

PRINCETON ZONING BOARD OF ADJUSTMENT

Minutes of the Regular Meeting

December 14, 2016 7:30 P.M.

Municipal Complex – Main Meeting Room, Princeton, New Jersey

1. OPENING STATEMENT

The meeting commenced at 7:33 p.m. with Chairman Royce reading the Open Public Meetings Act statement.

2. ROLL CALL

PRESENT: Louisa Clayton, Steven Cohen, Michael Floyd, Doreen Blanc-Rockstrom, Barrie Royce, Bainy Suri, Harlan Tenenbaum

ABSENT: Eve Coulson, Jonathan Kaledin

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

There were thirty (30) members of the public present.

3. MINUTES

- a) June 22, 2016 – Motion was made by Ms. Suri to accept the minutes as written and amended, seconded by Ms. Rockstrom and carried with a voice vote of four ayes among those members eligible to vote. No one opposed. No one abstained.
- b) November 9, 2016– Motion was made by Mr. Cohen to accept the minutes as written and amended, seconded by Ms. Rockstrom and carried with a voice vote of three ayes among those members eligible to vote. No one opposed. No one abstained.

4. RESOLUTIONS

- a) Open Public Meetings Act for 2017
 - i. 2017 Annual Meeting Calendar
 - ii. Notice of Special Meetings
 - iii. Charges for Subscribers for agenda mailings

Motion was made by Mr. Cohen to adopt the resolutions as written and amended, seconded by Ms. Clayton and carried with a voice vote of six ayes among those members eligible to vote. No one opposed. No one abstained.

5. APPLICATIONS

- a) **428 Mount Lucas Road**, Block: 4201, Lot: 14, RB Zone
REVISED APPLICATION
D & P Private Lending LLC/Owner
Jeffrey Rogers/Applicant
C1/C2 – Lot area, lot width, lot frontage, and a setback to height to permit construction of a new single family house on a non-conforming
Z1616-374 V
MLUL deadline 1/31/17

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 Richard Schatzman, Esquire; David A. Singer, AIA and Jeffrey Rogers.

This application was previously heard by the Board on September 28, 2016. On November 9, 2016 Mr. Richard Schatzman, Esq. asked that the Board carried the application to the next meeting.

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

Mr. Bridger reviewed the application with the Board using his revised memorandum dated November 23, 2016.

Mr. Bridger said that the applicant would like to demolish an existing single-family house and replace it with a new single- family house. The applicant seeks variances for lot area, lot width and lot frontage. Mr. Bridger noted that the existing lot area is 45,481 square feet and the required lot area is 130,680 sq. ft.; the lot width is 151 ft. and the required width is 200 ft.; the lot frontage is 151 ft. and the required lot frontage is 200 ft. Mr. Bridger mentioned that the applicant had previously also sought variances for building setback to height and for the right side yard setback.

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

Mr. David a. Singer, Architect, was sworn in by Attorney Cayci.

Mr. Singer presented his credentials to the Board.

Mr. Singer described the application using the following:

Exhibit A-1 – “Summary of Analysis of Adjacent Lots for Their Ability to Provide Conformance with Zoning Requirements to Subject Property. “

Mr. Singer said that acquiring land from the neighboring properties would cause the neighboring lots to become nonconforming. He noted that this lot is consistent with the area of neighboring lots. Mr. Singer noted that the proposed plan was modified to eliminate variances for building height to setback ratio and side yard variances. He also noted that the new house will comply with all bulk standards.

Jeffrey Rogers presented:

Exhibit A-2 copies of letters sent on 12/8/16 to Princeton Land Development LLC, 396 Mount Lucas Road; Ms. Godwin and Mr. Ciofala, 420 Mount Lucas Road and Mr. and Mrs. Flaughter, 434 Mount Lucas Road, asking to sell their lot or a portion of it.

Mr. Rogers said that he heard back from Ms. Godwin but they were not able to agree on a price.

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

Thomas White of 379 Mount Lucas Road, was sworn in by Attorney Cayci. He said that he is concerned with the removal of large trees.

Mr. Rogers said that no significant trees will be removed.

