peter Treichler, Esq. and Timothy J. Burton, AIA, both sworn in by Attorney Cayci.

Mr. Bridger provided an overview of the application using his memorandum dated January 27, 2016. Mr. Bridger said that the applicant has made an application for a hardship variance c (1) and in the alternative a c (2) to permit the development of single-family dwelling on a non-conforming lot.

Mr. Bridger said that the property is located in the R5 Zone the former Princeton Township and the existing single-family use is permitted as of right.

Mr. Bridger noted that the lot is non-complying, the required lot area is 21,780 sf. and the existing is 20,000 sf.

Mr. Bridger said that the applicant proposes to demolish the existing structure and build a new home that will comply with all the bulk requirements except the lot area.

Mr. Bridger reviewed with the Board the standards for granting the requested variances.

Mr. Timothy J. Burton, AIA, listed his credentials as an architect in the State of New Jersey the Board agreed to accept Mr. Burton as an expert witness in architecture.

Mr. Burton reviewed the application using the following:

Exhibit A-1 – Cover Sheet to Zoning/Planning Approval Set, prepared by Mr. Burton.

Mr. Burton said that the existing house is a ranch style with parking at the rear of the house, substandard construction and is not feasible to rehabilitate the house.

Mr. Burton noted that the new house will reduce the existing impervious coverage from 31% to 24%. He also noted that the adjoining lots do not have enough land to provide acreage to the subject lot without becoming noncompliant.

Mr. Burton informed the Board that the new single-family dwelling will be compliant with all bulk regulations.

John M. West, P.E., Princeton Land Use Engineer, said that the soils in the Clover Lane neighborhood do not drain well so he recommended that any sump pumps for the new house be tied into the storm sewer system. Chairman Royce opened the meeting to public comment and the following comments were provided:

Catherine Williams of 92 Clover Lane, sworn in by Attorney Cayci, requested that any sump water discharged from the basement of the new residence be directed into the storm sewer system.

Susan Danoff of 116 Clover Lane, sworn in by Attorney Cayci, agreed with Ms. Williams regarding the neighborhood's drainage problems. She said that she is very concerned with drainage problems and asked that the sump pump water discharge directly into the storm sewer system.

Kathy Banks of 207 Snowden Lane, sworn in by Attorney Cayci, said that she lives next door to the property and she agrees with previous comments regarding the drainage problems in the neighborhood and expressed concern that the impervious coverage of the new home will increase the drainage problem.

George DiFerdinando of 125 Clover Lane, sworn in by Attorney Cayci, said that she opposed to the application and agreed with all previous comments regarding drainage issues and said that he is very concerned with the construction of larger homes in the neighborhood which is increasing the drainage problems.

Jovita Burgaz of 206 Snowden Lane, sworn in by Attorney Cayci and said that she supports prior comments regarding drainage issues in the neighborhood and opposes the application and the size of the proposed new house.

Mr. Treichler said that the new house will increase FAR by only 6%. Mr. Triechler said that the current impervious coverage is 31% and the proposed impervious coverage is 24%, which is 7% less than the current.

Mr. West advised that because the elevation of the property is lower than the street level, it would not be possible for water from the roof leaders to drain into the storm sewer system. And he recommended that connecting to the municipal storm sewer system be a condition of approval.

Board Members discussed the application and a motion was made by Mr. Cohen and seconded by Ms. Clayton to grant C (1) variance to allow a lot area of 20,000 sf. to permit demolition of the existing single-family residence and construction of a new single-family dwelling with conditions.

ROLL CALL

FOR: Clayton, Cohen, Coulson, Floyd, Rockstrom, Royce
AGAINST: None
RECUSED: None
ABSENT: Farrington, Suri, Tenenbaum

b) Peter Tarquinio /Owner & Applicant
694 Ewing Street; Block 5403, Lot 13; R6 Zone
C1 – side yard setback for storage shed
Z1515-297 V
MLUL Deadline: 6/9/16

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 Peter Tarquinio, owner and applicant, and swore in by Attorney Cayci.

