

PRINCETON ZONING BOARD OF ADJUSTMENT

Minutes of the Regular Meeting

November 8, 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, 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; Claudia Ceballos, Board Secretary and there were 14 members of the public present.

3. MINUTES

a) Minutes of September 27, 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 four ayes among those members eligible to vote. No one opposed. No one abstained.

4. RESOLUTIONS

a) **617 Mount Lucas Road**, Block: 2801, Lot: 2, RB

Dennis Heller & Barbara Skinn/Owners & Applicant

C1 / C2 to permit the location of a shed within the required side and rear yard setbacks

Z1717-520

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 six ayes among those members eligible to vote. No one opposed. No one abstained.

b) **78 Stockton Street**; Block 36.02, Lot 24; R3, Mercer Hill Historic

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

Approved with Conditions

Motion was made by Mr. Schreiber 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.

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

Brett and Catherine Barlag, Owner/Applicant

C1 variance 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

Approved with Conditions

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

5. APPLICATIONS

a) **229 South Harrison Street**; Block 11001, Lot 34; R5

Wendy and David Ludlum, Owner/Applicant

C2 variance from parking requirement to permit a home occupation

Z1717-509

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

Mr. Bridger was sworn in by Attorney Cayci.

Present for the application were Wendy and David Ludlum, owners, sworn in by Attorney Cayci.

Derek Bridger, Zoning Officer, reviewed the application using his memorandum dated August 15, 2017, revised October 10, 2017. He said the lot is non-compliant with respect to lot width of 45.5 feet, lot frontage of 45.5 feet and lot area of 7007 square feet with a zone requirement of 45.5 feet, 45.5 feet and 21,780 square feet.

Mr. Bridger noted that Princeton Council recently amended the land use ordinance of the former Princeton Township to be consistent with the home occupation ordinance of the former Princeton Borough, and home occupations are permitted in the former Township as an accessory use in residential districts subject to compliance with various criteria including provision of at least one additional on-site parking space in addition to the required parking for the zone.

Mr. Bridger informed the Board that the applicants operate a Pilates studio, and that they meet all applicable requirements for a home occupation except the parking requirement. They have one parking space in the garage which does meet the required 15-foot side yard setback and another 9 ft. by 19 ft. parking space located in the driveway in front of the garage which meets the front yard setback of 25 feet but does not meet the required 15-foot side yard setback.

Mr. Bridger said that the application is for a variance to allow their home occupation clients to park on the street.

Mr. Bridger reviewed with the Board the standards for granting such relief.

Wendy Ludlum presented the application using the following:

Exhibit A-1: Photos of studio, photos of parking on S. Harrison Street taken on October 26, 27, 28 and 31 at different times of the day and property location plan.

Mrs. Ludlum said that she has a Pilates studio in her home. She said that she has very few clients per week, sessions last less than an hour and that she rarely sees clients back to back.

Mrs. Ludlum said that because of the size and configuration of the property, the only location on site for additional parking would be in the front lawn area. She said that there is street parking available in front of her house.

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

Robert D'Ambrogio of 233 South Harrison Street, was sworn in by Attorney Cayci and he said that he supported the application, he said he lives next door for 13 years.

Board Members discussed the application and motion was made by Mr. Schreiber and second by Mr. Floyd to grant a C (2) variance to allow a home occupation as a Pilates studio without provision of the required on-site parking space, as set forth in the application with conditions.

ROLL CALL (C2)

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

b) **175 Cedar Lane;** Block 8702, Lot 18; R5

Daniel and Denny Boyle, Owners/Applicants

C1 / C2 variances are requested to permit construction of a parking space within the required setback

Z1717-530

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 Daniel and Denny Boyle, owners, both sworn in by Attorney Cayci.

Derek Bridger, Princeton Zoning Officer reviewed the application using his memorandum dated September 15, 2017. Mr. Bridger said that the lot is noncompliant with respect to lot area, lot width and lot frontage. The lot area is 10, 280 sf. with a requirement of 21, 780 sf., the lot width is 72.53 feet with a requirement of 100 feet and lot frontage is 72.53 feet with a requirement of 100 feet. The house is noncompliant with respect to the left side yard setback requirement, having a setback of 13.9 feet and a requirement of 15 feet. Mr. Bridger noted that the owners recently purchased this new constructed home.

Mr. Bridger said that the developer apparently installed a parking space along the Sycamore Street facade in exception to the required 15 ft. side parking setback without appropriate approval. He said that the parking space is located 3 feet from the side yard.

Denny Boyle presented the application using Exhibit A-1: Photo of the property with proposed parking space; location map for subject property and copy of the for real estate sale listing for property.

Mr. Boyle said that the parking space was installed by the contractor prior to the closing and that this parking space was an important consideration in purchasing the house. Mr. Boyle said that the backyard is completely fenced and that the single car garage is small and is used for storage.

Chairman Royce opened the meeting for public comments.

Ingela Kastenbader of 245 Moore Street, was sworn in by Attorney Cayci. She stated that she was the applicants' real estate agent in their purchase of the house. She further stated that she believed that the parking space was a legal space and that the contractor had obtained all necessary approvals. She said that the space has pavers over grass.

