

# **PRINCETON ZONING BOARD OF ADJUSTMENT**

Minutes of the Regular Meeting

October 25, 2017 7:30 P.M.

Municipal Complex – Main Meeting Room, Princeton, New Jersey

## **1. OPENING STATEMENT**

The meeting commenced at 7:32 p.m. with Chairman Royce reading the Open Public Meetings Act statement.

## **2. ROLL CALL**

PRESENT: Steven Cohen, Eve Coulson, Michael Floyd, Barrie Royce, Jeffrey Oakman and Stephen Schreiber

ABSENT: Bairy Suri, Harlan Tenenbaum

ALSO PRESENT: Karen Cayci, Attorney; Derek Bridger, Zoning Officer; Elizabeth Kim (8:05 pm) and Claudia Ceballos, Board Secretary.

There were twenty six (26) members of the public present.

## **3. MINUTES**

a) Minutes of July 26, 2017 - motion was made by Mr. Schreiber 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.

b) Minutes of August 23, 2017 - motion was made by Ms. Coulson to accept the minutes as written and amended, seconded by Mr. Cohen and carried with a voice vote of five ayes among those members eligible to vote. No one opposed. No one abstained.

## **4. RESOLUTIONS**

a) 396 Mount Lucas; Block 4201, Lot 16, RB  
C (1) to permit construction of a new single family house on a non-conforming lot.  
The lot does not meet the minimum required lot width  
Z1717-508  
Approved with conditions

Motion was made by Mr. Cohen to adopt the resolution as written and amended, 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) 30 Dorann Avenue; Block 7308, Lot 19; R7 (Twp)  
Property Seller, LLC  
Extension of variance approval  
Z1616-358  
Approved with conditions

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

## 5. APPLICATIONS

- a) **162 Linden Lane**, Block: 7302, Lot: 6, Zone R8  
**166 Linden Lane**, Block: 7302, Lot: 7  
Aneesh and Simi Bakshi, Owner / Applicant  
Appeal of the zoning officer's determination  
D1 to permit the continued use of 2 three-unit residential dwellings  
Z1616-386  
MLUL deadline 10/26/17 (carried from April 26, 2017, June 28, 2017)

Mr. Bridger was sworn in by Attorney Cayci.

Present for the application were Mrs. Bakshi and Alexander Wixted, Esquire.  
Attorney Cayci said that the Board took jurisdiction back in June. The applicant was not able to mail notices by first class but hand delivered the notices and by overnight mail.

Mr. Wixted asked that the application be carried to 12/31/17 and the Board granted agreed.  
Applicant will have to re-notice.

- b) **617 Mount Lucas Road**, Block: 2801, Lot: 2, RB Zone  
Dennis Heller & Barbara Skinn/Owners & Applicant  
C (1) / C (2) to permit the location of a shed within the required side and rear yard setbacks  
Z1717-520  
MLUL Deadline 12/19/17

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 Dennis Heller & Barbara Skinn, owners, both sworn in by Attorney Cayci.

Derek Bridger, Princeton Zoning Officer reviewed the application using his memorandum dated 8/14/17. Mr. Bridger said that the lot is non-compliant with respect to lot area, lot width at the building line and lot depth.

Mr. Bridger said that the applicant has applied for an approval for a storage shed in exception to the required side and rear yard setbacks. Mr. Bridger explained that the lot area, lot width at the building line and lot depth are pre-existing nonconformities which are not impacted by the requested variances for the shed.

Mr. Bridger explained that the proposed shed will be located within the required 35-foot side yard setback and the 35-foot rear yard setback with a side yard setback of 24 feet and a rear yard setback of 3 feet.

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

Mr. Heller said that the shed will be used to store a lawn mower and garden tools and that the location is the furthest distance from their neighbors and that the shed would be screened by existing landscaping in the back of the lot, he also said that the shed is a prefabricated structure approximately 8 feet by 10 feet in size and that it will not have any lighting.

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 second by Mr. Oakman to grant a C (2) variance to allow a side yard setback of 24 feet and a rear yard setback of 3 feet for a storage shed as set forth in the application with conditions.

ROLL CALL (C2 variance)

Moved by: Schreiber

Seconded by: Oakman

Those in Favor: Cohen, Coulson, Floyd, Oakman, Royce, Schreiber

Those Opposed: None

Those Absent: Suri, Tenenbaum

c) **78 Stockton Street**; Block 36.02, Lot 24; R3 (Boro), Mercer Hill Historic Zone

Emily Hoffmam & Russell Szurek, Owners/Applicants

C1/C2 variance request and Historic Preservation Plan approval to permit installation of an air conditioning condenser in exception to required building coverage

Z1717-526

MLUL Deadline 1/11/18

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 Christopher S. Tarr, Esq., Stevens & Lee; Emily Hoffman and Russell Szurek, property owners, both sworn in by Attorney Cayci.

Derek Bridger, Princeton Zoning Officer reviewed the application using his memorandum dated August 14, 2017. He explained that the lot is compliant with respect to the applicable bulk regulations but the house is non-compliant with respect to smaller side yard and combined side yard setbacks, building coverage and accessory structure setback.