Mr. Bridger provided an overview of the application using his memorandum dated February 10, 2016. Mr. Bridger said that the applicant has made an application for c (1) of the Princeton Township Land Use Ordinance to allow a storage shed in exception to the required side yard setback.

Mr. Bridger said that the property is located in the R6 Zone of the former Princeton Township and the existing single-family use is permitted as of right. Mr. Bridger noted that the lot and property are complying with respect to the applicable bulk requirements.

Mr. Bridger said the applicant applied for variance relief on July 22, 2009 for a deck on the rear elevation of the house in exception to the required side yard setbacks and the application was denied. The applicant applied again on June 23, 2010 with a revised plan lowering the height of the deck and decreasing its size and was granted approval.

Mr. Bridger said the applicant is proposing to locate an 8'X12' shed within the required 15' side yard setback. The required setback is 15 feet, the proposed setback is 6.5 feet.

Mr. Bridger reviewed with the Board the standards for granting the requested variances.

Mr. Tarquinio said that he wants to install a prefabricated wooden shed in the southwestern corner of his property.

Mr. Tarquinio said that due to the location of the existing house on the lot, he does not believe there is any other feasible location for the shed other than in the proposed location.

Members of the Board proposed alternative locations for the shed such as locating the shed next to the garage, either as an attached structure or free-standing structure or locating the shed at the bottom of the driveway but Mr. Tarquinio said that he did not believe any of these alternate locations would be feasible.

Mr. Tarquinio said that snow could accumulate between the garage and the shed if it were a free-standing structure next to the garage that if attached to the garage, it would require changing the roof line of the house. Mr. Tarquinio also said locating the shed at the bottom of the driveway would not be feasible because of the drainage issues.

Chairman Royce opened the meeting to public comment but no comment was provided.

The Board

Board Members determined that there are alternative locations for the shed which would not require a variance but Mr. Tarquinio was not willing to relocate the shed; a motion was made by Mr. Cohen and seconded by Ms. Coulson to grant C (1) for the requested rear yard variance to install a shed.

ROLL CALL

FOR: Cohen, Coulson
AGAINST: Clayton, Floyd, Rockstrom, Royce
RECUSED: None
ABSENT: Farrington, Suri, Tenenbaum

APPLICATION WAS DENIED

c) Application of 256 Nassau Street, LLC
254-258 Nassau Street; Block 30.02 Lots 78 & 92, Zone NB
Minor Site Plan with D 4 Floor Area Ratio (FAR) and related C Variances for parking, coverage and setbacks to permit construction of front porch and deck
Z1515-181V
MLUL Deadline: 3/31/16

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

The applicant was represented by Robert F. Casey, Esq., Lenox Law Firm.

Lee Solow, Princeton Director of Planning, P.P., A.I.C.P., was sworn in by Attorney Cayci.

Mr. Solow provided a brief summary of the minor site plan application using his memorandum dated February 2, 2016 and also referenced the memo prepared by Derek Bridger, Zoning Officer, and John M. West, P.E., P.P., Land Use Engineer, dated September 8, 2015, revised September 30, 2015

Mr. Solow reviewed the current status of compliance with the zone requirements and the required variances for the proposed project using the applicant's Minor Site Plan, Cover Sheet which was marked as Exhibit ZB-1.

Mr. Solow noted that the property is subject to the use and bulk regulations set forth in Sections 17A- 290, 295 and 297 and Section 17A-193 of the former Princeton Borough Land Use Ordinance and the applicant seeks (d) variance relief for floor area ratio and related bulk variances for lot coverage and front yard setback and minor site plan approval to permit construction of a +/- 690 sf. covered front porch over existing and approved outdoor dining area for the Blue Point Grill, Nassau Seafood and Small World Café on Nassau Street and along a small portion of the Pine Street façade of Blue Point Grill. Mr. Solow said that a deck will be constructed atop the covered porch to accommodate an additional 28 seats of outdoor dining for the Blue Point Grill.

