

PRINCETON ZONING BOARD OF ADJUSTMENT

Minutes of the Regular Meeting

May 24, 2017 7:30 P.M.

Municipal Complex – Main Meeting Room, Princeton, New Jersey

1. OPENING STATEMENT

The meeting commenced at 7:29 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, Jeffrey Oakman, Barrie Royce, Stephen Schreiber,
Harlan Tenenbaum
ABSENT: Bairy Suri
ALSO PRESENT: Karen Cayci, Attorney; John M. West, PE, Land Use Engineer;
Derek Bridger, Zoning Officer and Claudia Ceballos, Board Secretary.
There were ten (10) members of the public present.

3. MINUTES

a) Minutes of January 25, 2017 - motion was made by Mr. Schreiber to accept the minutes as written and amended, seconded by Ms. Coulson and carried with a voice vote of six ayes among those members eligible to vote and two affirmative votes. No one opposed. No one abstained.

4. ADMINISTRATIVE MATTERS

a) Appointment of Special Council – F. Clifford Gibbons, Attorney at Law, LLC - motion was made by Mr. Tenenbaum and seconded by Mr. Cohen to appoint special council and carried with a voice vote of seven ayes among those members eligible to vote and two affirmative votes. No one opposed. No one abstained.

5. RESOLUTIONS

a) **132 Elm Road**; Block 9.01, Lot 2; R1 (Boro)
132 Elm Associates. LLC/ Owner
Flower Construction / Hans Arnesan/Applicant
C2 –front yard setback to permit placement of a PSE&G electrical transformer
Z1717-467
Approved with conditions

Motion was made by Mr. Schreiber to adopt the resolution as written and amended, seconded by Mr. Floyd and carried with a voice vote of seven ayes among those members eligible to vote. No one opposed. No one abstained.

b) **214 Moore Street**; Block 7109; Lot 13; R8 (Twp)
Kellie J. and Stephen Staples, Owners / Applicants
C1 to permit construction of a two story addition within the required front setback C2 to permit construction of a roof over an existing patio in exception to the required side yard setbacks
Z1717-450
Approved with conditions

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

6. APPLICATIONS

- a) **420 Mount Lucas Road**, Block: 4201, Lot: 15, RB Zone
Gretchen J. Godwin and Joseph F. Ciofalo/Owner & Applicant
C1- to permit the location of an air conditioning condenser in exception to the required side yard setbacks
Z1717-468
MLUL deadline 8/24/2017

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 Joseph F. Ciofalo and Gretchen Godwin, owners. Both were sworn in by Attorney Cayci.

Mr. Bridger was sworn in by Attorney Cayci.

Mr. Bridger reviewed the application with the Board using his memorandum dated 4/25/17. Mr. Bridger noted that the lot is non-compliant with the required lot area, lot width, lot frontage and lot depth. Mr. Bridger also noted that the house and garage are non-compliant with the right and left side yard setbacks and rear yard setback.

Mr. Bridger said that the applicants recently installed an air conditioner. Mr. Bridger noted that the required combined side yard setback of 70 ft. is greater than the existing lot width as the lot is significantly undersized. Mr. Bridger said that the proposed setbacks overlap each other and that the proposed setbacks for the air conditioner condenser are 25 ft. for the right side yard setback and 20 ft. for the left side yard. Mr. Bridger said that the applicant has applied for a C(1) and he reviewed with the Board the standards for granting the variance.

Mr. Joseph F. Ciofalo said that his property is much smaller than other lots in the neighborhood. Mr. Ciofalo said that there is a fence between his property and the neighbor which will act to muffle any noise from the air conditioner condenser.

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

Board Members discussed the application and a motion was made by Ms. Clayton and seconded by Mr. Cohen to grant a C1 variance a for right and left side yard setbacks to permit installation of an air conditioning condenser along the right wall of the existing garage with a right side yard setback of 25 ft. and a left side yard setback of 20 ft. as shown on the application, with conditions.

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

Attorney Cayci recused herself and Special Council F. Clifford Gibbons, Esq, carried on with the meeting.

b) **801 State Road**; block 901, Lots 17 & 18, Zone S-2 (Twp)

State Road Plaza, LLC.

Preliminary and Final Major Site Plan-Two Story Mixed Use Building with D1 use and bulk variances

Z1616-377

MLUL deadline 7/26/2017

Attorney Gibbons 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 N. Ridolfi , Esq.; Ed Bucci, the owner; Jeffrey J. Carr, P.E., P.P., Engineer and Planner; Daniel Ward, R.A., Project Architect; John H. Rea, P.E., Engineer. – all sworn in by Attorney Gibbons.

Mr. Bridger reviewed the application with the Board using the staff memorandum prepared by Mr. Bridger and Mr. Jack West, P.E., Land Use Engineer, dated March 31, 2017.

Mr. Bridger said that State Road Plaza, LLC filed for a preliminary & final major site plan approval for the development of a 18,656 sf. mixed use two-story building. The first floor will house a restaurant and six self-contained retail suites. The second floor will contain office suites. A 102 space parking lot will surround the building.

Mr. Bridger said that the site improvements include landscaping around the parking lot, a dumpster/trash enclosure, lighting and signage.

Mr. Bridger said that the lot is bound to the north by various retail uses and the Petro Oil Company; to the south by the Old Orchard residential townhouses; to the east by office buildings; to the west an adjacent vacant lot and a tire service center.