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 lot area of 45,481 square feet, lot width of 151 feet and lot frontage of 151 feet 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: Cohen
Seconded by: Clayton
Those in Favor: Clayton, Cohen, Floyd, Rockstrom, Royce, Suri, Tenenbaum
Those Opposed: None
Those Absent: Coulson, Kaledin

b) 262 Alexander Street; Block 11501, Lot 1, Zone S-1

Application of Enterprise Leasing Company of Philadelphia, LLC

Minor Site Plan, with Use Variance (D1) to permit conversion of an abandoned automobile service station to car rental facility, signage and the dimension of a parking stall

Z1616-377

MLUL deadline 2/16/17

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 Christopher S. Tarr, Esq., Thomas O'Shea, P.E.; Philip Jordan, Architect; John Frisby, Regional Operations Manager of Enterprise Leasing Company of Philadelphia LLC., all sworn in by Attorney Cayci.

Derek Bridger reviewed the application with the Board using a joint memorandum prepared by Mr. Bridger and Alina Ferrara, P.E., Assistant Engineer, dated October 18, 2016.

Mr. Bridger said that the property is the site of the former Larini's Service Station.

Mr. Bridger said that the property has a one story building with two garage service bays. Mr. Bridger said that the property is located in the S1 (Service District) zone and the existing service station use is permitted as of right.

Mr. Bridger said that the property is bound to the north by Princeton University Arts and Transit Project, to the east by the New Jersey Transit Train tracks and Princeton University; to the South by educational and business office uses; to the west by the Springfield Golf Club.

Mr. Bridger said that the applicant is proposing to convert the existing two bay service station to a car rental facility featuring one bay car washing area, office space and restrooms. The existing parking lot will be redesigned to accommodate a new 20 space parking layout, 6 rental car storage spaces and site drainage. Mr. Bridger said that the proposal includes new planting beds, new lighting and new signs.

Mr. Bridger noted that a car rental facility is not a permitted use, therefore, a use variance is required and bulk variances are required for parking stall dimension of 9' x18' and for free-standing and façade illuminated signs.

Mr. Bridger also reviewed with the Board the comments provided by the SPRAB (Site Plan Review Advisory Board) memorandum dated November 23, 2016, the Princeton Environmental Commission memorandum dated November 14, 2016, the Traffic Safety Committee memo dated October 26, 2016 and a memorandum prepared by Daniel Dobromilsky, LLA, PP, CTE, municipal landscape architect, dated October 13, 2016. Mr. Bridger also referenced the traffic engineering review prepared by Brian M. Stankus, PE of IH Engineering, dated November 4, 2016.

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

Mr. O'Shea, P.E., said that he is the project engineer. He presented the application using Exhibit A-1 Power Point Slide Presentation showing site location, site photographs, revised site plan, landscaping and lighting.

Mr. O'Shea said that the applicant would like to take old Larini Gas Station and use as a car rental facility.

Mr. O'Shea mentioned that the site is near the Dinky train station as well as the Princeton University campus. Mr. O'Shea noted that the applicant modified its plans to eliminate the need for sign variances and noted that the applicant was seeking a use variance to allow the car rental use and bulk variances to permit parking stall dimensions of 9' x 18' instead of the bulk requirement of 9' x 19' and to permit a width of 7.5 ft. rather than the required 9 ft. for the proposed terminating landscape island in the parking lot.

Mr. O'Shea said that the site is nearly 100% impervious and that the prior owner provided car rentals as an accessory use to the gas station operation.

Mr. O'Shea said that the proposed plans were revised to accommodate various comments by the staff and the advisory boards including creating greater green space by adding a 15 ft. landscaped vegetative swale along Alexander Road and Faculty Road, shifting the entrance to allow a driveway width of 24 feet, replacement of the proposed fencing with a black chain link fence, and adding a concrete pad for the HVAC compressor unit.

Mr. O'Shea said that the caliper of added trees will be 2.5 inches.

Mr. O'Shea informed the Board that the Princeton Sewer Operating Committee has approved the use of the applicant's proposed oil/water separator system which will be used in conjunction with an on-site car wash, which will be used to prepare cars for rental and will not be open to the public.

Mr. O'Shea also said that there will be no refueling of cars on-site.

Mr. O'Shea said that applicant was unwilling to move the six stacked parking spaces in the rear as suggested by SPRAB, as the applicant does not feel it will improve site circulation.

Mr. O'Shea said that with respect to the General Recommendations set forth in Section 5.0 of the joint memorandum, dated October 18, 2016, prepared by Mr. Bridger and Ms. Ferrara, the applicant would comply with their recommendations with the exception of the following: Paragraph (c) - The existing landscaping along Alexander Street will not be retained; Paragraph (d)-Curbing will not be added between subject property and the adjacent lot to the north.

