

# **PRINCETON ZONING BOARD OF ADJUSTMENT**

Minutes of the Regular Meeting

October 28, 2015 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:** Steven Cohen, Eve Coulson, Michael Floyd, Richard Kahn, Barrie Royce Doreen Blanc-Rockstrom, and Harlan Tenenbaum (arrived at 8:19PM).

**ABSENT:** Louisa Clayton, Wendy Farrington

**ALSO PRESENT:** Karen Cayci, Attorney, Derek Bridger, Zoning Officer, and Claudia Ceballos, Board Secretary.

There were twenty seven (27) members of the public present.

## **3. MINUTES**

July 22, 2015 - Motion was made by Mr. Cohen to accept the minutes as written and amended, 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.

## **4. RESOLUTIONS**

- a) Alku Pena, Piyush Patel, and Pankti Mashruwala  
341 Witherspoon Street, Block 7104, Lot 2, B1 Zone (Twp)  
C1 - to allow a right side yard setback of 11.1 ft and to allow a left side yard setback of +/-3.5 ft. to permit construction of a two-story addition to an existing single-family residence and to accommodate an existing foundation encroachment  
Z1515-172V  
Approved with conditions

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

- b) 39 Random LLC  
347 Mount Lucas Road, Block 5501, Lot 8, R2 Zone (Twp)  
C1 for lot width and area to permit construction of a new single family house on a non-conforming lot  
Z1515-206V  
Approved with conditions

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

c) Gilbert and Sarah Collins

155 John Street, Block 17.03, Lot 67, R4 Zone (Boro)

C1 to permit installation of an air conditioning condenser in exception to building coverage requirements. Additional variance relief is requested to permit creation of a parking space in exception to the required setback

Z1515-160V

Approved with conditions

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

d) Robert and Judith Levine

581 Lake Drive, Block 8801, Lot 9, R5 Zone (Twp)

D (4) floor area ratio for a dormer and the conversion of unfinished to finished space above an existing garage

Z1414-140U

Approved with conditions

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

e) Jeffrey and Susan VanderKam

231 State Road, Block 5403, Lot 7, R6 Zone (Twp)

C2 – side yard setback to allow oil tank installation

Z1515-259V

Approved with conditions

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

## 5. **APPLICATIONS**

a) RB Homes

15 Harris Road; Block 7108, Lot 3, Zone 8 (Twp)

C1 – Lot area for new single family dwelling

Z1515-238 V

Deadline for action: 12/22/15

This case was carried from September 16, 2015 meeting.

Attorney Cayci swore in Mr. Bridger, Zoning Officer.

Present for the application Christopher S. Tarr, Esq., Stevens & Lee, and Daniel Barsky of RB Homes. They both were sworn in by Attorney Cayci.

Mr. Bridger said that he provided the findings of fact for when the property was subdivided in 2005 with approval for two undersized lots.

Mr. Barsky reviewed with the Board Exhibit A-1 power point presentation. Mr. Barsky said that the house is nearly 100 years old and the foundation of the house is cracking, there are mold issues and the roof on the existing garage is caving in.

Mr. Barsky said that the existing garage violates the setback requirements and that the new dwelling and garage would comply with all bulk requirements, with the exception of lot area.

Mr. Barsky met with Ms. Abbate and Ms. Kerr. He noted that a 7 ft. easement will be provided to Mrs. Abbate to allow room to make a K-turn and travel down the alleyway.

Mr. Barsky is willing to install 6 ft. fence to provide screening between this lot and Ms. Kerr's property.

Chairman Royce opened meeting to public comment and the following comments were provided:

Carolyn Abbate of 120 Jefferson Road. She was sworn in and said that she agrees to the private easement and does not object to the proposed application.

Denise Keller of 126 Jefferson Road. She was sworn in and said that she is concerned that the alleyway will be widened and read into the records her husband's email.

Virginia Kerr of 124 Jefferson Road, was sworn in. She noted that she appreciated the efforts that applicant was making to accommodate the neighbors' concerns. She also noted that she is an attorney representing herself. She presented 16 slides marked Kerr's Exhibit 10/28/15 (various photos of the site) Ms. Kerr said that the applicant has not presented proposed plans, there is no detail of the plans. Ms. Kerr said that in 2006 a subdivision was granted to the developer. She said that this is a self-created hardship. Ms. Kerr said that the Board should require the submission of proposed plans as part of the application.

Anita Garoniak of 1 Harris Road, was sworn in. She said that she is concerned with privacy issue, the garages in the rear of the properties work as a sound buffer. She noted that she has not seen the proposed plans for the new house.

