

PRINCETON ZONING BOARD OF ADJUSTMENT

Minutes of the Regular Meeting

July 27, 2016 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, Eve Coulson, Doreen Blanc-Rockstrom, Barrie Royce, Harlan Tenenbaum

ABSENT: Michael Floyd, Bairy Suri

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

There were twenty four (24) members of the public present.

3. MINUTES

- a) February 24, 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 five ayes among those members eligible to vote. No one opposed. No one abstained.

4. RESOLUTIONS

- a) 145 Ridgeview Circle, Block: 2102, Lot: 1, R1 Zone (Twp)
87 Leavitt Lane, LLC/Owner & Applicant
C1/C2 – Lot depth to permit construction of a new single family house
Z1616-359 V
Approved with conditions

A motion was made by Chairman Royce to adopt the resolution, seconded by Chairman Royce carried with a voice vote of one aye among those members eligible to vote. No one opposed. No one abstained.

- b) 73 Leavitt Lane, Block: 7504, Lot: 4, R7 Zone (Twp)
Leavitt, LLC, Owner / RB Homes, Applicant
C-1 lot area to permit construction of a new single family house
Z1616- 372 V
MLUL deadline: 9/30/2016
Approved with conditions

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

5. APPLICATIONS

- a) 159 Snowden Lane; Block 7505, Lot 11; R5 Zone (Twp)
Elias & Mariola Abilheira, Owner and Applicant
Extension of variance pursuant to 17A-213 and 10B-328
Z1515-179V

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 was Elias Abilheira, Esquire, and was sworn in by Attorney Cayci.

Mr. Bridger was sworn in and provided the Board with an overview of the application. He explained to the Board the prior approvals for lot area and lot width granted by the Board's Resolution of Memorialization adopted July 22, 2015. Mr. Bridger noted that land use code provides that in cases of variances that involve the issuance of construction permits, the variances shall terminate one year after the granting of the variances unless a construction permit is applied for within such one-year period or within such greater time limit as the board of adjustment shall grant upon a showing of good cause made by the applicant.

Mr. Abilheira said that due to the change in the municipal land use ordinances in December 2015 regarding FAR, he requires additional time to prepare and complete his building plans. He confirmed that he will comply with all bulk regulations regarding the proposed residence.

The application was opened for public comment but no comment was made.

Board Members discussed the application and a motion was made by Mr. Cohen and seconded by Mr. Tenenbaum to grant a one year extension of time for the variances granted by the Princeton Zoning Board Resolution of Memorialization adopted July 15, 2015.

ROLL CALL

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

b) 194 Linden Lane; Block 7392, Lot 14; R8 Zone (Twp)

Kerri DiSanzo/Owner

Mr. and Mrs. Frank DiSanzo/Applicant

C1/C2 & D (4) - floor area ratio (FAR), lot area, side and rear setbacks for garage & parking setback for a single family dwelling and a detached garage

Z1616-363

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 1/27/16. Mr. Bridger said that the applicant wants to demolish the existing house and detached garage. He said that the lot is non-complying with respect to the required lot area. The required lot area is 8,500 sf. the existing lot area is 6,250sf.

Mr. Bridger said that the existing property is non-complying with the required left side yard setback of 8 ft. the existing is 5.4 ft. The required right side yard is 8 ft. and the existing is 5.5 ft. The combined side yard setback is 20 ft. and the existing is 10.9 ft.

Standard	Required	Existing	Proposed	Variance Needed
Lot Area	8500 sq. ft.	6250 sq. ft.	No Change	Yes

Side yard setback (Garage)	8 ft.	N/A	3 ft.	Yes
Rear Yard setback (Garage)	15 ft.	N/A	5 ft.	Yes
Parking Setback (2 nd parking space in driveway)	8 ft.	N/A	4 ft.	Yes
Floor Area Ratio	37.9% (proportional)	N/A	43.1%	Yes

Mr. Bridger said that the proposed new home will be approx. 2417 sf. with a 276 sf. garage. Mr. Bridger noted that the proportional FAR is 37.9% and the proposed new FAR is 43.1% which requires a D4 variance.

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

Present for the application was Kerri DiSanzo, owner and Chris Tarr, Esquire; both were sworn in.

Ms. DiSanzo presented exhibit A-1: Series of nine Power Point slides consisting of tax map, property survey, pictures of the house, proposed home with covered porch, elevations, new floorplan with proposed variances, photos of neighborhood congested street parking.

Ms. DiSanzo said that they want to demolish their existing home and build a new one with a detached two car garage. She noted that due to the ordinance change in 2015 she has revised the plans to replace the porch with garage. She noted that the garage as well as the proposed second parking space on the driveway would provide standard size parking spaces.

Ms. DiSanzo said that their neighbor has a two car garage and they propose to locate their garage in line with their neighbor's garage.

She that her house is next to John Witherspoon Middle School and that the school traffic creates congestion issues.

The Board recommended removing the proposed back porch and placing the garage in its place and Ms. DiSanzo said that they were willing to remove a proposed covered porch in the rear of the new house and place the garage there.

Mr. Tarr said that one of the lots next to them is undersized and the other lot (Lot 13), although not undersized, has a nonconforming home and garage located immediately adjacent to the common property line.

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

Board Members discussed the application and a motion was made by Ms. Clayton seconded by Mr. Cohen to grant C (1) variances to allow a lot area of 6250 sf., a side yard setback of 3 ft. and a rear yard setback of 5 ft. for the proposed garage, a parking setback of 4 ft. for the second parking space in the driveway and a floor area ratio of 43.1% to permit the demolition of the existing residence and the construction of a new residence and detached garage, with conditions.

