

## **PRINCETON ZONING BOARD OF ADJUSTMENT**

Minutes of the Regular Meeting

October 26, 2016 7:32 P.M.

Municipal Complex – Main Meeting Room, Princeton, New Jersey

### **1. OPENING STATEMENT**

The meeting commenced at 7:31 p.m. with Chairman Royce reading the Open Public Meetings Act statement.

### **2. ROLL CALL**

PRESENT: Luisa Clayton, Steven Cohen, Eve Coulson, Michael Floyd,  
Jonathan Kaledin, Barrie Royce

ABSENT: Doreen Blanc-Rockstrom, Bainy Suri, Harlan Tenenbaum

ALSO PRESENT: Karen Cayci, Attorney; Derek Bridger, Zoning Officer; Jack West,  
P.E., Land Use Engineer, Claudia Ceballos, Board Secretary.  
There were twenty four (24) members of the public present.

### **3. MINUTES**

- a) March 23, 2016 – Motion was made by Mr. Clayton to accept the minutes as written and amended, 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.

### **4. RESOLUTIONS**

- a) 342 Nassau Street, Block: 34.01, Lot: 14, RO Zone, Jugtown Historic District  
342 Nassau Street LLC / Owner  
Eastridge Design Ltd. / Applicant  
Use variance and minor site plan application to permit a retail use where such use is not permitted  
Z1616-352 UV  
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 five ayes among those members eligible to vote. No one opposed. No one abstained.

### **5. APPLICATIONS**

- a) 15 Madison Street, Block: 28.03 Lot 52, R4 Zone (Boro)  
Stephen and Jenny Gilbert / Owner and Applicant  
C1/C2 – smaller side yard setback, combined side yard setback and building coverage to permit construction of a deck  
Z1616-387 V  
MLUL deadline 1/22/17

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 Robert Ridolfi, Esquire; Jim Kyle, PP; Stephen and Jenny Gilbert, sworn in by Attorney Cayci.

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

Mr. Bridger provided an overview of the application using his memorandum dated September 22, 2016. Mr. Bridger said that an application was filed to build a construct a rear deck which will require variances from the maximum building coverage, and smaller and combined side yard setbacks. Mr.

Mr. Bridger noted that the property is located in the R4 Zone of the former Princeton Borough and that the he existing single-family use is permitted as of right. He said that the required lot area is 6,000 ft. and the existing is 4,205 ft.; the required lot width is 60 ft. and the existing is 29 ft.; the required side yard setback is 8 ft. and the existing is 4.1 ft.; the required combined side yard setback is 20 ft. and the existing is 9.5 ft.

Mr. Bridged said that the proposed rear deck will be a 15' x 18' 15", with planters and storage areas underneath. Mr. Bridger noted that the deck will require a variance for building coverage of 31% and variances for smaller side yard setback of 5 ft. ¾ inches (required 8 ft.) and combined side yard setbacks of 10ft. 6 inches (required 20 ft.).

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

Stephen Gilbert presented the following:

Exhibits A-1 and A-2: back yard photos, previous deck and photos from the northbound side Mr. Gilbert said that they had done a lot of work to the house, he said there was a large deck but it was in bad condition, he wants to have storage underneath the deck for his garden tools and trash cans.

Mr. Gilbert said that they have discussed the project with neighbors, and no one had an issue with it.

Jim Kyle, PP, presented his credentials to as a licensed planner in the State of New Jersey, and the Board accepted them. Mr. Kyle said that the requested side yard variances are justified as c (1) variances because the lot is undersized and narrow.

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

Yolan Arlett of 17 Madison Street, sworn in, said that he supports the application.

Thomas Pinneo of 33 Vandeventer, sworn in, and he also said he supports the application.

Fran Neville of 2 Willow Street, sworn in, and he also said he supports the application.

Board Members discussed the application and a motion was made by Mr. Cohen and seconded by Ms. Clayton to grant C (1) variances to allow a smaller side yard setback of 5 ft. ¾ inches and a combined side yard setback of 10 ft. 6 inches and a C (2) variance to permit building coverage of 31% to permit construction of a rear deck as set forth in the application, as set forth the with conditions.

#### ROLL CALL

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

- b) 50 Cherry Hill Road, Block: 5201, Lot 11, Zone R2 (Twp)  
Unitarian Universalist Congregation of Princeton  
Minor Site Plan, expansion of a Conditional Use with floor area ratio  
D4 variance to permit construction a small addition over the existing first floor and a new entry vestibule  
Z1616-367 MS  
MLUL deadline 1/27/17

Member Kaledin recused himself from hearing the application.

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 Christopher DeGrazia, Esq.; Wayne Ingram, PE, PP and PLS; Ronica A. Brengener, Architect. All sworn in by Attorney Cayci.

