

PRINCETON ZONING BOARD OF ADJUSTMENT
Minutes of the Regular Meeting
July 26, 2017 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: Steven Cohen, Michael Floyd, Barrie Royce, Stephen Schreiber
and Harlan Tenenbaum

ABSENT: Louisa Clayton, Eve Coulson, Jonathan Kaledin, Jeffrey Oakman and
Bainy Suri

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

There were eighteen (18) members of the public present.

3. MINUTES

a) Minutes of March 22, 2017 - motion was made by Mr. Floyd to accept the minutes as written and amended, seconded by Mr. Tenenbaum and carried with a voice vote of four ayes among those members eligible to vote and two affirmative votes. No one opposed. No one abstained.

b) Minutes of April 26, 2017 - motion was made by Mr. Schreiber to accept the minutes as written and amended, seconded by Mr. Tenenbaum and carried with a voice vote of five ayes among those members eligible to vote and two affirmative votes. No one opposed. No one abstained.

4. RESOLUTION

a) **801 State Road**; Block 901, Lots 17 & 18; Zone S-2 (Twp)
State Road Plaza, LLC.

Preliminary & Final Major Site Plan-Two Story Mixed Use Building with D1 use and bulk variances
Z1616-377

Approved with conditions

Motion was made by Mr. Cohen to adopt the resolution 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.

5. APPLICATIONS

a) **62 Patton Avenue**; Block 52.01, Lot 49; R3 (Boro)

Selina Man and Peter Ramadge, Owner / Applicant

C2 –enclosure/reconstruction of existing front porch and new deck in exception to the ordinance requirements and building coverage

Z1717-470

MLUL deadline 8/29/17 (carried from June 28th, 2017 agenda)

Chairman Royce said that the Board heard this application last month and the Board requested some modifications.

Chairman Royce asked Mr. Bridger, Zoning Officer if he had any additional comments.

Attorney Cayci sworn in Mr. Bridger.

Mr. Bridger said that no additional variances were requested and that the FAR was slightly reduced because they get a credit for the porch.

Present for the application was Peter Ramadge and Selina Man, property owners. Both were sworn in by Attorney Cayci.

Mr. Peter Ramadge said that they come back to the Board with changes that he assures will address the Board's concerns.

Mr. Ramadge presented Exhibit A-2, a power point presentation showing a revised design for the front porch enclosure.

Mr. Ramadge noted that the revised porch design will provide for a partial enclosure of approximately half the porch. He said that they are requesting 2 variances, one to add a deck and one to enclose half of the front porch, half will be a bathroom and the other half will be an open porch. He pointed out that they have an undersized lot. He said that they will remove all unnecessary impervious coverage. He said that the railing deck will be open and not a closed railing.

Mr. Ramadge said that the improved design will update the home, it will not increase building coverage.

Selena Man said that that she had offered to show the proposed renovation plans to all immediate neighbors.

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

Daniel Steingart of 66 Patton Avenue, was sworn in by Attorney Cayci and he said that he was in support of the application.

Board Members discussed the application and found that the increase in building coverage to allow the rear deck represents a de minimus increase and that the partial enclosure of the front porch will not be inconsistent with the streetscape given the mix of residential facades. A motion was made by Mr. Tenenbaum and seconded by Mr. Schreiber to grant C (2) variances to allow a front yard setback of 11 feet 7¼ inches to allow a partially enclosed front porch and building coverage of 28% to allow addition of a rear deck as set forth in the revised application, with conditions.

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

- b) **469 North Harrison Street**; Block 5502, Lot 3; Zone OR2
Church and Dwight, Owner / Applicant
D4 – FAR to permit construction of an addition to an existing office/ research building.
The site plan application is bifurcated
Z1717- 453
MLUL deadline 10/5/17

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

Attorney Cayci advised the Board that the applicant has requested for the application to be carried to the September 27, 2017.

Chairman Royce said that notice will be given by ordinary mail.

- c) **357 Franklin Avenue**; Block 7310, Lot 2; R7
Charles and Boas Park, Owner / Applicant
C1/C2 to permit renovation of first floor and second floor addition to an existing single family house on a non-conforming lot in exception the right, left and combined side yard setbacks
Z1717-478
MLUL deadline 10/11/17

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 Charles and Boas Park, property owners; Joseph Primiano, Architect, all were sworn in by Attorney Cayci.

Mr. Bridger reviewed the application with the Board using his memorandum dated May 22, 2017, revised June 6, 2017. Mr. Bridger said that the existing 2- family use is permitted as of right and that this property is a condominium. Mr. Bridger said that the lot is non-compliant with respect to lot area and lot depth and that the existing residential structure is non -compliant with respect to front yard setback, rear, side and combined side yard setbacks, building height to setback ratio, lot coverage and floor area ratio.

Mr. Bridger said that originally the applicants were seeking to demolish and reconstruct the majority of the first floor while preserving its footprint. A second-floor addition was proposed which will encroach into both side yard setbacks and exceed the required combined side yard setback.

