

PRINCETON ZONING BOARD OF ADJUSTMENT

Minutes of the Regular Meeting

November 10, 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, Wendy Farrington, Michael Floyd, Richard Kahn, Barrie Royce, Doreen Blanc-Rockstrom

ABSENT: Eve Coulson, Bainy Suri, Harlan Tenenbaum

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

There were fifteen (15) members of the public present.

3. MINUTES

August 26, 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. APPLICATIONS

- a) 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
Deadline for action: 2/11/16

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 Gary Forshner, Esq., Stark and Stark; David J. Schmidt, PE, and Ralph Finelli, Architect.

Attorney Cayci swore in Mr. Bridger, Zoning Officer.

Mr. Bridger provided an overview of the application using his memorandum dated October 21, 2015, Revised October 22, 2015. Mr. Bridger said that an application for a C1 variance was made and that the property is in the R5 of the former Township and it is a non-forming

lot in exception to the required lot area. He said the required lot area is 21,780 sf. and the existing is 20,000 sf. The existing single family use is permitted as of right.

Mr. Bridger reviewed with the Board the standard for granting the C variance.

Mr. Forshner send out letters to the adjoining owners to sell/buy additional land advised the Board that the applicant had previously attempted to sell the Property to adjoining owners or purchase additional land but no responses were received. These letters were marked Exhibit A-1.

David J. Schmidt, PE, was sworn in by Attorney Cayci. He listed his credentials to the Board and the Board accepted his credentials.

Mr. Schmidt presented the following exhibits:

Exhibit A-2: Variance Plan, prepared by D.S. Engineering dated September 30, 2015

Exhibit A-3: Sheet 58 of the Tax Map of Princeton, NJ.

Mr. Schmidt said that this property is noncompliant with respect to lot area.

Mr. Schmidt continued with his presentation and noted that the surrounding lots are undersized. He said that he believes the existing structure is an eyesore. Mr. Schmidt said that the house will be demolished and a new single family home will be constructed in the same location using a part of the existing driveway and the nonconforming portion of the driveway will be removed.

Mr. Schmidt said that a storm water management system will be installed in order to improve the drainage.

Ralph Finelli, Architect, was sworn in by Attorney Cayci. He listed his credentials, he said he is a licensed architect in the State of New Jersey since 1984. The Board accepted his credentials.

Mr. Finelli confirm that all the bulk requirements will be met. Mr. Finelli said that the new structure will have any effect on the solar panels to the house next door.

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

Zia Mian of 755 Kingston Road, was sworn in by Attorney Cayci. He noted that he lives next door and agreed that the house next door is in bad condition. He said that this property was not cared for while it was for sale.

Mr. Mian said that he is concerned with a) that the new house will be very large in comparison to other homes in the neighborhood and will be very close to his home; b) that the new house would block the sunlight to his solar panel system; and c) water runoff.

Mr. Finelli said that the new home will be aligned with Mr. Mian's house and no shadow will be created by the new house which would affect Mr. Mian's solar panels.

Karia Eisenberger of 763 Kingston Road, sworn in by Attorney Cayci. Ms. Eisenberger said that she believes the house is too large.

Ms. Eisenberger said that her setback is approximately 100 feet and she questioned whether the new house would have the same setback. Ms. Eisenberger noted that she concurs with Mr. Mian's opinion about the water runoff.

Nancy Swierczek of 18 Rollingmead, sworn in by Attorney Cayci. She noted that she concerned that this large home will change the neighborhood's character.

The Board advised that the governing body would be the appropriate body to address such issues and the applicant is requesting a variance for a lot area.

Ms. Clayton requested clarification regarding the property line.

Mr. Foshner said that the King's Highway determination goes back to the 1700's.

Mr. Bridger advised that he would further review the right-of-way as part of the building permit application process and if it is determined that the right-of-way is not accurately depicted, Mr. Bridger would determine if the applicant would require further variances.

Board Members discussed the application and a motion was made by Mr. Cohen and seconded by Ms. Clayton 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.

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

b) Ristaba, LLC

7 Lytle Street; Block 15.02, Lot 62, Zone R4 (Boro)
C1/C2 and Zoning Ordinance Interpretation
for construction of rooftop deck and exterior stairs
Z1515-278 V
Deadline for action: 2/11/16

Present for the application Christopher Tarr, Esquire and Lou Barber, both sworn in by Attorney Cayci.

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

At the hearing applicant withdrew application.

- c) Estate of Elizabeth Whelan, Owner
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 this case will be re-noticed.

5. **DISCUSSION**

Report to Mayor and Council

Chairman Royce reviewed with the Board the report that will be forwarded to Princeton Council regarding proposed changes to the zoning regulations. He asked that the members submit their comments by email to Mr. Bridger.

6. **ADJOURNMENT**

There being no further business, the meeting was adjourned at 9:05 PM.

Respectfully Submitted,

Claudia Ceballos

Secretary

Approved: 2/24/16