

**PRINCETON ZONING BOARD OF ADJUSTMENT**  
Minutes of the Regular Meeting  
September 28, 2016 7:30 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: Steven Cohen, Eve Coulson, Michael Floyd, Jonathan Kaledin,  
Barrie Royce, Harlan Tenenbaum

ABSENT: Luisa Clayton, Doreen Blanc-Rockstrom, Bairy Suri,

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

Dropped

There were twenty one (21) members of the public present.

**3. MINUTES**

- a) March 16, 2016 – Motion was made by Mr. Floyd 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) 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  
Approved with conditions

A motion was made by Mr. Tenenbaum 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) 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 UV  
Approved with conditions

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

- c) 296 Shady Brook Lane; Block: 4601, Lot 10, R4 (Twp)  
Joseph and Michelle Angelone, Applicant  
Insu & Inkyung Yi, Owner  
C1/C2 – Lot Depth for new single family dwelling  
Z1616-378 V  
Approved with conditions

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

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

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

- 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  
Approved with conditions

A motion was made by Mr. Tenenbaum 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.

## 5. **APPLICATIONS**

- a) 397 Cherry Hill Road; Block: 4000, Lot 12, Zone RB  
Laura Edwards/Applicant and Owner  
Minor Site Plan with Use Variance for Bed and Breakfast  
Z1515-305

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

Richard Schatzman, Esquire, requested that the application be carried to the November 9th meeting because not enough members were in attendance. The Board agreed to carry the application. He also said that an extension is granted to November 10, 2016.

- b) 428 Mount Lucas Road, Block: 4201, Lot: 14, RB Zone  
D & P Private Lending LLC/Owner  
Jeffrey Rogers/Applicant  
C1/C2 – Lot area, lot width or lot frontage, right side yard setback and building setback-height ratio to permit construction of a new single family house on a non-conforming lot  
Z1616-374 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 were Richard Schatzman, Esquire; Jeffrey Rogers, Applicant, David Singer, Architect.

Derek Bridger, Zoning Officer, was sworn in, then he provided an overview of the application using his memorandum dated August 4, 2016. Mr. Bridger said that the applicant wants to build a single-family house on a non-conforming lot in exception to the required lot area, lot width and lot frontage. He also said that additional variances are requested for building setback to height ratio and the right side yard setback.

Mr. Bridger said that this property is located in the RB Zone of the former Township and the existing single-family use is permitted as of right. He noted that the required lot area is 130,680 sf and the existing is 45, 481; the required lot width is 200 ft. and the existing is 151 ft.; the required lot frontage is 200 ft. and the existing is 151 ft.; the required building setback to height is 1.5:1 and the existing is non- complying; and the required right side yard setback is 35 ft. and the existing is 16 ft.

Mr. Bridger said that most of the house will be demolished and a new 3,974 sf., four bedroom single-family home will be constructed.

Mr. Bridger said that the new house will require the following variances: Lot area, lot width, lot frontage, right side yard setback and setback to height ratio.

David Singer, Architect was sworn in. He provided his credentials to the Board.

Mr. Singer described the project using A1-Exhibit “ZB 1” Dated 9/28/16, summarizing the site information, existing conditions and proposed development.

Mr. Singer mentioned that the geological conditions of the site probably dictated the current condition of the current house. This is a major difficulty. He feels that the building is located on the more expeditious location.

Mr. Singer said that the existing foundation will remain and that the immediately adjacent lot is undersized.

Mr. Jeffrey Rogers was sworn in. He said that only half the basement is dug out, the other half is not because there is about a minivan size boulder creeping out of the ground. He said that he

knows the previous owner who told him that they run into the same situation where the garage is located. He said that he spoke to the neighbor next door who has been trying to reconfigure his driveway and has been digging boulder after boulder. He said that if they run in to this type of minivan size boulders, the development is no longer a viable thing as contractors have told him that it would be very expensive.

The Board recommended to have a geotechnical investigation and a report by a geotechnical engineer.