Mr. Bridger noted that a site plan has been filed for a liquor store on the vacant lot next to this property.

Mr. Bridger said that this property is located in the S2 zone and the proposed restaurant with seating use is not permitted.

The proposed project will require the following bulk variances:

- | | | |
|---|-----------------|-----------------------------------|
| 1. Front Yard Setback- Section 10B -246 | Required 25 ft. | Proposed 23.7ft |
| 2. Side Yard Setback- Section 10B-246 | Required 60 ft. | Proposed 56 ft.(East Side) |
| 3. Side Yard Setback- Section 10B-246 | Required 60 ft. | Proposed 12 ft. (Trash Enclosure) |

The required tree planting is 30 trees, the proposed planting is 13 trees. A variance is required.

The required screening from adjacent uses not separated by a public right-of-way shall be accomplished by the installation and maintenance of evergreens and deciduous trees and shrubs of such species and size. These trees and shrubs, within two growing seasons produce solid screening.

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

Mr. Ridolfi said that the proposed project has received approvals from the NJDOT, DEP, Mercer County Planning Board, and SPRAB.

Mr. Ed Bucci, said that his father has owned the property since the 1960's. Mr. Bucci is fully authorized by his father to act on his behalf with respect to the application. He reviewed the plan using:

Exhibit A-1, an engineering plan of the property.
Exhibit A-2, proposed rendering of the building.

Mr. Bucci said that service, retail, residential and office uses surround the property. Mr. Bucci noted that the configuration of the building is similar to a structure which he developed in Hopewell Township. He said that a restaurant and retail uses are proposed for the first floor and office uses for the second floor.

Mr. Bucci amended the application to increase the number of seats in the restaurant from twenty-four to forty-eight, requiring a variance for eight additional parking spaces (pursuant to the zoning ordinance, one parking space is required for each three seats in a restaurant), and a total of one hundred ten parking spaces, over the one hundred two parking spaces proposed by the applicant's plan.

Mr. Bucci said that parking would be sufficient, as the restaurant use would be used mostly in the evenings. The restaurant will have a small outdoor seating area under awnings.

Mr. Bucci said that the location of the restaurant on the first floor has not yet been finalized.

Jeffrey J. Carr, P.E., P.P., said that the property was a vacant lot used as a staging area, comprised of mostly compacted gravel and wooded areas. The rear of the property has wetlands and a stream corridor.

Mr. Carr said that the applicant will comply with the SPRAB comments. Mr. Carr said that the number of trees planted would meet the requirement of thirty trees or make a contribution to the Shade Tree Commission

John W John M. West, P.E., P.P., Land Use Engineer for the municipality was sworn in by Attorney Gibbons.

Mr. West said that drainage from the proposed "rain garden" will not be an issue and that the applicant will use porous pavement materials, which pavement materials would be vacuumed.

Mr. West noted that the applicant conducted intensive soil testing and he concurred with Mr. Skupien's report that the proposed stormwater management plan and system will work properly.

Mr. Ridolfi advised the Board that the applicant will file an operations manual for the stormwater management system with the municipality.

Mr. Carr presented the following:

Exhibit A-3, site plan reflecting all changes recommended by SPRAB (placement of an electric vehicle charging station; installation of two bicycle racks; PEC recommendations)

Mr. Ridolfi confirmed that the applicant would comply with all the comments and recommendations in the reports of the Board's professionals, SPRAB, the Princeton Environmental Commission, the Traffic Safety Committee and Princeton Shade Tree Commission.

Daniel Ward, R.A. spoke regarding the signs to be used by the applicant are internally illuminated "box signs" with removable covers which can be switched easily and neatly. Mr. Ward said that the exterior of the first floor would consist of brick and glass, while the exterior of the second floor would consist of two-tone stucco. The HVAC systems will be located on the roof and will not be visible.

John H. Rea, P.E. spoke in regards to a Traffic Impact Analysis which he prepared for the project and he determined to be acceptable. He said that no more than eighty-five to ninety cars would be parked at any one time and the second floor office would be "nine to five" uses.

Mr. Bucci said that the restaurant would be busier during morning and early afternoon hours.

Mr. Rea will comply with the recommendation of the Princeton Traffic Safety Committee to contribute to the installation of a flashing beacon signal for the crosswalk at the corner of Route 206 and Herrontown Road.

The application was opened to public comment.

Charles Yedlin , 1000 Herrontown Road, testified in support of the application. Mr. Yedlin believes that the proposed restaurant is very much needed in the area. Mr. Yedlin testified that many persons working and living nearby will use a restaurant that is within walking distance of their office, place of business or home.

Board Members discussed the application and a motion was made by Mr. Kaledin and seconded by Mr. Cohen to grant a preliminary and final major site plan approval, a use variance to permit the location of a restaurant with forty-eight seats, a variance permitting one hundred two parking spaces, variance for a minimum front yard setback of 23.7 feet, minimum east side yard setback of 56 feet, and minimum side yard setback from a trash enclosure of 12 feet, a c(2) for planting of shade trees on an on-grade parking lot , a c (2) for provision of screening from an adjacent use not separated by a public right of way, and a c(2) for provision of a single loading dock, as set forth in the application, with conditions.

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

6. ADJOURNMENT

There being no further business, the meeting was adjourned at 9:53 pm.

Respectfully Submitted,

Claudia Ceballos
Secretary

Approved: 08/23/2017