ROLL CALL

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

c) 296 Shady Brook Lane; Block: 4601, Lot 10, R4 Zone (Twp)
Joseph and Michelle Angelone, Applicant
Insu & Inkyung Yi, Owner
C1/C2 – Lot Depth for new single family dwelling
Z1616-378 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 was Joseph Angelone and he was sworn in.

Mr. Bridger provided an overview of the application using his memorandum dated July 5, 2016. Mr. Bridger said that the applicant seeks to demolish an existing home and build a new single family home. The applicant requires a variance for lot width with an existing width of 124 feet and a zone requirement of 125 feet. Mr. Bridger reviewed with the Board the standards for addressing the requested variance.

Joseph Angelone said that the application for a variance is for lot width because the lot is located on a curve reducing the lot width by one foot.

He noted that the new house will comply with all other bulk regulations. He also said that he talked to the owner of next door who declined to sell additional land.

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

Board Members discussed the application and a motion was made by Mr. Cohen seconded by Mr. Tenenbaum to grant C (1) variance from the requirements to allow a lot width of 124 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:	Tenenbaum
Those in Favor:	Clayton, Cohen, Coulson, Rockstrom, Royce, Tenenbaum
Those Opposed:	None
Those Absent:	Floyd, Suri

d) 38 Hillside Road, Block: 7208, Lot: 11, R6 Zone (Twp)
Yan Chen, Owner / Shane Nuschke (Liberty One Construction)/Applicant
C1/C2 & D (4) – floor area ratio (FAR), lot area and parking setbacks for construction of an addition to an existing single family house on a non-conforming lot
Z1616-368 UV

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 was Yan Chen, owner and Shane Nuschke, applicant, both sworn in.

Mr. Bridger provided an overview of the application using his memo dated July 8, 2016. Mr. Bridger said that the proposal is to demolish over 50% of the existing home and to construct a new addition on a non-conforming lot. The required lot size is 10,890 sf. and the existing is 7,882 sf.; and the required parking

set back is 15 ft. and the proposed is 12 ft. The proposal requires bulk variances for lot area and parking setback. The maximum FAR is 31.9% and the proposed is 32.4%.

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

Shane Nuschke said that he was hired by Ms. Chen to build the proposed addition. He said that lots next door are all undersized lots and would be unable to provide additional land.

Mr. Nuschke noted that because of changes in the municipal zoning ordinances which now require inclusion of garage area in the FAR calculation, the owner downsized her proposed building plans. Mr. Nuschke said that Ms. Chen requested the FAR variance of 36 sf. in order to add a laundry room on the first floor.

Ms. Clayton noted the size of the garage.

Mr. Nuschke said that the application will be revised to increase the size of the garage and it will permit the creation of a 9 x 19 ft. parking space in the garage.

Ms. Chan withdrew her request for a FAR variance and agreed to increase the size of the garage.

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

Kenneth Kowalski of 430 Ewing Street, was sworn in by Attorney Cayci. He said that he does not oppose the application but said he was concerned that the addition or garage not be moved further back on the lot so that it would not affect his property.

Jere Tannenbaum of 430 Ewing Street, sworn in by Attorney Cayci. She was also concerned with the 2nd floor part of the proposal and how it would affect her property.

Board Members discussed the application and a motion was made by Mr. Cohen seconded by Ms. Clayton to grant C (1) variances to allow a **lot area of 7882 sf.** and a **parking setback of 12 feet** to permit partial demolition of the home and construction of a new addition as set forth in the application, with conditions.

ROLL CALL

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

- e) 256 Snowden Lane; Block 5704, Lot 15; Zone R4 (Twp)
Barak and Alexandra Bar-Cohen, Owner & Applicant
D (1) – to permit use of detached building as an apartment
Z1616-379 U

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

Barak and Alexandra Bar-Cohen, owners and Antonietta R. Schreiber, Architect, were present for the application and sworn in by Attorney Cayci.

Mr. Bridger reviewed the application using his memorandum dated July 5, 2016, revised July 13, 2016 and July 22, 2016. Mr. Bridger said that applicants want approval to convert an existing detached garage to a one-bedroom apartment. A bulk variance for lot area is required to permit more than one dwelling unit in the former Township. Mr. Bridger advised that in the former Township more than one dwelling is permitted on a lot provided that each structure is placed on its own separate zoning lot. He also said that this lot does not have sufficient lot area to conform to this requirement.

Mr. Bridger noted that flats in single-family residences are permitted. He recommended that if approved by the Board that a condition be imposed requiring a recorded deed restriction which provides that either the main house or the detached apartment be occupied by the owner of the property.

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

Antonietta R. Schreiber presented her credentials and the Board accepted them.

Ms. Schreiber said that this is a "Sears Roebuck" style house and garage built in approximately 1932. She noted that the garage structure is not currently used as a garage. Ms. Schreiber explained that the applicants are renovating the house. She said that the applicants have a growing family and also wish to be able to accommodate family visits for extended time periods including visits from aging parents.

Mr. Bar-Cohen said that they fell in love with the house and don't want to blow out the house. He said that they need additional space for visiting family members.

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

Tom White of Mt. Lucas Road, was sworn in and he said he was in support of the application.

Board Members discussed the application and a motion was made by Ms. Clayton and seconded by Mr. Tenenbaum to grant C (2) variance to permit renovation of an existing garage structure to a one-bedroom apartment as set forth in the application, with conditions.

ROLL CALL

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

6. **DISCUSSION**

Draft memorandum was distributed to the Board for review and comments.

7. **ADJOURNMENT**

There being no further business, the meeting was adjourned at 9:40 pm.
Respectfully Submitted,

Claudia Ceballos
Secretary

Approved: January 27, 2017.