

PRINCETON ZONING BOARD OF ADJUSTMENT

Minutes of the Regular Meeting

April 27, 2016 7:30 P.M.

Municipal Complex – Main Meeting Room

Princeton, New Jersey

1. OPENING STATEMENT

The meeting commenced at 7:32 p.m. with Chairman Royce reading the Open Public Meetings Act statement.

2. ROLL CALL

PRESENT: Louisa Clayton, Steven Cohen, Eve Coulson, Doreen Blanc-Rockstrom, Barrie Royce, Bairy Suri, Harlan Tenenbaum

ABSENT: Wendy Farrington, Michael Floyd

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

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

3. MINUTES

a) January 27, 2016 - Motion was made by Ms. Clayton to accept the minutes as written and amended, seconded by Ms. Coulson and carried with a voice vote of six ayes among those members eligible to vote. No one opposed. No one abstained.

4. RESOLUTIONS

a) 199 Snowden, LLC/Owner
TJB Architects LLC/Applicant
199 Snowden Lane, Block: 7505, Lot: 15, R5 Zone
C1– lot area for a new single family house
Z1616-312 V

Approved with conditions

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

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

Denied

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

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

Approved with conditions

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

d) Warren and Andrea Stock, Owner & Applicant
39 Pine Street, Block: 33.01, Lot: 86, R4 Zone (Boro)
C1 – Front yard setback and building coverage to permit the expansion
of an existing non-complying covered front porch
Z1616- 318V

Approved with conditions

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

e) David E. Cohen, Applicant
Appeal from Zoning Officer's interpretation of the Zoning Ordinance
"side lot line" and "lot width"
Z1616 – 334 I

Affirmed Zoning Officer's interpretation

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

5. APPLICATIONS

a) Beatrice and Michael Bloom/Owner & Applicant
80 Rollingmead Road, Block: 7507, Lots: 1 & 246, R5 Zone (Twp)
C2 – front yard setback and setback to height ratio
to permit the expansion of an existing non-complying garage
Z1616-331 V

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 were the property owners Beatrice and Michael Bloom and Toni Schreiber, Architect. Property owners and architect were sworn in by Attorney Cayci.

Mr. Bridger provided an overview of the application using his memorandum dated March 30, 2016. Mr. Bridger said that the applicants have applied for a C (2) variance to permit the expansion of a prior non-complying garage in exception to the required front yard setback and setback to height ratio.

Mr. Bridger said that the property is located in the R5 Zone of the former Princeton Township. Mr. Bridger said that the existing single-family use is permitted as of right and that the lot is non-complying with respect to the following bulk requirement: the required lot area is 21,780 sf. and the existing is 17,396 sf. and the required lot width is 100 ft. and the existing is 84 ft.

Mr. Bridger said that the property is non-complying with respect to the following bulk requirements: 1) the front yard setback required is 25 ft. the existing- is 9.5 ft. 2) the right side yard setback required is 15 ft. the existing- 10 ft. 3) The setback to height ratio (right side) required is 1:1 and the existing is 1:2.12 4) The setback to height ratio (left side) required is 1:1 and the existing- 1:2.12 (right side) and existing-1.14(left side).

Mr. Bridger said that the applicants are proposing to add a new 9'5" x 19'11" garage bay to the existing two car attached garage. Mr. Bridger noted that the roof of the existing garage will be removed and that the existing garage currently encroaches into the required front yard setback and violates the required setback to height ratio.

Mr. Bridger said that the addition will increase the existing degree of non-compliance, the existing front yard setback for the garage is 10 ft. and the applicant proposes a front yard setback 8.6 ft. for the expanded garage. The existing setback to height ratio for the garage is 1:1.4 and the proposed setback to height ratio is 1:1.286

Mr. Bridger noted that this is a corner lot and it has two front yards which must comply with front yard setbacks under the zone requirements.

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

Mr. Michael Bloom said that the house needs a lot of work. Mr. Bloom advised that rather than demolish the house they are renovating it. Mr. Bloom said the existing garage is too small to accommodate any storage of outdoor tools or garbage cans and they would like to add another bay to the garage. His neighbors have no objection to this addition.

Toni Schreiber, registered architect in the State of New Jersey, presented her credentials and was accepted by the Board. She advised that the applicants are adding an addition to the existing residence which is permitted without need for variance.

Mr. Schreiber said that placing the garage in the rear yard would require removing existing landscaping and placing the garage at the front corner would create an unsafe condition in connection with backing out vehicles into traffic and pedestrians.