Mr. Solow noted that lot 78, contains 254-258 Nassau Street and 12 Pine Street. The property is 0.861 acres in area and houses Blue Point Grill, Nassau Seafood and Small World Coffee all located in a one story 4,291 sq. ft. building fronting on Nassau Street. The property also houses a three story joint occupancy building at 12 Pine Street. There are six walk -in refrigerators and a trash compactor located behind the one story building. Mr. Solow said that the applicant also owns Lot 92, which is behind the Ivy Tavern and contains 18 parking spaces to be utilized to meet the parking requirements associated with the expansion of the outdoor dining.

Mr. Solow said that the surrounding uses include residential, retail and office uses and joint occupancy buildings and retail uses.

Mr. Solow said that the applicant is proposing to build an approximately 690 square foot glass enclosed porch area along the Nassau Street façade and a small portion of the Pine Street façade. The porch will provide covered outdoor dining for the existing 24 seats serving Blue Point Grill and 6 seats for outdoor dining at Small World Café. The porch will feature fixed glass panes with doors for the three existing business along Nassau Street. The plans indicate the glass panes will roll up garage door style with a six foot fixed glass area at the top. A deck with railing will be constructed above the covered porch and provide outdoor dining at Blue Point Grill for 28 additional seats during warmer months. Access to the deck will be via a stairway that will be constructed on the Pine Street façade. LED light strips will be affixed under the deck railing to provide lighting for the proposed rooftop dining. All proposed and existing uses are permitted uses in the NB zone.

Mr. Solow explained that no improvements are proposed for Lot 92. However the application indicates that six of the 18 parking spaces will be dedicated for use by the new restaurant seats.

Mr. Solow explained that the subject property is in the Neighborhood Business (NB) Zone and all of the proposed and existing uses are permitted. Mr. Solow noted that Mr. Bridger identified the following variances

- **Maximum permitted Floor Area Ratio (FAR)** – The permitted FAR in the NB zone is 0.6. Mr. Solow said that the existing buildings have an FAR of 0.88 and the applicant is proposing an FAR of 0.95 which requires use variance approval. Mr. Solow explained that an increase in FAR is generated by the project because the downstairs outdoor seating will be enclosed. He also noted that the proposed new seating atop the enclosed porch was not included in the FAR calculation as the area will not be enclosed.

The applicant also requires the following bulk variances:

- **Maximum permitted coverage** - where 40% is permitted, the existing buildings are at 63% and 72% is proposed.

- **Front yard setback** - where 15 feet is required, the existing setback is 8 feet (along Pine) and 8.4 (along Nassau) and zero is proposed.

Mr. Solow noted that at the January 2016 Site Plan Review Advisory Board meeting (SPRAB), the Zoning Officer reviewed the prior approvals and the current application and finds that 13 parking spaces should be deed restricted in lot 92 based upon the information presented below.

- 1 parking space was required as a result of the change of use from Allstate to Blue Point Grill.
- 3 parking spaces are required as a result of an administrative waiver granted in 2014 to permit 15 outdoor seats.
- 6 parking spaces are required for the 28 outdoor seats on the proposed roof deck.
- 3 parking spaces are required for the 12-15 seats at Small World.

Mr. Solow reviewed with the Board the comments provided by SPRAB in its memo of January 26, 2016. He noted that the comments are mainly suggested design changes. Mr. Solow advised that in particular, SPRAB recommended that as a condition of the approval that the proposed glass panels be left in an open retracted position overnight year-round and for eight months during the calendar year in order to minimize the bulk of the proposed enclosure.

Mr. Solow believes enforcement of such a condition will be problematic and recommend that the positioning of the panels should be left to the applicant's discretion.

With respect to site plan considerations, Mr. Solow referenced the recommendations set forth in the Bridger/West memo in Paragraphs 4.0., 5.0 and 6.0.

Mr. Bridger advised that the zoning for most of the former Borough central business district does not impose a front yard setback requirement.

Steven F. DeRochi was sworn in by Attorney Cayci, he presented his credentials to the Board, he is a licensed architect in the State of New Jersey with approximately 50 years of experience and Board accepted his credentials.