Julie Harrison of 121 Jefferson Street, sworn in by Attorney Cayci. Ms. Harrison said that she works with Ms. Kastenbader and confirmed with Ms. Kastenbader's statement.

Board Members discussed the application and motion was made by Mr. Cohen and seconded by Mr. Schreiber to grant a C (1) variance to allow one parking space in the side yard parking setback with a 3-foot setback as set forth in the application with conditions.

ROLL CALL (C1)

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

- c) **26 Moore Street**; Block 28.03, Lot 76&77; R4
Peter Szego & Kathryn Weidener, Owners/Applicants
C2 variance request to permit construction of a covered rear porch, and the approval of two sheds in exception to the required setback
Z1717-534

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 Peter Szego and Kathryn Weidener, property owners, both sworn in by Attorney Cayci.

Derek Bridger, Zoning Officer, reviewed the application using his memorandum dated 10/11/17, revised 10/20/17. Mr. Bridger said that the lot is noncompliant with respect to lot depth, having a requirement of 100 feet and an existing depth of 81.36 feet, and the house is noncompliant with the required rear yard setback with a requirement of 35 feet and an existing rear yard setback of 24 feet. The lot also contains two storage sheds which had been installed by the previous owner in exception to the required accessory structure setback and front yard setback.

Mr. Bridger explained that a variance approval was granted in 1991 to allow construction of a third story addition. Mr. Bridger said that the application is to permit a covered rear porch and two existing storage sheds in exception to the required rear yard setback, accessory structure setback and front yard setback.

Mr. Bridger said that the proposed rear porch will be approximately 4.5 feet by 12.6 feet in size with a proposed rear yard setback of 20.76 feet.

Mr. Bridger said that the applicant bought the property with two existing non-compliant storage sheds which the applicant wishes to retain. The setback requirement for an accessory structure is 5 feet, one shed (the southern shed) is in the rear yard with an existing setback of 0.4 feet and the other shed (northern shed) which fronts on Willow Street, is subject to the front yard setback requiring that accessory structures situated on corner lots shall not be located in a side or rear yard which is nearer the street line than the front yard setback required for a principal dwelling on the adjacent lots. Mr. Bridger noted that prevailing front yard setback is 15 feet and the northern shed is located 3.7 feet from the street line.

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

Mr. Szego said that the house was built in the 1840's with many alterations throughout the years. Mr. Szego said that the kitchen is 13 inches lower than the rest of the first floor requiring two steps to access the kitchen from the rest of the house so they would like to increase the height of the existing stairs in the back by 13 inches in order to have access to the kitchen and to add railing, and a canopy above the stairs. Mr. Szego explained that the storage sheds are shielded by 6-foot wood fence.

Mr. Cohen asked about the sewer easement shown on the survey.

Ms. Weidener said that a sewer line shown on the survey does not actually exist and that there is only a sewer easement.

Chairman Royce opened the meeting for public comments.

Ingela Kostenbader of Weichert Realtors, said that the sewer line shown on the applicants' easement has been abandoned by the town.

Board Members discussed the application and motion was made by Mr. Cohen and seconded by Mr. Floyd to grant C (2) variances to allow a rear yard setback of 20.76 feet, to permit the rear stairs with canopy, an accessory structure setback of 0.4 feet to allow the existing southern shed and a front yard setback of 3.7 feet to allow the existing northern shed as set forth in the application with conditions.

ROLL CALL (C2)

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

d) **9-11 Aiken Avenue;** Block 51.01, Lots 25&55; R3

Catherine Hegedus, Jennifer Geoghan, Robert Finnegan/Owners

Jennifer Geoghan/Applicant

C1 / C2 variance request to permit the installation of two natural gas generators in exception to the required building coverage

Z1717-544

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 Catherine Hegedus, Jennifer Geoghan and Robert Finnegan, property owners of 9-11, both sworn in by Attorney Cayci.

Derek Bridger, Zoning Officer, used his memorandum dated 10/17/2017, revised 10/25/2017. Mr. Bridger said that the lot is compliant with the bulk requirements. Mr. Bridger said that the existing home is a two-family structure which is noncompliant with the smaller side yard setback, combined side yard setback and building coverage.

Mr. Bridger said that a variance to permit construction of an addition in exception to the required building coverage was granted in 2005. Mr. Bridger said that the application is to install two natural gas generators in exception to the maximum building coverage. The maximum permitted building coverage is 25%, the existing building coverage is 29.1% and the proposed building coverage of 29.2%.

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

Ms. Geoghan presented the application using Exhibit A-1: Photos of the property. Ms. Geoghan said that her property has poor drainage and it has been flooded in the past. She wants to install the generators so that the sump pumps will work in case of power losses and that the generators will be screened with landscaping.

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 Ms. Coulson to grant a C (2) variance to allow a building coverage of 29.2% to permit placement of two natural gas generators as set forth in the application with conditions.

ROLL CALL (C2)

Moved by: Schreiber

Seconded by: Coulson

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

Those Absent: Tenenbaum, Suri

6. ADJOURNMENT

There being no further business, the meeting was adjourned at 8:53 pm.

Respectfully Submitted,

Claudia Ceballos, Secretary

Approved: 1/24/18