Mr. Bridger provided an overview of the application using a memorandum prepared by Mr. Bridger and Alina Ferrara, P.E., Assistant Engineer dated September 19, 2016.

Mr. Bridger said that the property is about 4 acres and contains the existing 22, 476 sf. Church. He mentioned that the lower level of the Church has classrooms and offices and that the upper floor has worship areas, a theater and a kitchen. He also mentioned that there are 141 space parking spaces and a fenced area around a child care yard.

Mr. Bridger said that adjacent land uses include residential homes, preserved open space and park lands, small retail stores, bank and office are located on Route 206.

Mr. Bridger said that applicant wants to build two additions, a 750 sf. entrance and vestibule and a 301 ft. addition which includes an elevator and stairs to bring to compliance with the Americans with Disabilities Act (ADA) and to make the building more energy efficient. The restrooms will be replaced with ADA compliant facilities.

Mr. Bridger advised the Board that the existing church use is a permitted conditional use but the additions will require a FAR variance the maximum permitted FAR in the R2 zone is 12.5%. The existing FAR is 12.9% and the proposed FAR will be 13.5%.

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

Mr. Bridger reviewed with the Board the comments and recommendations set forth in the Memorandum regarding site plan issues and pointing that the addition is within the 300 ft. riparian buffer for Mountain Brook and that NJDEP approval is required prior to the issuance of building permits.

Wayne Ingram, PE, PP and PLS listed his credentials to the Board and the Board accepted him as an expert witness in engineering and planning. Mr. Ingram reviewed the proposed additions noting that the purpose of the additions is to improve ADA compliance and improve energy efficiency.

Mr. Ingram said that he does not believe that any trees need to be removed and the drainage will not be affected. Mr. Ingram said that the parking requirement is only 118 spaces but the existing lot

contains more than sufficient parking spaces so there will be no parking impact.

Ronica A. Bregenzer, Architect presented her credential as an Architect and the Board accepted her as a witness. Ms. Bregezer presented the project using the following exhibits:

Exhibit A-1: Proposed Upper Level Plan

Exhibit A-2: Proposed Lower Level Plan

Exhibit A-3: Proposed Roof Plan

Exhibit A-4: Additional Lower Level Drawing with outdoor heat pumps

Exhibit A-5: Proposed East and West Elevations and existing site section

Exhibit A-6: Proposed South Elevation and existing site section, proposed south elevation and existing site section, proposed partial elevations.

Ms. Bregenzer said that the new porch, vestibule and ADA compliant bathroom will not be noticeable from the street and that the elevator will allow a connection between the lower and upper levels to provide ADA accessibility and will be visible only from the on-site courtyard area. Ms. Bregenzer noted that the project will improve energy conservation through replacement of HVAC units.

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

Jim Sturm of 278 Riverside Drive, sworn in, and said that t he is a member of the Church and that the renovations will make the building ADA compliant.

Mr. DeGrezia confirmed that the applicant will comply with the comments and recommendations in the staff's Joint Memorandum regarding all site plan items.

Board Members discussed the application and a motion was made by Ms. Rockstrom and seconded by Ms. Coulson to grant a D (4) variance to permit increased floor area ratio of 13.5% and minor site plan approval with waivers as set forth in the application and project plans, with conditions.

#### ROLL CALL

Moved by: Rockstrom

Seconded by: Coulson

Those in Favor: Clayton, Cohen, Coulson, Floyd, Rockstrom, Royce

Those Opposed: None

Those Absent: Suri, Tenenbaum

Those Recused: Kaledin

c) 338 Nassau Street, Block: 34.01, Lot: 32, RO Zone

Estate of Michael Graves/Owner & Applicant

D / C removal of prior ZBA condition of approval requiring the restoration of two residential apartments

Z1616-402 U

MLUL deadline 2/10/17

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 James J. Chmielak PE, PP and Chris Tarr, Esquire. Mr. Chmielak was sworn in by Attorney Cayci.

Mr. Bridger provided an overview of the application using his memorandum dated October 11, 2016.

Mr. Bridger said that the property is 10,780 square feet in area and contains a two story 3,193 square foot building, it has nine parking spaces.

Mr. Bridger said that in 1993 the Board granted a variance to permit a retail use limited to the property owner Michael Graves and did not run with the land then in 2000 and 2001 the Board granted a variance to permit the owner of the property to eliminate two residential units with the condition that the units be restored when the property is sold.

Mr. Bridger said that applicant is seeking approval to remove the condition for restoration of the two residential apartment and that the variance for retail use is being abandoned.

Mr. Bridger said that the property is the RO Zone of the former Princeton Borough and that the existing office building and retail use is a legal non-conforming use. The retail use is not permitted.

Mr. Bridger listed the Zoning History as follows:

ZBA Case-563-1, March 22, 1990. Variance relief granted to permit expansion of office use, with the rear portion of the building to remain two residential apartments.