Mr. DeRochi reviewed the proposed project using the following exhibits which were prepared by Mr. DeRochi:

Exhibit A-1- Sheet A-1 of the architectural plans

Exhibit A-2: Set back comparisons on Nassau Street

Exhibit A-3: Sheet A-2 of architectural plans showing proposed elevations on Pine Street and Nassau Street

Exhibit A-4: Revised Sheet A-1 showing revised staircase to upstairs seating

Exhibit A-5: revised Sheet A-2 showing changes in elevations

Exhibit A-6: Color Rendering of proposed project looking down Nassau Street

Exhibit A-7: Color Rendering of aerial views of proposed project

Exhibit A-8: Sheet A-3 of architectural plans showing signage

Exhibit A-9: Plan of LED Lighting fixtures

Exhibit A-10: Video showing virtual view of proposed project if traveling east/west on Nassau Street.

Mr. DeRochi advised that the applicant has accommodated SPRAB's recommendations 2, 8 & 10. Regarding SPRAB recommendation No. 1, the applicant would prefer to use its own discretion with respect to whether the glass panels are open or closed, particularly during overnight hours. Regarding SPRAB recommendation No. 9, the applicant prefers to use the finishes as reflected in the exhibits referenced above. Mr. DeRochi reviewed the revisions to the Pine Street staircase made by the applicant in response to SPRAB concerns. Mr. DeRochi said that the proposed staircase will be cantilevered and will occupy less of the sidewalk

Mr. DeRochi said the proposed glass panel system will move up and down similar to a garage door and that the seating on Pine Street will be removed and moved to the proposed rooftop seating area.

The rooftop seating will be screened with planter boxes.

Mr. DeRochi also advised that egress doors will be added to the glass panel enclosed area which will open out but will not intrude into the public right-of-way and that the sidewalk width between the existing tree planters and the pillars for the proposed glass panels will be approximately 10 feet.

Russell Smith, PE, was sworn in by Attorney Cayci. Mr. Smith presented his credential to the Board as a licensed professional engineer of the State of New Jersey the Board accepted Mr. Smith's credentials.

Mr. Smith presented the following exhibit which was prepared by him:

Exhibit A-11-Minor Site Plan for Blue Point Grill dated March 16, 2016.

Mr. Smith reviewed the three main uses being Small World Café, Nassau Street Seafood and Blue Point Grill restaurant. He said that each business is open seven days a week, Small Word Café operates from early morning to late afternoon, Nassau Street Seafood is open from approximately 8 am to early evening and Blue Point Grill is open only for dinner.

Mr. Smith noted that the parking lot on Lot 92 is owned by the applicant and is used only for parking for Small World Café, Nassau Street Seafood and Blue Point Grill.

Mr. Smith confirmed that the 13 parking spaces in Lot 92 will be deed restricted for use by the aforementioned businesses.

Mr. Smith said that the current outdoor seating for Small World Café, Nassau Street Seafood and Blue Point Grill is at a zero front yard setback and noted that it is only the proposed enclosure of the seating which prompts the need for a front yard variance.

Mr. Smith said that applicant intends to change the two existing trees using the existing tree wells.

Jack Morrison was sworn in by Attorney Cayci. Mr. Morrison is a principal of 254-258 Nassau Street, LLC. Mr. Morrison said that he believes that Small World Café, Nassau Seafood and Blue Point Grill are complementary uses and that outdoor seating is a very popular.

Mr. Morrison said that the proposed glass panel enclosure will allow the streetscape to be maintained while allowing outdoor seating to continue year round.

Mr. Morrison advised that the current outdoor fruit/vegetable display at Nassau Street Seafood will be located within the glass enclosure area.

Mr. Morrison said that neighborhood supports the project. He noted that the 15 outdoor seating on Pine Street will be relocated to rooftop seating area.

Mr. Morrison confirmed that he will deed restrict the requested number of parking spaces in Lot 92 and that he intends to install a bicycle rack to the front of 252 Nassau Street (which he also owns).

Mr. Morrison will review with the municipal arborist the tree selection for the proposed planting in front of the Blue Point Grill.