Chairman Royce opened the meeting for public comment and the following was provided:

Bob Russell of 88 Rollingmead Street, was sworn in by Attorney Cayci. Mr. Russell said that he lives next door to the property and mentioned that the lot configuration is difficult because there are two front yards as it is a corner lot.

Mr. Russell said that he concerned with the trees on the side yard and on the far back yard.

The Board discussed the application.

Mr. Cohen said that he supports the application, noting that it is an unusual problem.

Ms. Clayton asked about the parking on the front and Mr. Bridger confirmed that the applicants currently have a parking space in the front yard setback which is grandfathered under existing zoning.

Chairman Royce stated that this is a fairly good compromise, having two front yards is exceptional.

Board Members discussed the application and a motion was made by Mr. Tenenbaum and seconded by Ms. Rockstrom to grant C (2) variances to allow a front yard setback of 8.6 ft. and a height to setback ratio of 1:1.286 for the proposed garage addition of 9’5” x 19’11” as set forth in the application with conditions.

ROLL CALL:

Moved by: Tenenbaum
Seconded by: Rockstrom
Those in Favor: Clayton, Cohen, Coulson, Rockstrom, Royce, Suri, Tenenbaum
Those Absent: Farrington, Floyd

b) 304 Ewing, LLC/Owner
RB Homes/Applicant
304 Ewing Street, Block: 7303, Lot: 5, R8 Zone (Twp)
C1 – Lot area for a new single family house
Z1616-346 V

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 were Mr. Roman Barsky and Christopher S. Tarr, Esq., Stevens & Lee, representing the applicant. Both sworn in by Attorney Cayci.

Mr. Bridger provided an overview of the application using his memorandum dated April 5, 2016, Revised April 21, 2016.

Mr. Bridger advised that the applicant is seeking a hardship variance C (1) to permit the development of single-family dwelling on a non-conforming lot in exception to the required lot area.

Mr. Bridger said that the property is located in the R8 Zone of the former Princeton Township and that the existing single-family use is permitted as of right.

Mr. Bridger said that the lot is non-complying with respect to the lot area, the required lot area is 8,500 and the existing is 6,869 sf. and that the existing house will be demolished.

Mr. Bridger noted that the property is located between Ewing Street and Linden Lane. Mr. Bridger recommended that should the application be approved, the applicant be required to revise its survey to reflect that the property has two 25 ft. front yard setbacks along both Ewing Street and Linden Lane.

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

Mr. Tarr presented the following exhibits:

Exhibits A- Power Point slides showing a zoning map, tax map with subject lot, and the adjacent properties.

Mr. Tarr advised that the majority of lots in the immediate neighborhood are undersized.

Ms. Clayton asked about the mature trees located in the front of the property.

Mr. Roman Barsky responded that he will retain two existing large trees by moving the proposed driveway.

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

Mr. Tarr confirmed that the applicant will comply with all bulk regulations except the lot area.

Board Members discussed the application and a motion was made by Mr. Tenenbaum and seconded by Ms. Clayton to grant a C (1) variance to allow a lot area of 6898 sf. to permit demolition of the existing single-family residence and construction of a new single-family dwelling as set forth in the application, with conditions.

ROLL CALL

Moved by:	Tenenbaum
Seconded by:	Clayton
Those in Favor:	Cohen, Clayton, Coulson, Rockstrom, Royce, Suri, Tenenbaum
Those Opposed:	None
Those Absent:	Floyd, Farrington

c) Steven R. Atkinson, Owner & Applicant
119 Spruce Street, Block: 33.02, Lot: 100, R4 Zone (Boro)
C1 – Side yard, combined side yard and rear yard setbacks
to rebuild existing house in the same footprint
Z1616- 335V

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

Member Clayton recused herself from the hearing.

Present for the application: property owner Steven R. Atkinson, Frank Falcone, PLS, PP, and Catherine Knight AIA. All were sworn in by Attorney Cayci.

Mr. Bridger provided an overview of the application using his memorandum dated March 31, 2016. Mr. Bridger said that the applicant has made an application for a C (1) variance to permit the reconstruction of an existing non-complying home in its footprint in exception of the

required side, combined side and rear yard setbacks. The existing house is a two-family dwelling.

Mr. Bridger said that the property is located in the R4 Zone of the former Princeton Borough and the existing two-family use is permitted as of right.

Mr. Bridger said that the lot is non-complying with respect to the following bulk requirements:
The required lot area is 6,600 sf. (2 family) and the existing is 4,481 sf.
The required lot width is 60 ft. and the existing is 53 ft.
The required lot depth is 100 ft. and the existing is 81.03ft.