Mr. Bridger noted that the smaller side yard and combined side yard setbacks and accessory structure setback are pre-existing nonconforming conditions which are not impacted by the proposed condensers. However, a variance for building coverage is required to permit the requested air conditioning condensers. The maximum permitted building coverage in the R3 zone is 25% and the existing coverage is 37%. The proposed building coverage is 37.2%.

Mr. Bridger said that the Princeton Historic Preservation Commission (HPC) reviewed the application because the subject property is in a historic district. Mr. Bridger reviewed the HPC review memo, dated October 19, 2017, which recommends approval of the application subject to the following three conditions: (1.) The condenser units be rotated so access can be gained from the sides instead of the front; (2.) Rather than adding a second fence as proposed by the applicants, the planting bed shall be widened to accommodate additional plants for screening in front of the condenser units and plant material selected for the condenser screening should be evergreen species; and (3.) The HPC appointed a subcommittee to work with the applicants to administratively review and approve the final landscaping buffering around the condensers should the Board approve the application.

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

Ms. Hoffman reviewed the application using Exhibit A-1, a photo of the residence, neighborhood plan drawing, site diagram showing the existing air conditioning units, proposed condensers, building envelope and property lines, drawing of the HPC screening recommendations, and a comparison table of common household noises.

Ms. Hoffman said that the house was constructed in the early 1900's. She said that the current house does not have central air conditioning and relies upon individual window and wall air conditioning units to cool the house.

She said that the proposed condensers will be screened from street view and said that HPC recommendations are acceptable, and the new condensers will be more efficient and less noisy than their current units which are quite old.

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

Board Members discussed the application and motion was made by Mr. Cohen and second by Ms. Coulson to grant a C (2) variance to permit building coverage of 37.2% to allow installation of two air conditioning condensers as shown on the application materials and as presented at the meeting, as set forth in the application with conditions.

**ROLL CALL (C2 variance)**

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

**d) 220 Snowden Lane; Block 7503, Lot 10; R5**

Brett and Catherine Barlag, Owner/Applicant

C1 variances is requested to permit the expansion and roof raising of the second floor and the construction of a steeper pitched garage roof in exception to the required prevailing front yard setback

Z1717-532

MLUL Deadline 1/18/2018

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 Christopher S. Tarr, Esq., Stevens & Lee.; Brett and Catherine Barlag, property owners, sworn in by Attorney Cayci.

Mr. Bridger, presented the application using his memorandum dated September 13, 2017, revised September 29, 2017. He said that this is a corner lot, located at the intersection of Leabrook Lane and Snowden Lane. He said that the applicants propose to reconstruct the existing residence on the existing foundation and first floor plan. The proposed reconstruction of the second floor will add an additional bedroom and create additional living space in the attic.

Mr. Bridger noted that the height of the house will increase from 20' 6" to 31' as measured. He advised that the proposed project complies with the height to setback ratio which controls the height in the R5 zone.

Mr. Bridger explained that the proposal is permitted as of right but that the addition of the second floor/attic reconstruction and the new steeper pitched garage roof will increase the degree of non-compliance with respect to the prevailing front yard setback on Leabrook Lane.

Mr. Bridger said that due to an ordinance change in late 2016, the prevailing front yard setback requirement was greatly increased. The required prevailing front yard setback for the R5 zone is now 64 feet while the existing setback is 26.5 ft. He noted that because this is a corner lot, the lot has two front yards that must both comply with the new prevailing front yard setback requirement. The applicant seeks to maintain the existing 26.5-foot front yard setback on the Leabrook Lane facade.

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

Brett Barlag presented his proposed application using the following exhibits:

Exhibits A1-A7: Power Point slide presentation of neighboring area in proximity to the property, the front yard setbacks; front yard setbacks of neighborhood properties, partial site plan, photos of the property and the existing and proposed floor plans.

Mr. Barlag noted that the project will be consistent with the scale of other homes in the neighborhood and will comply with all applicable bulk regulations except the new prevailing front yard setback requirement.

He said that the property was compliant prior to the adoption of the new prevailing front yard setback requirement. Mr. Barlag said that the project will comply with the prevailing front yard setback on the Snowden Lane facade but there is 127 feet in width and the prevailing front yard setback requirement on the Leabrook facade is 64 feet. He said that because of the new ordinance, any renovation to the residence on the existing foundation would require a variance.

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

Kathleen Bank of 207 Snowden Lane, was sworn in by Attorney Cayci and said that she supports the application.

Board Members discussed the application and motion was made by Mr. Schreiber and second by Mr. Floyd to grant a C1 variance to permit expansion and raising the roof of the 2nd floor of the existing residence and raising of the garage roof to align with the new 2nd floor roof line with a front yard setback of 26.5 ft on the Leabrook Ln., as set forth in the application with conditions.

ROLL CALL (C1 variance)

Moved by: Schreiber

Seconded by: Floyd

Those in Favor: Cohen, Coulson, Floyd, Oakman, Royce, Schreiber

Those Absent: Suri, Tenenbaum

## **6. ADJOURNMENT**

There being no further business, the meeting was adjourned at 8:36 pm.

Respectfully Submitted,

Claudia Ceballos

Secretary

Approved: 1/24/18