

## **PRINCETON ZONING BOARD OF ADJUSTMENT**

Minutes of the Regular Meeting

February 22, 2017 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, Stephen Schreiber, Bainy Suri

**ABSENT:** Louisa Clayton, Jeffrey Oakman, Harlan Tenenbaum

**ALSO PRESENT:** Karen Cayci, Attorney; Derek Bridger, Zoning Officer; Jack West, P.E., Land Use Engineer; Claudia Ceballos, Board Secretary.

There were seventeen (17) members of the public present.

### **3. MINUTES**

- a) a) Minutes of November 10, 2016 - motion was made by Ms. Coulson 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. END OF THE YEAR REPORT**

2016 Annual Report and Resolution

The report was unanimously approved. No one opposed. No one abstained.

FOR: Cohen, Coulson, Kaledin, Royce, Schreiber, Suri, Tenenbaum

AGAINST: No one

ABSTAIN: No one

### **5. RESOLUTIONS**

- a) 397 Cherry Hill Road, Block 4000, Lot 12, Zone RB  
Laura Edwards/Applicant and Owner  
Minor Site Plan with Use Variance  
Bed and Breakfast Application  
Z1515-305  
Denied  
Motion was made by Mr. Kaledin to adopt the resolutions as written and amended, seconded by Mr. Cohen and carried with a voice vote of two ayes among those members eligible to vote. No one opposed. No one abstained.
- b) 55 Erdman Avenue; Block 32.06, Lot 131; R2 (Boro)  
Judith Rebecca and Trevor Graham, Owners / Applicants  
C (2) variance to permit the construction of an addition in exception to the prevailing front yard setback  
Z1616-424  
Approved with conditions

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

- c) 75 Cleveland Lane; Block 4.01, Lot 5.01; R1 (Boro)  
Grant Homes Cleveland LLC, Owner/Applicant  
C (2) variance to permit construction of a dormer within the required front yard setback and in exception to the required height  
Z1616- 426

Approved with conditions

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

- d) 82 Valley Road 82 Valley Road; Block 7001, Lot 25; R6 (Twp)  
Kirsten Thoft, Owner/ Applicant  
C (1) / C (2) variance to permit construction of a new single family house on a non-conforming lot. The lot does not meet the minimum required lot frontage or lot width  
Z1616-429

Approved with conditions

Motion was made by Ms. Coulson to adopt the resolutions as written and amended, seconded by Mrs. Rockstrom and carried with a voice vote of five ayes among those members eligible to vote. No one opposed. No one abstained.

## **6. APPLICATIONS**

- a) **30 Baker Court**; Block 4703, Lot 9; R4 (Twp)  
Hany & Mary Salama, Owner / Applicant  
C (1) / C (2) variance to permit construction of a new single home in exception to the required lot frontage  
Z1616-430

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 Hany Salama, owner and Joseph Angelone, Construction Contractor, all sworn in by Attorney Cayci.

Mr. Derek W. Bridger, Zoning Officer and Jack West, P.E., Land Use Engineer, were sworn in by Attorney Cayci.

Derek Bridger, Zoning Officer, presented a memorandum dated January 3, 2017. Mr. Bridger said that the applicant seeks to demolish an existing single-family house and replace it with a new single family residential house. Mr. Bridger said that the applicant seeks a variance for lot frontage. Mr. Bridger explained that the existing lot frontage is 75 feet and the zone requirement for lot frontage is 93.75 feet. Mr. Bridger also noted that the existing single-family use is permitted as of right.

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

Hany Salama, property owner, said that he and his wife, recently purchased the property and they wish to move to Princeton and that Joseph Angelone is the builder.

Joseph Angelone of Angelone Homes and Consulting LLC said that due to configuration of the immediately adjacent lots, none of the lots could provide additional acreage without becoming nonconforming themselves.

Mr. Angelone confirmed that the proposed home will comply with all bulk standards.

Mr. John M. West, Land Use Engineer said that the Engineering Department will review the plan to insure compliance with municipal storm water management requirements.

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

Lydia McKenna of 28 Baker Court, sworn in by attorney Cayci. Ms. McKenna expressed her concern with the drainage onto her property which is next to her.

Steve Johnson of 115 Shady Brook Lane, sworn in by attorney Cayci. He also expressed his concern regarding potential drainage impacts.

Board Members discussed the application and a motion was made by Mr. Cohen and seconded by Mr. Floyd to grant C (1) variance to allow a lot frontage of 75 feet to permit demolition of the existing single-family house and construction of a new single-family house as set forth in the application, with conditions.

#### ROLL CALL

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

- b) **86 Spruce Street** - Block 30.03, Lots 62 & 63, Zone RB (Boro)  
86 Spruce Street LLC, Owner / Applicant  
Minor Site Plan with Variance  
Z1616-420

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 Ryan Kennedy Esq, Stevens & Lee., James J. Chmielak, Jr., P.E., P.P., Richard Scott, Property Manager, all sworn in by Attorney Cayci.

Derek Bridger, Zoning Officer, presented a memorandum prepared by Mr. Bridger and John M. West P.E., Land Use Engineer, dated January 31, 2017.