Ms. Clayton inquired about the installation of a bike rack and Mr. O'Shea said that it will be placed in the back of the building.

Mr. Floyd asked about the hours of operation and Mr. O'Shea said that the hours are Monday thru Friday 8am to 6pm, Saturdays 9am to 12pm and Sundays closed.

Philip Jordan, Architect, said that he is the Architect for the project. Mr. Jordan said that the existing brick exterior will be replaced with stucco and that the applicant will comply with the zoning bulk standards and will eliminate its request for internally illuminated signs.

Ms. Suri asked about the PEC comments.

John Frisby, Regional Operations Manager, explained that the applicant will remove garbage daily from the site for disposal and accordingly will not maintain a dumpster on site but there will be recycling containers on site which will also be emptied daily.

Mr. Frisby said that there will only be seven or eight cars parked on site at any given time.

Mr. Tarr confirmed that the applicant will comply with the following:

1. All staff comments/recommendations regarding the site plan as set forth in the joint staff memo dated October 18, 2016.
2. All comments set forth in the SPRAB memo dated November 23, 2016 with the exception of items 15 and 16.
3. Princeton Environmental Commission memo dated November 14, 2006: Items 1-6 under Landscaping with the exception that the bike rack will not be covered and the pear trees on the subject property will be removed; Item 2 under Waste; Items 1-5 under Energy Efficiency; Items 1 and 2 under Hazardous Materials and Items 1, 2 and 3 under General Recommendations.
4. Mr. Dobromilsky's Memo dated October 13, 2016 with the exception of Item 3 for which the applicant has sought a variance for the island width.

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. Suri to grant a D (1) variance to permit the use of site for a car rental agency and C (2) variances to permit parking stall dimensions of 9' x 18' and to permit the terminus landscaped island to have a width of 7.5 ft. as set forth in the application and project plans as presented, with conditions.

ROLL CALL

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

c) **56 Tee Ar Place**; Block 7306, Lot 9; R7 (Twp)

Grosso Homes, LLC, Owner / Applicant

A hardship c (1) variance is requested to permit construction of a new single family house on a non-conforming lot. The lot does not meet the minimum required lot area

Z1616-416

MLUL deadline 3/28/17

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 Kevin Moore, Esq., Sills, Cummis & Gross, PC; David J. Schmidt, P.E. and Paul Grygiel, P.P.

Mr. Schmidt and Mr. Grygiel were sworn in by Attorney Cayci.

Derek Bridger, Princeton Zoning Officer, reviewed the application with the Board using this memorandum of November 23, 2016. Mr. Bridger said that an application was received to demolish an existing single-family dwelling and replace it with a new single family residential dwelling. The applicant seeks a variance for lot area. Mr. Bridger said that the existing lot area is 10, 471 square feet and the required lot area is 10, 890 square feet.

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

David J. Schmidt, P.E., said that the property complies with all bulk requirements with the exception of lot area and he informed the Board that the new residence will comply with all bulk requirements. He said that the new house will be placed in the same location as the existing house and that there should be no increase in storm water runoff.

Mr. Schmidt explained that the adjacent lots 8 and 10 are undersized. And lots 2 and 4 are located in a POR zone.

Paul Grygiel, P.P., said that the applicant has met the standards for granting a variance for lot area. He noted that the abutting interior lots on Tee Ar Place are of a similar size and the property also abuts a nonresidential zone and donation of land to the subject property would require a use variance.

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

Board Members discussed the application and a motion was made by Ms. Clayton and seconded by Mr. Cohen to grant a C (1) variance to allow a lot area of 10,471 square feet 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: Clayton
Seconded by: Cohen
Those in Favor: Clayton, Cohen, Floyd, Rockstrom, Royce, Suri, Tenenbaum
Those Opposed: None
Those Absent: Coulson, Kaledin

d) 58 Erdman Avenue; Block 7310, Lot 21; R7 (Twp)

58 Erdman LLC, Owner

RB Homes, Inc., Applicant

C1 – variance is requested to permit construction of a new single family house on a non-conforming lot. The lot does not meet the minimum required lot area

Z1616-412

MLUL deadline 4/3/17

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 Christopher S. Tarr, Esq. and Daniel Barsky, Principal of RB Homes, LLC. Mr. Barsky was sworn in by Attorney Cayci.