Paul Driscoll of 141 Harris Road, was sworn in and said that without seeing the proposed plans he is in favor of restoring the existing house, he said that new house will change the character of the neighborhood.

Achilleas Antonides of 33 Harris Road, was sworn in and said that he purchased his property one year ago and renovated the house. He said he is also concerned that the proposed house will change the character of the street.

Mr. Tarr said that the applicant is asking for a C1 variance because the lot is undersized. Mr. Tarr said noted that on Harris Road and Jefferson Road approximately 60% of the homes are non-conforming.

Mr. Tarr said that in 2005 the Planning Board approved the creation of this lot and lot 4. Mr. Tarr said that Barsky will build a complying house and comply with a private deed restriction on record which requires the house to have a 40 ft. setback.

Board Members discussed the application and agreed that what the house looks like is not part of the Board's jurisdiction, they noted that the Board understands the neighbors' concerns and asked them to send their concerns to Council.

A motion was made by Mr. Floyd and seconded by Mr. Cohen to grant a C (1) variance to allow a lot area of 7,750 sf. to demolish the existing house and to permit the construction of a new single-family house, as shown on the application with conditions

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

- b) Mr. Suqiang Li/Owner  
TJB Architect/Applicant  
404 North Harrison Street; Block: 7202, Lot: 9, R6 Zone (Twp)  
C1/C2 - Lot depth for new single family dwelling  
Z1515-268V  
Deadline for action: 1/30/2016

Present for the application Peter Treichler, Esquire and Timothy Burton, Architect.

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. Bridger provided an overview of the application using his memorandum dated October 2, 2015, Revised October 13, 2015. Mr. Bridger said that TJB Architects is requesting a C1/C2 variance. Mr. Bridger said that this property is located in the former Princeton Township, located at the corner of Harrison Street and Terhune Road to permit the construction of a single family house on a lot where the lot depth is non-complying.

Mr. Bridger noted that the existing house use is permitted as of right and that the lot is non-complying with the required lot width of 85 ft. the proposed lot width is 75 ft. Mr. Bridger said that the applicant is requesting to switch the front yard from North Harrison Street to Terhune Road. The existing house will be demolished. Mr. Bridger noted that the change in

the orientation of the lot creates a new non-compliance with respect to the required lot depth. The current lot depth is 150 ft. with a zone requirement of 85 ft. The proposed change in orientation of the lot will address the lot width deficiency but will create a lot depth of only 75 ft.

Mr. Bridger also reviewed with the Board the criteria for granting a C1 or C2 variance.

Timothy Burton, Architect was sworn in by Attorney Cayci.

Timothy Burton, Architect, informed the Board that he is a licensed architect in the State of New Jersey. The Board agreed to accept Mr. Burton credentials.

Mr. Burton reviewed with the Board the following:

Exhibit A-1: Site Plan of Property

Exhibit A-2: Photos of Property coordinated with Site Plan

Exhibit A-3: Floor Plans of proposed new dwelling

Exhibit A-4: Plan showing size of neighboring lots

Mr. Burton noted that this lot has two front yard setback requirements and that the lot is non-compliant with the lot width. Mr. Burton said that additional land is not available from the two adjacent lot owners

Mr. Burton said that the house needs to be entered from Terhune, North Harrison Street is difficult due to overgrown vegetation on the street and limited sight distance.

Mr. Burton noted that this started as a renovation project but it was determined that the existing house is in significant disrepair. Mr. Burton noted that the new house will comply with all setback and bulk requirements.

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

The Board discussed the application and determined to grant a C1 variance.

A motion was made by Mr. Kahn and seconded by Ms. Rockstrom to grant a C1 variance to allow a lot depth of 75 feet to permit demolition of the existing single-family residence and construction of a new single-family home as shown on the application with conditions.

FOR: Cohen, Coulson, Floyd, Kahn, Rockstrom, Royce, Tenenbaum

AGAINST: No one

ABSTAIN: No one

ABSENT: Clayton, Farrington

- 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  
Deadline for action: 1/30/2016

Member Coulson recused herself.

Present for the application Mark Solomon, Esquire and Frank J. Falcone, PLS, PP.

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. Bridger provided an overview of the application using his memorandum dated October 2, 2015. Mr. Bridger said that the property is located in the former Princeton Township and applicant has requested a C1 variance to permit the development of single-family home on a non-conforming lot in exception to the required lot area. Mr. Bridger said that the lot is located in the R2 Zone the existing single-family use is permitted as of right.

Mr. Bridger said that this lot is non-complying with respect to the following bulk requirement: The required lot area is 65,340 sf. and the existing is 30,000 sf and the required lot width is 175 ft. and the existing is 150 ft.