Mr. Bridger said that the applicants revised the application and are proposing to remove the existing shed located in the rear yard so that it will not be included in the FAR and the only variances required will be the for lot area, right, left and combined side yard setbacks.

Mr. Bridger asked that if approved, there should be a condition that the shed be demolished prior to the issuance of a zoning permit.

Mr. Bridger advised that the applicant will require the following variances:

The required lot area is 10,890 sf. and the existing is 10,040 sf.; the required right side yard setback is 10 ft. and the proposed is 5 ft.; the required left side yard setback is 10 sf. and the proposed is 9.8

ft.; the required combined side yard is 25 ft. and the proposed is 14.8 ft. Mr. Bridger reviewed with the Board the standards for granting the variance.

Joseph Primiano, Architect; presented the following exhibits:

Exhibit A-1: Sheet V-1A revised through 6/27/17 contained in the application

Exhibit A-2: Existing and Proposed floor plans

Exhibit A-3: Exterior elevations

Exhibit A-4: Photos showing the subject residence and the immediate neighborhood taken approximately two months ago by Mr. Primiano

Mr. Primiano said that the existing house is a one-story ranch and that a proposed second floor will provide room for additional bedrooms and will allow the space on the first floor to be used for family living. Mr. Primiano said that the homes in the neighborhood are two-story homes.

Mrs. Boas Park said that they want to expand their residence in order to provide more space for the growing family.

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

Board Members discussed the application and motion was made by Tenenbaum and seconded by Cohen to grant C (1) variances to allow a lot area of 10,040 square feet, right side yard setback 5 feet, left side yard setback of 9.8 feet and a combined side yard setback of 14.8 feet to permit construction of a second floor addition of approximately 1,450 square feet as set forth in the application, with conditions.

Moved by: Tenenbaum

Seconded by: Cohen

Those in Favor: Cohen, Floyd, Royce, Tenenbaum, Schreiber

Those Absent: Clayton, Coulson, Kaledin, Oakman, Suri

d) **84 Clearview Avenue;** Block 7307, Lot15; R7

Elena Greene, Owner / Applicant

C2 to permit the replacement of an existing air conditioning condenser in exception to the required setback

Z1717-493

MLUL deadline 10/25/17

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 was Elena Greene, owner, she was sworn in by Attorney Cayci.

Mr. Derek Bridger, Zoning Officer, presented the application using his memorandum dated June 14, 2017. Mr. Bridger said that the lot is undersized with a lot area of 10,500 sf. and a zone requirement of 10, 890 sf., he said that the existing house is non-compliant with respect to right and left yard setbacks with existing setbacks of 5 feet and zone requirements of 10 feet. Mr. Bridger noted that the lot area and left side yard setback are pre-existing nonconforming conditions which are not impacted by the proposed condenser.

Mr. Bridger said that the existing air conditioner condenser located in the right-side yard setback has no prior zoning or construction permit authorizing that location.

Mr. Bridger said that the existing condenser is shielded by trees and is barely visible in its current location.

Mr. Bridger noted that the applicant seeks approval for the proposed condenser replacement improvement as a C (2) variance and reviewed with the Board the standards for granting the variance.

Elena Greene said that she purchased the residence with the existing condenser in its current location and she did not know that the condenser location was noncompliant until she sought to replace the aging unit with a new unit.

Ms. Greene said that the condenser is heavily screened by vegetation and that the noise to her neighbor from the condenser is greatly minimized.

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

Board Members discussed the application and motion was made by Mr. Cohen and seconded by Schreiber to grant a “C (2)” variance to permit a right side yard setback of 7 feet to allow replacement of an existing air conditioning as shown on the application with conditions.

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

- e) **56 Armour Road**; Block 10.01, Lot 33; R1 (Boro)
Emanuele Gillio and Ana Martin, Owner/Applicant
C1– variance request to permit construction of detached two car garage within the required setback
Z1717-494
MLUL deadline 10/27/17

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 Emanuele and Ana Martin, property owners; Kirsten Thoft, Architect; Kevin O’Brien, Planner (all sworn in by attorney Cayci) and Peter Lanfrit, Esq.

Derek Bridger, Zoning Officer, presented the application using his memorandum dated June 29, 2017. Mr. Bridger said that the applicant seeks to construct a 663 square foot detached two car garage within the required front yard setback.

Mr. Bridger said that this is located on a corner lot (Armour Road and Elm Road).

Mr. Bridger noted that the garage is considered an accessory structure and a garage on a corner lot may not be located in that side or rear yard which is nearer to a street line than the front yard setback required for a principal building on the adjacent lot.

Mr. Bridger said that the proposed garage location will comply with the Elm Road prevailing setback of 61 feet but it will not comply with the prevailing front yard setback for Armour Road, with a proposed setback of 33 feet 7 inches and a required setback of 78 ±2 feet and requires a variance.

Mr. Bridger reviewed with the Board the standard for granting the requested variance relief.