Elizabeth McKenzie, P.P., A.I.C.P., was sworn in by Attorney Cayci. She presented her credentials to the Board as a licensed planner in the State of New Jersey the Board accepted her credentials.

Ms. McKenzie noted that a mixed- use redevelopment is occurring at 255 Nassau Street which is located in the SD zone across from the property and that the outdoor seating at Blue Point Grill, Nassau Street Seafood and Small World Café is an attractive use. Ms. McKenzie believes the FAR and building coverage variances are technical variances because the outdoor seating already exists and that the enclosure of the seating creates the need for the variances.

Ms. McKenzie said that the glass paneling will minimize the building mass by continuing to allow a view of the enclosed dining area and will be consistent with the streetscape which contains joint occupancy, retail and restaurant uses and the rooftop seating will be used only seasonably and will be screened through the proposed planters.

The application was opened to public comment and the following provided comment:

Richard Ryan of 248 Nassau Street was sworn in by Attorney Cayci. He advised that he is in opposition to the application. Mr. Ryan informed that it is the owner of the Ivy Inn.

Mr. Ryan said that he believes that different standards are being applied with respect to parking requirements, he mentioned that he recently made a conceptual presentation to the Planning Board for an expansion of the Ivy Inn and that Jack Morrison opposed the application noting a lack of parking. Mr. Ryan believes that consistent parking standards should be applied.

Mr. Ryan said the he does not agree with the applicant's planner characterization of the setback of the Ivy Inn as an aberration and said that other businesses on Nassau Street also have setbacks greater than that of the subject structures.

Ann Procacino Davison of Princeton, was sworn in by Attorney Cayci and also said he was in opposition to the application and supported Mr. Ryan's comments.

Robert Bratman, Esq. of Princeton, said that he supports the application. He advised that he owns 259 Nassau Street, where the 7-11 convenience store was recently opened. Mr. Bratman said that the project will create a more business in this portion of Nassau Street.

Lou Carnevale of Princeton was sworn in by Attorney Cayci, he supports of the application. Mr. Carnevale owns 255 Nassau Street which is currently being developed for mixed-use project.

Roy Davison of Princeton, was sworn in by Attorney Cayci. He said that the plans are not consistent with the actual sidewalk width on Pine Street and that the proposed staircase entrance for the new upstairs parking area will greatly reduce sidewalk on Pine Street.

Member Floyd said that he is concerned that the proposed roof top number of seats will have a detrimental impact on neighboring properties for a significant portion of the year as the number of seats is being increased.

Board Members discussed the application and a motion was made by Mr. Cohen and seconded by Ms. Clayton to grant to the applicant a D4 variance to permit increased floor area ratio of .95%, and C 2 bulk variances to permit a zero front yard setback and building coverage of 72% and minor site plan approval to allow the construction of an approximately 690 sf. covered porch area along the Nassau Street façade and a small portion of the Pine Street façade along with a rooftop deck to provide outdoor dining for 28 seats during temperate weather as set forth in the application and project plans subject to the applicant's compliance with the following:

1. Compliance with the comments and recommendations of Derek Bridger, Zoning Officer and John M. West, P.E. as set forth in Sections 4.0, 5.0 and 6.0 of their memo dated September 8, 2015, revised September 30, 2015
2. Deed restriction of thirteen (13) parking spaces in Block 30.02, Lot 92 to restrict use of those spaces for only Small World Café and Blue Point Grill. The form of the deed restriction shall be subject to the review and approval of the Board attorney
3. Compliance with comment numbers 2-8 and 10 of the Site Plan Review Advisory Board, dated January 26, 2016
4. Confirmation of payment of current outstanding taxes and all professional and escrow fees and supplementation of escrow account if needed.

ROLL CALL

FOR: Clayton, Cohen, Coulson, Rockstrom, Royce
AGAINST: Floyd
RECUSED: None
ABSENT: Farrington, Suri, Tenenbaum

4. ADJOURNMENT

There being no further business, the meeting was adjourned at 11:00 pm.
Respectfully Submitted,

Claudia Ceballos
Secretary

Approved: October 28, 2016.