Mr. Schatzman said that the applicant will perform more investigations and come back to the Board on November 9, 2016.

Mr. Schatzman said that the applicant grants an extension to November 10, 2016.

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

- c) 342 Nassau Street, Block: 34.01, Lot: 14, RO Zone, Juggtown 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

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, Esquire.

Derek Bridger, Zoning Officer, presented his memorandum dated August 12, 2016. Mr. Bridger said the applicant is requesting approval for use variance relief to permit retail sales in the existing front 20'x20' room on the Nassau Street façade. No internal or exterior alterations are required.

Mr. Bridger said that the existing building contains an office space used by the applicant and a 2-story apartment. He described the surrounding properties as commercial office buildings, restaurants, a grocery store, real estate office, joint occupancy buildings and single family residential uses.

Mr. Bridger said that retail is not a permitted use in the RO zone and as such there is no parking standard.

The property is located at the corner of Harrison Street and Nassau Street, and it is located in the RO Zone

He advised that the applicant obtained approval from the Historic Preservation Commission (HPC) as well as minor site plan approval in December 2015 from the Princeton Planning Board

for various site improvements including new awning, reconfiguration of the rear porch, replacement of the front stoop of the apartment, new sidewalks and new landscaping.

Mr. Bridger said that the survey shows that the on-site trash enclosure complies with the required setback.

Mr. Bridger noted that a conditional use and site approval was granted in 1979 and a use variance was granted in 2003.

Mr. Bridger reviewed the prior approvals issued by the Regional Planning Board of Princeton and the Princeton Borough Zoning Board; conditional use authorization and site plan approval in 1979 from the Regional Planning Board of Princeton (File No. USE 79-16) to permit the conversion of the existing two-family dwelling into its current configuration of an office space, and a 2-story apartment. A d (1) variance was granted in 2003 by the Princeton Borough Zoning Board ( Case No. 731-2) to permit an interior design firm to use the first floor for a retail showroom.

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

Chris Tarr, Esquire; Kati Eastridge; James Chmielak, Jr., P.E., P.P.; Elizabeth C. McKenzie, PP AICP; were sorwn in by Attorney Cayci.

Mr. Chmielak presented his credentials and was accepted by the Board. Mr. Chmielak presented the application using the following exhibit:

Exhibit A-1: Four Power Point slides providing a key map, overall view of the site and photos of the existing site.

Mr. Chmielak noted that no construction is required in connection with the requested use variance and said that the lot currently has 7 parking spaces. He advised that the business has only three employed. He also said that the sign was previously approved by the Planning Board.

Kati Eastridge said that she is the principal of both the owner entity and applicant. She noted that her business hours are Tuesday-Saturday, 11-5 pm. She informed the Board that that first floor front room is currently furnished as a living room to demonstrate interior designs to clients. However, Ms. Eastridge wishes to use that area as a retail area to display furniture and home furnishings which would be for sale to her clients.

Elizabeth C. McKenzie, PP AICP , presented her credential and the Board accepted her credentials. Ms. Mckenzie presented the application using the following exhibits:

Exhibit A-2: Curriculum Vitae of Elizabeth C. McKenzie

Exhibit A-3: Aerial View of Property and Surrounding properties

Ms. McKenzie said that the building was constructed in or about 1730 and has many pre-existing nonconformities including the side and front yard setbacks. She said that the property is surrounded by other professional offices used by architects, design firms and real estate firms and residential homes.

Ms. McKenzie reviewed the application explaining that the applicant wishes to use the first floor space of approximately 20 ft. x 20 ft. as a retail showroom to demonstrate her design style to clients. She noted that the space will not look like a typical retail space nor will it have cash registers or counters with merchandise.

The application was opened 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. Floyd to grant D (1) variance to permit retail sales in the existing front room on the Nassau Street façade, as set forth the with conditions.

#### ROLL CALL

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

#### **6. ADJOURNMENT**

There being no further business, the meeting was adjourned at 9:08 pm.

Respectfully Submitted,

Claudia Ceballos

Secretary

Approved: January 25, 2017.