Mr. Bridger said that the existing house will be demolished and the new house will be constructed and will comply with all of the bulk requirements except for the lot are and lot width.

Mr. Solomon said that the applicant tried to sell or purchase additional land to mitigate the bulk conditions but no one replied. Exhibit A1 copies of the letters send to neighbors.

Frank Falcone, PLS, PP, was sworn in by Attorney Cayci and Board accepted his credentials.

Mr. Falcone presented Exhibit A-2: Sheet 82 of the Tax Map of Princeton, NJ. Mr. Falcone said that the lot is noncompliant with respect to lot area and lot width. Mr. Falcone said that about 80% of the lots in the area are undersized and 50% of those lots do not meet the required lot width.

Mr. Falcone said the majority of the trees on the lot will be saved. Mr. Falcone explained that the applicant will construct a new home which will comply with all other setback required except the lot area and lot width.

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

Board Members discussed the application and a motion was made by Mr. Cohen and seconded by Mr. Tenenbaum to grant a C1 variance regarding lot area and lot width to permit demolition of an existing single family home and construction of a new single-family home as shown on the application with conditions

FOR:	Cohen, Floyd, Kahn, Rockstrom, Royce, Tenenbaum
AGAINST:	No one
RECUSED:	Coulson
ABSENT:	Clayton, Farrington

- 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  
Deadline for action: 12/26/15

Present for the application Robert P. Casey, Esq., and Mr. Carril.

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. Bridger provided an overview of the application using his memorandum dated October 2, 2015. Mr. Bridger said that an application was received for a C2 variance for this property which is located in the former Princeton Township R2 Zone to permit the expansion of a two car detached garage to add an additional 10'3" X 20'6" garage bay and a 5'X 13" garden storage area on the eastern elevation of the garage. Mr. Bridger noted that the proposed expansion does not comply with rear yard setback and rear yard setback to height ratio. The applicant is also requesting approval for the placement of two existing air conditioning condensers and a generator in exception to the required setback.

Mr. Bridger said that the proposed expansion will require variances for the rear yard setback and for the setback to height ratio (rear). Mr. Bridger said that the rear yard setback is 15 feet and the proposed setback of 7.33 ft. The required setback to height ratio is 1.5:1 with a proposed setback to height ratio of 0.83:1 and a right side yard variance to permit the location of two existing air conditioning condenser units and the relocation of an existing generator from the left side of the house to the right side, which was installed on the west elevation of without zoning approval. The required zone side yard is 15 ft. and the proposed side yard setback is 2.2 ft. A zoning permit was issued for these units however they have been placed in exception to the required fifteen foot side yard setback

Mr. Bridger noted that these are two lots, block 6804, lots 22 and 23, both lots are undersized and are considered merged and should be consolidated into a single lot on one deed.

Mr. Bridger said that the applicant was granted variance approval on June 22, 2005 to replace an existing 1 ½ story two car garage with the current one story two car garage.

Mr. Carril was sworn in by Attorney Cayci.

Mr. Carril said that the proposed location for the garage expansion will provide the more pleasing appearance to his neighbors. He said that due to his garage location he was particularly sensitive to the view from his neighbors in the rear. Mr. Carril said that he requires a right side yard setback variance to allow two existing air conditioning condensers to remain in the current location as well as to allow the relocation of an existing generator. He noted that the generator will be screened by a fence.

Chairman Royce opened the hearing to public comment and the following comments were provided:

Carol Clevenger of 22 Henderson Avenue was sworn in. She said she is the back of applicant's property and asked that the current height of the garage remain unchanged. Mr. Carril confirmed. Ms. Clevenger then said that she has no objection to the application.

Chad Consuegra of 15 Morgan Place, was sworn in. Mr. Consuegra said that he barely notices the existing garage and he supports the application.

Board Members discussed the application and Attorney Cayci reviewed the criteria for granting a C2 variance.

A motion was made by Mr. Tenenbaum and seconded by Mr. Floyd to grant a C2 variance to allow a rear yard setback of 7.33 ft., a setback to height ratio (rear) for the proposed garage addition of 0.83:1 and right side yard setback of 2.2 feet to permit two air conditioning condensers and a generator to permit the expansion of a two-car existing detached garage as shown on the application with conditions

FOR: Coulson, Floyd, Rockstrom, Royce, Tenenbaum  
AGAINST: Cohen  
ABSTAIN: Kahn  
ABSENT: Clayton, Farrington

6. **ADJOURNMENT**

There being no further business, the meeting was adjourned at 9:59 PM.

Respectfully Submitted,

Claudia Ceballos  
Secretary  
Approved: 1/24/16