The property is non-complying with respect to the following bulk requirements:
The Rear Yard Setback required is 35 ft. and the existing is 26'11 1/4" ft.
The Smaller Side Yard Setback required is 8 ft. and the existing: +- 5.5 ft (to chimney).
The Combined Side Yard Setback required is 20 ft. and the existing is +- 14.8 ft.
The Height to Setback Ratio required is 3:1 and the existing is 3.4:1

Mr. Bridger explained that the former Princeton Borough Land Use ordinance permitted structures to be rebuilt in the same footprint and floor area ratio as long as no new non-compliant conditions were created or any existing degree of non-compliance was increased. That ordinance was repealed and took effect upon its publication date of December 25, 2015. This application was submitted on December 28, 2015 and is subject to the ordinance repeal.

Mr. Bridger said that the proposed house will expand the attic area creating a third floor which complies with the floor area ratio. Utilizing the existing footprint of the building will require the following variances:

Bulk Requirement	Required	Existing	Proposed
Smaller Side Yard Setback	8 ft.	5.3ft. (to overhang)	5.8 ft. (to overhang)
Larger Side Yard Setback	12 ft.	9.3 ft. (to overhang)	9.8ft. (to overhang)
Combined Side Yard Setback	20 ft.	14.6 ft. (to overhang)	15.6ft. (to overhang)
Height to Setback ratio	3:1	3.4:1	3.4:1
Rear Yard Setback	35 ft.	27.8 ft.	26.9 ft.

Mr. Bridger said that the setbacks are measured to the roof overhang. He noted that the former borough code permits roof overhangs of three feet when the structure meets the applicable setbacks. Mr. Bridger said that the property currently does not meet the required side yard setback, accordingly the setback is measured to the roof overhang. The proposed setbacks are less than the existing because the existing overhang is 1.5ft and the proposed is 1ft.

Mr. Bridger reviewed with the Board the required criteria for granting the required variances.

Steven R. Atkinson said that the house requires extensive renovation and for that reason, he seeks to reconstruct a single-family residence on the foundation of the existing two-family home.

Frank Falcone, PLS, PP, presented his credentials and was accepted by the Board. Mr. Falcone

noted that he did not prepare the survey or plans for the proposed project. He presented the following:

Exhibit A-1: Sheet SP-5 contained in the application showing photographs of properties along Spruce Street.

Mr. Falcone said that Spruce Street has a number of duplex units and that this property is probably one of the smallest duplex lots. He said the property is non-compliant with respect to various zone standards including lot area, width and depth.

Mr. Falcone said that the new house will be taller, it will still maintain the existing setback to height ratio and there will be no tree removal as the existing foundation is being used and there is no increase in floor area ratio or any significant increase in the existing non-conformities.

Catherine Knight AIA presented her credentials and was accepted by the Board. Ms. Prepared the design plans for the project.

Ms. Knight presented the following exhibits:

Exhibit A-2: Sheet SP-2 of the applicant's plans showing site plan, floor area ratio and height to setback ratio

Exhibit A-3- Sheet SP-3 of the applicant's plans showing proposed floor plan

Exhibit A-4 showing proposed elevations

Ms. Knight advised that the existing masonry walls are in bad condition and do not have adequate insulation. She stated that reconstructing the house would allow much more energy efficiency.

Ms. Knight said that reconstructing the foundation in a confirming location would be wasteful. She noted that the new residence will be a one-family.

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

Board Members discussed the application and a motion was made by Mr. Tenenbaum and seconded by Ms. Clayton to grant a C (1) variances to allow smaller side yard setback of 5.8 ft. (to overhang), larger side yard setback of 9.8 ft. (to overhang), combined side yard setback of 15.6 ft. (to overhang), rear yard setback of 26.9 ft. and height to setback ratio of 3.4:1 to permit the demolition of the existing two-family dwelling and rebuild a single-family home on the existing foundation, as set for in the application with conditions.

ROLL CALL

Moved by:	Cohen
Seconded by:	Tenenbaum
Those in Favor:	Cohen, Coulson, Rockstrom, Royce, Suri, Tenenbaum
Those Opposed:	None
Those Absent:	Farrington, Floyd
Those Recused:	Clayton

6. EXECUTIVE SESSION

a) Legal Session by Karen Cayci for Zoning Board Members

Attorney Cayci reviewed with the Board the following:

C Variance

D Variance

Jurisdiction of the Board

Zoning Officer Interpretation

Site Plan

7. ADJOURNMENT

There being no further business, the meeting was adjourned at 9:30 pm.

Respectfully Submitted,

Claudia Ceballos

Secretary

Approved: November 9, 2016.