Ms. Martin said that the garage could be located in a compliant location which would require removal of existing large trees and the compliant garage location would significantly encroach into their existing backyard. Ms. Martin presented photos she recently took of the subject residence and existing large trees (Exhibit A-1).

Ms. Thoft said that a two car detached garage could be built as-of-right in a compliant location at the rear of the lot but this location would require the removal of several large trees and would also cause the garage to intrude into the existing backyard.

Ms. Thoft presented Exhibit A-2 (Sheet SK-1 prepared by Ms. Thoft.) showing the complaint garage location would need to be located downhill from the residence and could increase the potential for water run-off.

Ms. Thoft said that the proposed garage will be 24 feet by 26 feet with roof pitch and siding to match the existing residence.

Kevin O'Brien, Planner, presented his credentials to the Board. He said that he believes the proposed garage location is better than the as-of-right location as it will be consistent with the location of the neighboring property's garage and will minimize any impact from car headlights.

He also noted that the proposed garage location will prevent the removal of several large trees.

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

Robert Varin of 21 Elm Road, sworn in by attorney Cayci, was present in support of the application.

Emile Schoffelen of 11 Elm Road, sworn in by attorney Cayci, was present in support of the application.

Board Members discussed the application and motion was made by Mr. Cohen and seconded by Mr. Floyd to grant a C (1) variance to allow a front yard setback of 33 feet, 7 inches on Armour Road for the proposed two car detached garage with dimensions of 24 feet and 26 feet as set forth in the application, with conditions.

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

- f) **23 Sergeant Street**; Block 53.04, Lot 97; R2 (Borough)
Patrick Savard, Owners / Applicants
C1/D4 - (FAR) to permit the construction of a small roof and wall to enclose an existing second floor balcony. The enclosure of the porch will encroach into the combined/smaller side and rear yard setback requiring variance relief. The enclosure will violate the required building height to setback
Z1717-489
MLUL deadline 10/27/17

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 Patrick Savard, property owner; Kevin Wilkes, AIA, both sworn in by Attorney Cayci.

Derek Bridger, Zoning Officer, presented his memorandum dated June 29, 2017. Mr. Bridger said that the subject residence is a single family attached townhouse, being one of eight townhomes facing Sergeant Street, between Markham and Wilton Streets. Mr. Bridger advised that the townhouse development is noncompliant with all zone bulk standards and was created in the 1980's as a planned unit zero lot line development which required use and bulk variance approvals.

Mr. Bridger reviewed the existing nonconformities of the subject lot and structure and the required variances as follows:

Zone Standard	Required	Existing	Proposed	Variance Required
Lot Area	10,000 sf.	2,352 sf.	same	No-permitted by prior approvals
Lot Width	75 ft.	24 ft.	same	No-permitted by prior approvals
Lot Depth	100 ft.	98 ft.	same	No-permitted by prior approvals
Smaller side yard setback	10 ft.	0 ft.	same	Yes
Combined side yard setback	25 ft.	0 ft.	same	Yes
Rear yard setback	35 ft.	29.75	same	Yes
Building Height to Setback	2:1	noncompliant	same	Yes
Floor area ratio (proportional)	52.9%	125%	129%	Yes
Building Coverage	25%	43.9%	same	No-permitted by prior approvals

Mr. Bridger said that the applicant seeks to construct a small roof and wall to enclose an existing open balcony on the 2nd floor of the townhouse. Mr. Bridger said that the applicant seeks c (1) d (4) variance for the floor area ratio variance. He reviewed with the Board the standards for granting such relief.

Kevin Wilkes, AIA, said that he is a registered architect in the State of New Jersey. He presented the application using the following:

Exhibit A-1: Photos of the existing balcony and of the enclosed balconies on other units in the townhouse development

Mr. Wilkes said that the owners want to increase the size of the kitchen and eating space in the residence by enclosing the existing balcony on the second floor with a single exterior wall with gliding windows and sloped roof.

Mr. Wilkes said that the balcony enclosure will increase the FAR of the residence from 2,951 square feet to 3,041 square feet, a total of 90 square feet.

He said that the current FAR is 125% of the lot area which is already more than double the maximum allowable of 53%. Mr. Wilkes said that the applicant seeks a D4 variance for the increase in FAR and C1 for the smaller side yard setback, combined side yard setback, rear yard setback and the building height to setback ratio.

Mr. Wilkes explained that the existing balcony which will be enclosed is already partially covered, enclosed on three of four sides and immediately aligned with the kitchen.

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

Board Members discussed the application and motion was made by Mr. Schreiber and seconded by Mr. Tenenbaum to grant C1 variances to allow a combined side yard setback of zero feet, smaller side yard setback of zero feet, rear yard setback of 29.75 feet, and the existing noncomplying building height to setback and a D4 variance to permit a FAR of 129% to permit the construction of a small roof and wall to enclose an existing open balcony on the second floor of the townhouse as set forth in the application with conditions.

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

6. ADJOURNMENT

There being no further business, the meeting was adjourned at 9:13 pm.

Respectfully Submitted,

Claudia Ceballos
Secretary
Approved: 10/25/17