Mr. Bridger noted that in 1990, the applicant filed an appeal of the zoning officer's interpretation and an application for a bifurcated use variance to use the existing 9-unit multiple

dwelling as a 10-unit multiple dwelling unit. Mr. Bridger said that the R4 zone permits multiple family dwellings, a use variance was required because of the lot area and density.

Mr. Bridger said that a resolution was granted on July 26, 1990 by the Princeton Borough ZBA to have a 10-unit multiple dwelling and that it be registered with the rental department and submission of an application for site plan approval to include a minimum of 15-parking spaces.

Mr. Bridger said that the applicant has submitted a site plan with 21, 9'X19' parking spaces. There is an existing parking area in back of the property. Mr. Bridger said that surveys from the original 1990 application indicate that the parking area has been expanded along the northern lot line. The parking area slopes toward Hamilton Avenue and the Barbara Sigmund Park.

Mr. Bridger informed the Board that the staff supports the application because paving the parking lot would increase the rate of runoff.

Mr. Bridger noted staff recommendations regarding installation of a rain garden, bike rack, trash enclosure, replacement of any cracked sidewalk along Spruce Street frontage, lot consolidation, and performance guaranty.

Mr. West said that the applicant will provide a tree to be planted.

James J. Chmielak, Jr., PE, PP, presented his credentials as a professional planner and the Board accepted. He is the project engineer. He presented the application using Exhibit A-1:

Exhibit A-1: 18 pages: map, aerial overview, context and zoning, site photographs, planning considerations and zoning variances.

Mr. Chmielak said that the proposal will reduce the site impervious coverage by 500 sq. ft. He also confirmed that the applicant will comply with staff recommendations and comments except the installation of bicycle rack and sidewalk to Hamilton Avenue. He explained that there is interior space for storage of bicycles and no sidewalk will be installed because it will encourage pedestrians to cut across the parking lot.

Mr. Chmielak said that 21 parking spaces ( 9' x 19') will be installed but the removal of one or two spaces may be necessary to accommodate the trash enclosure.

Richard Scott, property manager, said that the parking lot was not intentionally expanded, it was the result of gravel being displaced by snow removal over the years

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

Board Members discussed the application and a motion was made by Ms. Suri and seconded by Mr. Floyd to grant C (2) variance to permit a non paved parking area to contain 21 parking spaces and minor site plan approval as set forth in the application and the project plans as presented, with conditions.

ROLL CALL

Moved by: Suri  
Seconded by: Floyd

Those in Favor: Cohen, Coulson, Floyd, Kaledin, Rockstrom, Royce, Suri  
Those Opposed: None  
Those Affirmed: Schreiber  
Those Absent: Clayton, Tenenbaum

c) **6 Harris Road**, Block: 21.02, Lot: 22.01, R4 Zone (Boro)  
Grosso Homes, LLC, Owner / Applicant  
C1 -for lot width and lot coverage to permit the construction of a new two-family dwelling  
Z1616-423

Member Floyd 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 Adam J. Faiella, Esq., Sills Cummis & Gross, P.C. Falcone, P.L.S, David Schmidt P.E., Paul Grygiel, P.P., all were sworn in by Attorney Cayci.

Derek Bridger, Zoning Officer presented the application using his report dated February 8, 2017.

Mr. Bridger reviewed the prior approvals granted by the Board on 6/22/2016. Mr. Bridger said that the lot is noncompliant with respect to lot area, lot depth, front yard setback and floor area ratio and those variances were granted by the prior resolution.

Mr. Bridger said that the applicant seeks to construct a 2-family dwelling. Mr. Bridger noted that the site had previously contained a residential dwelling which was demolished in 2014 to permit remediation of an oil tank leak. Mr. Bridger noted that the applicant requires only a lot width variance.

David Schmidt P.E., listed his credentials to the Board. Mr. Schmidt said that the proposed dwelling will be located in the same location on the site as the previous dwelling, will comply with all bulk requirements with the exception of lot width and will result in reduced impervious coverage from the prior dwelling.

Paul Grygiel, P.P., listed his credentials to the Board. Mr. Grygiel noted that the lot width is consistent with that of many lots on Harris Road.

Mr. Grygiel said that the Master Plan supports higher density housing for this area of the municipality, and mentioned that there are several duplex residences on Harris Road.

Mr. Grygiel said that the property abuts the Avalon Bay apartment complex which is a very high density development

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

Fenglei Huang of 15 Harris Road, sworn in by Attorney Cayci – opposed to the application concerned with parking, he would prefer a single-family residence.

Michael Floyd of Quarry Street, sworn in by Attorney Cayci, said that the governing body is considering neighborhood zone issues including placement of garages on residential sites which could affect future applications but acknowledged that the proposed design is still compliant at this time.

Board Members discussed the application and a motion was made by Mr. Kaledin and seconded by Mr. Royce to grant a C (2) variance to allow a lot width of 50 feet to permit construction of a new two-family dwelling as set forth in the application, with conditions.

Moved by:	Kaledin
Seconded by:	Royce
Those in Favor:	Cohen, Kaledin, Rockstrom, Royce, Suri
Those Opposed:	Coulson, Schreiber
Those Absent:	Clayton, Tenenbaum
Those Recused:	Floyd

## **7. ADJOURNMENT**

There being no further business, the meeting was adjourned at 9:45 pm.

Respectfully Submitted,

Claudia Ceballos  
Secretary  
Approved: 6/28/17