Derek Bridger, Princeton Zoning Officer, reviewed the application with the Board using his memorandum of November 23, 2016. He said that an application was received to demolish an existing single-family house and replace it with a new single-family house and that a variance for lot area is required. The existing lot area is 9,021square feet and the required lot area of 10,890 square feet.

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

Daniel Barsky presented the application using the following:

Exhibit A-1 – Slide Presentation showing zoning requirements and surrounding lots.

Mr. Barsky said that the majority of lots in the zone do not comply with the required lot area. He said that the neighboring lots are noncompliant having similar lot areas as the subject property.

Mr. Barsky confirmed that the proposed single-family dwelling will comply with all bulk regulations.

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

Marc Gygax of 62 Erdman Avenue, was sworn in and he noted his opposition to the application. Mr. Gygax said that his concern is that the applicant's floor plans do not provide sufficient detail regarding the proposed new house and he believes the proposed house is too large and is inconsistent with the style of homes on Erdman Avenue.

Board Members discussed the application and a motion was made by Mr. Cohen and seconded by Mr. Floyd to grant a C (1) variance to allow a lot area of 9021 square feet 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: Cohen
Seconded by: Floyd
Those in Favor: Clayton, Cohen, Floyd, Rockstrom, Royce, Suri
Those Opposed: None
Those Absent: Coulson, Kaledin, Tenenbaum

e) **505 Ewing Street**; Block 5410, Lot 2; R6 (Twp)
505 Ewing, LLC, Owner
RB Homes, Inc., Applicant
C1/C2 – Lot Area, lot width and lot frontage for new single family dwelling
Z1616-409
MLUL deadline 4/3/17

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 Christopher S. Tarr, Esq. and Daniel Barsky, Principal of RB Homes, LLC.

Mr. Derek Bridger, Princeton Zoning Officer, reviewed the application using his memorandum of November 23, 2016. Mr. Bridger said that the application is to demolish an existing single-family dwelling and replace it with a new single family residential dwelling. The existing single-family use is permitted as of right.

Mr. Bridger said that the applicant is requesting variances for lot area, lot width and lot frontage. Mr. Bridger said that the existing lot area is 9000 square feet and the required lot area is 10,890 square feet; the existing lot width is 60 feet and the required lot width is 85 feet; and the existing frontage is 60 feet and the required frontage is 85 feet.

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

Daniel Barsky is a principal of RB Homes LLC. Mr. Barsky presented the application using the following:

Exhibit A-1 – Slide presentation showing zoning requirements, building envelope and adjacent neighborhood lots.

Mr. Barsky noted that the majority of lots in the zone do not comply with the required lot area.

Mr. Barsky said that the proposed single-family dwelling will comply with all bulk regulations.

Mr. Barsky said that there will be a two car garage on the property which will provide adequate space to park at least two cars.

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

Jacque Fresco of 512 Ewing Street, was sworn in by Attorney Cayci. He said that he was in opposition to the application. Mr. Fresco wanted to know if there would be sufficient on-site parking.

Jeffrey Spear of 429 N. Harrison Street, was sworn in by Attorney Cayci. He said that he was in opposition to the application and that he did not believe the proposed residence will fit in the neighborhood.

Grace and John Roemer of 511 Ewing Street, sworn in by Attorney Cayci. They would like to understand the scale of the proposed residence.

Mr. Barsky indicated his willingness to meet with them and any interested neighbors to show them his building plans.

Hedy Disimoni of 501 Ewing Street, sworn in by Attorney Cayci. She expressed her concern that the new residence may affect drainage on her property

Mr. Barsky advised that he believes that the new residence will improve site drainage and will comply with all municipal storm water management requirements.

Board Members discussed the application and a motion was made by Ms. Clayton and seconded by Mr. Cohen to grant a C (1) variances to allow a lot area of 9000 square feet, lot width of 60 feet and lot frontage of 60 feet 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:	Clayton
Seconded by:	Cohen
Those in Favor:	Clayton, Cohen, Floyd, Royce, Suri
Those Opposed:	None
Those Abstaining:	Rockstrom
Those Absent:	Coulson, Kaledin, Tenenbaum

7. **DISCUSSION**

a) End of the Year Report to Mayor and Council

The members of the Board reviewed and approved the report.

8. **ADJOURNMENT**

There being no further business, the meeting was adjourned at 10:38 pm.

Respectfully Submitted,

Claudia Ceballos

Secretary

Approved: 3/22/17