ZBA Case- 596-1, November 18, 1992. Variance request to convert 200 sf. of first floor office space to retail use was denied without prejudice.

ZBA Case- 599-2, March 25, 1993. Applicant revised application to convert 200 sf. of first floor office space to retail use. The request was approved with the condition that the retail use not run with the land but be limited to the ownership of the property by Michael Graves and such condition shall be memorialized by a deed restriction.

ZBA Case- 692-2, September 28, 2000. Request to convert the two residential apartments on the first and second floor into office space. Approved with the condition that when the property was sold to any other person the residential units must be restored to function as two separate residential units and the internal stairway and the doorway between the upstairs unit and the upstairs office space will be removed and sealed.

ZBA Case-696-1, January 25, 2001. Request to permit continued use of previously approved conversion of the two residential units on the first and second floors as office space due to the sale of the property. The property was being sold from Michael E. Graves to Michael E. Graves & Associates Inc. The variance was approved with the condition that when the property was sold to another purchaser the residential units shall be restored to function as two separate residential units, and the internal stairway and the doorway between the upstairs unit and the upstairs office will be removed and sealed.

Enforcement Action- A letter was sent to the owner requesting the deed restriction referenced in Case 599-2 requiring the conversion of the residential properties upon the sale of the of the property

and that the retail component not be expanded nor run with the land. The applicant complied and recorded the applicable deed restriction.

Note: The deed submitted reflects the grantor and the grantee as Michael Graves, an individual, whereas the purpose of ZBA case # 599-2 was to transfer the property from Michael E. Graves, an individual to Michael E. Graves & Associates Inc. The applicant should address whether the property was ever transferred.

Mr. Bridger said that the applicant is requesting that the condition requiring the conversion of the two residential apartments be removed which would allow the property to be marketed and utilized as an office building. The site has the required nine parking spaces. No site improvements are proposed. The proposed office use is a permitted use.

Mr. Bridger said that the existing residential units on the upper floors of mixed office/residential buildings contributes to the vitality of the downtown and should be preserved when new office development occurs. He also said that the residential component of these buildings is an integral part of the balanced mix of downtown land uses which should be preserved. Without a residential component, the Downtown would lose much of its evening and night time vitality. Residential use also contributes to physical safety once business hours end.

James J. Chmielak PE, PP, presented his credentials as an Engineer and Planner and the Board accepted them. He presented the application using a power point presentation consisting of eight slides.

Chris Tarr said that the lease will end in 2018 and that Mr. King wants to buy the property.

The members discussed the application.

After hearing the Board's comments applicant requested that the application be carried to November 9, 2016. The Board agreed.

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

- d) 2 Cleveland Lane, Block: 7.01, Lot 16; R1 (Boro)  
Coppola, Danielle, Owner / applicant  
C1/C2 – for generator to be located in the front yard  
Z1616-405 V  
MLUL deadline 2/10/17

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 Eric Goldberg, Esq., Stark & Stark, and Danielle Coppola, Owner.

Mr. Bridger provided an overview of the application using his memorandum dated October 11, 2016.

Mr. Bridger said that applicant is applying for a hardship variance c (1) and in the alternative a c (2) to permit the installation of a natural gas generator in exception to the required setback. He said that

the property is located in the R1 Zone of the former Princeton Borough and that the existing single-family use is permitted as of right.

Mr. Bridger said that the lot is non-complying: the required lot area is 20,000 sf and the existing is 17,336 sf. The required lot width is 125 ft and the existing is 108.70 sf. The Front Yard Setback required-63ft. (prevailing) and the existing is 20.4 ft. The Accessory Structure Setback required is 63 ft. (prevailing) and the existing is 7.5 ft.

Mr. Bridger said that the applicant is proposing to install a natural gas generator on the Cleveland Lane façade behind an existing fence. The generator is considered an accessory structure, which cannot be located in a front yard. The proposed setback of the generator is 12 ft. The prevailing front yard setback is 63 ft.

Danielle Coppola was sworn in by Attorney Cayci and said that she is looking for approval to install a natural gas generator, she proposes to locate the generator within the enclosure of an existing solid foot fence which also currently encloses the existing AC unit. She believes that the exhaust and noise from the generator will be sufficiently contained within the fenced area.

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

Board Members discussed the application and a motion was made by Mr. Cohen and seconded by Ms. Clayton to grant C 1 variances regarding the location of an accessory structure to permit the installation of a natural gas generator in the front yard along the Cleveland Lane façade with a setback of 12 feet from the property line, as shown on the application with conditions.

#### ROLL CALL VOTE ON MOTION TO APPROVE “C” VARIANCES

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

#### **6. ADJOURNMENT**

There being no further business, the meeting was adjourned at 10:18 pm.

Respectfully Submitted,

Claudia Ceballos  
Secretary

**Approved: February 22, 2017.**