

PRINCETON ZONING BOARD OF ADJUSTMENT

Minutes of the Regular Meeting

August 23, 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:

Steven Cohen, Eve Coulson, Michael Floyd, Jonathan Kaledin,
Jeffrey Oakman, Barrie Royce

ABSENT:

Stephen Schreiber, Bairy Suri, Harlan Tenenbaum

ALSO PRESENT:

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

There were seven (7) members of the public present.

3. MINUTES

a) Minutes of May 24, 2017 - motion was made by Mr. Kaledin 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. No one opposed. No one abstained.

4. RESOLUTION

a) **13-15 Vandeventer Avenue**; Block 28.01, Lot 3 (C.01 and C.02); R4 (Boro)

Martina Clement, Owner/Applicant- 13 Vandeventer Ave.

James and Galina Peterson, Owner/Applicant-15 Vandeventer Ave.

C1/C2 & D4- bulk variances, building coverage and FAR – addition

Z1616-425

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.

b) **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

Approved with conditions

Motion was made by Chairman Royce to adopt the resolution as written and amended. No one opposed. No one abstained.

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

Approved with conditions

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

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

Approved with conditions

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

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

Approved with conditions

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

f) **23 Sergeant Street**; Block 53.04, Lot 97; R2 (Borough)

Patrick Savard, Owner / Applicant

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

Approved with conditions

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

5. APPLICATIONS

a) **79 Cuyler Road**; Block 7201, Lot 1; R6 (Twp.)

Patricia A. Lofberg Owner/Applicant

C(1) / C(2) to permit reconstruction of a deck and placement of an existing air conditioning condenser within the required setbacks

Z1717- 501

MLUL deadline 11/15/17

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 Patricia A. Lofberg, property owner. She was sworn in by attorney Cayci.

Attorney Cayci sworn in Mr. Bridger.

Mr. Bridger presented the application using his memorandum dated July 12, 2017. Mr. Bridger said that the existing single-family use is permitted as of right. He said that the subject lot is non-compliant with respect to the required lot width and frontage (the lot width and lot frontage are each 75 feet with a zone requirement of 85 feet respectively); the house is non-compliant with respect to front yard setback on the Walnut Street facade and side yard setback on the Cuyler Road facade.

Mr. Bridger said that Ms. Lofberg wants to replace an air conditioning condenser and reconstruct an existing deck in exception to the required front yard and side yard setbacks. The existing air conditioning condenser is non-compliant with respect to the required side yard setback with an existing setback of +/- 13 feet and the requirement is 15 feet. The existing deck is non-compliant with respect to the front yard and side yard setbacks with existing setbacks of 17.5 feet and 10.3 feet respectively. The requirements for the deck are 41 feet for the front yard setback and 15 feet for the side yard setback.

Mr. Bridger noted that tax records confirm that the existing deck and condenser already existed at the time of the 1996 tax revaluation but no records were located indicating building or zoning permits.

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

Patricia A. Lofberg said she purchased the property in 2005 and that the deck and condenser were in their current locations. She presented Exhibit A-1, photos she took of her house.

Ms. Lofberg said that the existing deck and air condition condenser are in poor condition and need to be replaced.

Ms. Lofberg spoke about the shape of the property and the location of the house, which create an exceptionally shallow rear setback and left side yard setback which in turn limits feasible locations for the deck and condenser. She noted that locating the deck in a compliant location would require greatly decreasing the width of the deck or placing in the front of the house which would greatly limit its use.

Ms. Lofberg said that the condenser in its current location is hidden from view on the Cuyler Road facade by landscaping and is also buffered by a fence on the neighboring property.

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

William Fritz of 84 Cuyler Road, sworn in by Attorney Cayci, said that that he supports the application.

Board Members discussed the application and motion was made by Mr. Kaledin and seconded by Mr. Floyd to grant C (1) variances to permit a front yard setback of 17.5 feet and a side yard setback of 10.3 feet to allow replacement of an existing deck and a side yard setback of +/- 13 feet to allow replacement of an existing air conditioning condenser as shown on the application, with conditions.

Moved by:	Kaledin
Seconded by:	Floyd
Those in Favor:	Cohen, Coulson, Floyd, Kaledin, Oakman, Royce

Those Opposed: None
Those Absent: Schreiber, Suri, Tenenbaum

- b) **191 Snowden Lane**; Block 7505, Lot 14; R5
Lucia Salas, Owner / Applicant
C (1) / C (2) to permit construction of a one and a half story addition that will encroach into the prevailing front yard setback and violate the required side yard setback and setback to height ratio
Z1717-502
MLUL deadline 11/29/17

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 Lucia Sala, property owner, and Joao Dacruz, Architect, both sworn in by sworn in by Attorney Cayci.

Mr. Bridger reviewed the application 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 the applicant seeks to construct a 25 ft. by 25 ft. one and a half story two-car garage addition with living area above it in exception to the required front and side yard setbacks and the setback to height ratio.

Mr. Bridger reviewed the following variances with the Board:

	Zone requirement	Existing	Proposed	Variance Required
Lot area	19,994 sf.	21, 780 sf.	Same	No
Setback to Height ratio	1:1	1:1.25	1:1.375(new roof/roof overhang)	Yes
Prevailing Front yard setback	58 ft.	63.10 ft(to house)	45 ft.	Yes
Side Yard setback	15 ft. 15.2 ft (left)	15.11 ft. (right)	13.10 ft. (left)	Yes

Mr. Bridger advised the Board that as a result of recent ordinance changes, the property must comply with prevailing front yard setback requirement which greatly increases the required front yard setback.

He reviewed with the Board the standard for granting the requested variances.

Lucia Salas said that the two-car garage will facilitate care of her aging mother who resides with her as it will provide sufficient room to easily access the car and still allow storage of garden tools.

Mr. Dacruz advised that he is a registered architect in the State of New Jersey and had been previously accepted as an expert witness in architecture by the Board.

Mr. Dacruz presented following exhibits:

Exhibit A-1: Power Point slides showing site plan, existing floor plan and elevations, proposed first and second floor plans, photos of the existing residence and immediately adjacent homes. All plans were prepared by Mr. Dacruz.

Mr. Dacruz said that Ms. Salas is seeking to renovate and update the existing residence. The majority of the proposed house renovations are permitted as of right with the exception of the proposed two car garage and the proposed overhang for the new roof which require variances.

Mr. Dacruz said that the proposed garage will allow the applicant to park safely in inclement weather and that the one car garage is not adequately sized for their parking needs.

Mr. Dacruz said that the only other possible compliant location for the garage would be in the rear yard, which would result in an increase in impervious coverage and would require the applicant to drive around the residence to access the garage which would be very cumbersome.

Mr. Dacruz said that the proposed new roof overhang on the northern elevation will increase the existing degree of nonconformity for the setback to height ratio and will encroach into the required side yard setback but he noted that the roof overhang will provide symmetry with the overhang on the other side of the house.

Mr. Dacruz noted that homes in the neighborhood have garages in the front of the residence.

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

The board discussed the application and motion was made by Mr. Cohen and seconded by Mr. Kaledin to grant a C (2) variances to allow a front yard setback of 45 feet, a setback to height ratio of 1:1.375 and a left side yard setback of 13.10 feet to permit construction of a 25 ft. by 25 ft. one and a half story garage addition, with conditions.

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

6. ADJOURNMENT

There being no further business, the meeting was adjourned at 9:00 pm.

Respectfully Submitted,

Claudia Ceballos
Secretary
Approved: 10/25/17