

**TOWNSHIP OF PRINCETON
ZONING BOARD OF ADJUSTMENT
Minutes of the Regular Meeting
Wednesday, June 22, 2011 - 7:30 P.M.
Municipal Complex, Main Meeting Room
400 Witherspoon Street, Princeton, New Jersey**

PRESENT: Richard Kahn, Antonio Pirone, Brent Krasner, Penelope Baskerville and Louisa Clayton (arrived 7:40 p.m.)

ALSO PRESENT: Peter A. Kneski, Zoning Officer; Robert P. Casey, Attorney; and Debra Rogers, Secretary

ABSENT: Carlos Rodrigues, Barbara Felton, William Spadea and Robert Ross

There was (1) member of the public present.

The meeting commenced at 7:35 P.M. with Ms. Rogers reading the Open Public Meetings Act statement.

1. MINUTES:

Upon motion made by Brent Krasner and seconded by Antonio Pirone, a motion was made to adopt the minutes of April 27, 2011 as written and amended.

ROLL CALL: **Aye Brent Krasner**
 Aye Antonio Pirone
 Aye Richard Kahn

2. RESOLUTIONS OF MEMORIALIZATION:

- a) **TENACRE FOUNDATION**
884 Great Road
Section 3501, Lot 9, R-1
“D” & Site Plan Approval for Solar Array
File No. 2361-10Z (9688)

Upon motion made by Antonio Pirone and seconded by Brent Krasner, a motion was made to adopt the resolution of **TENACRE FOUNDATION** as written and amended.

ROLL CALL: **Aye Brent Krasner**
 Aye Antonio Pirone
 Aye Richard Kahn

- b) **PETRONE, Michael & Emilie**
48 Bertrand Drive
Section 3201, Lot 6, R-4
“C” – SYSB and SBTH for Addition
File No. 2366-10Z (9819)

Upon motion made by Brent Krasner and seconded by Antonio Pirone, a motion was made to adopt the resolution of **MICHAEL AND EMILIE PETRONE** as written and amended.

ROLL CALL: Aye **Brent Krasner**
 Aye **Antonio Pirone**
 Aye **Richard Kahn**

- c) **CADDEAU, Patrick and Mary**
265 Western Way
Section 8703, Lot 5, R-5
“C” – Various for Garage
File No. 2368-10Z (9821)

Upon motion made by Antonio Pirone and seconded by Brent Krasner, a motion was made to adopt the resolution of **PATRICK AND MARY CADDEAU** as written and amended.

ROLL CALL: Aye **Brent Krasner**
 Aye **Antonio Pirone**
 Aye **Richard Kahn**

3. APPLICATIONS:

- a) **SHAHBENDER/LONG**
70 Hartley Avenue
Section 11001, Lot 55, E-1
“C” – Various for Garage
File No. 2369-11Z (9822)

Present for the application were Tarik Shahbender and Eileen Long.

Attorney Casey said all the noticing documents were in order and the Board was in a position to entertain jurisdiction of the application.

Attorney Casey swore in Tarik Shahbender and Eileen Long.

Mr. Shahbender stated that the existing garage was destroyed last August in one of the big storms that hit Princeton. He said they would like to rebuild the garage (slightly larger) increasing it 3 feet in width and 3 feet in depth. He noted that if the garage was moved further into the property, they would have to remove quite a few trees to do so.

Member Krasner asked if he spoke to his neighbor about the proposal.

Mr. Shahbender said yes he had, and she was in favor of the proposal.

Chairman Kahn asked if there were any members of the public who would like to comment on the application. Hearing none, he closed the public portion and the Board went into deliberative session.

Attorney Casey noted that this application was very similar to the Caddeau application that was approved the month before.

Chair Kahn asked if the rear location of the garage would remain the same.

Mr. Shahbender said yes it would remain the same.

Member Krasner said the applicant has presented a good case for the hardship and he did not see any negative impacts by approving the application.

Member Pirone said he would like to make a motion to approve the application.

Upon motion made by Antonio Pirone and seconded by Penelope Baskerville, a motion was made to approve the application of Tarik Shahbender and Eileen Long.

ROLL CALL:

Aye	Penelope Baskerville
Aye	Louisa Clayton
Aye	Brent Krasner
Aye	Antonio Pirone
Aye	Richard Kahn

- b) KNIPE, Nicola**
193 S. Harrison Street
Section 11001, Lot 5, R-5
“C” & “D” – FAR. Expansion of Non-Conforming Use and various bulk variances
File No. 2370-11Z (9823)

Present for the hearing were Nicola Knipe, applicant; Christopher Tarr, Attorney; and William Gittings, Architect.

Attorney Casey said all the noticing documents were in order and the Board was in a position to entertain jurisdiction of the application.

Attorney Casey swore in Nicola Knipe and William Gittings.

Mr. Tarr said this application is unusual in the fact that there will be very little change to the exterior of the structure; most changes will occur inside the dwelling. He said the applicant is proposing to convert the attic space to a bedroom and as a result it exceeds the allowable FAR.

Ms. Knipe handed out a hard-copy of a PowerPoint presentation to all of the Board members and then went through the presentation with them. The hand-out was marked as **Exhibit A**. She explained to the Board that she will be getting married and will now have three children within the house, therefore needing more space. She said in essence she would like to exchange the “un-usable” bedroom (too small) for “usable” space within the attic. She said the addition is very minimal at approximately 120 square feet. She noted that the exterior dormer will match that of the neighbor and the other homes in the neighborhood. She noted that other homes on her block also have living space in the attic. She also stated that she will not be setting a precedent should this request be approved as other homes in the area also have this type of living space. She said that the footprint of the house will remain the same; there is very little change to the exterior of the home. She said they will have one additional car and that vehicle will be parked on the street. She demonstrated that there is very little parking on street and there will be no negative impacts by doing so. There were photos within the PowerPoint that were individually

marked as exhibits. A photo of the existing house was marked as **Exhibit A-1**, views of the parking on the street was marked as **Exhibit A-2 and A-3**.

Mr. Gittings noted that most of the variances that are being requested are for pre-existing non-conforming issues, except for the FAR request. He said 40 feet of the addition will be just for the dormer so the request is very minimal.

The Board held a discussion of the setback to height ratio's and what the correct numbers should be. Chairman Kahn noted that the proposed setback to height ratio should remain the same as the existing.

Mr. Gittings stated that the lot is very narrow which creates many of the pre-existing conditions. He said the proposal will fit nicely in the neighborhood and should have no negative impacts on the neighbors. He described the existing and proposed footprints.

Chairman Kahn inquired about the existing chimney.

Mr. Gittings said the existing chimney will be removed and replaced with a high efficiency furnace. He noted that there will be 2 air conditioning condensers placed by the stairs of the existing deck but they were inadvertently left off of the plans. He said they will require side-yard setback variances.

Mr. Tarr stated that Mr. Gittings will calculate the exact measurements for the condensers, but in the meantime he asked if the public could speak.

Chairman Kahn asked if there were any members of the public who wanted to comment on the application.

Ms. Parmet, 189 S. Harrison Street, said that she has viewed the proposal and she feels it is a favorable request and she has no problems with it.

Chairman Kahn asked if there were any other members of the public who wanted to comment on the application. Hearing none, he closed the public portion and the Board went into deliberative session.

Mr. Gittings stated the condensers will be 3 feet off the south (left) property line and 10 feet of the north (right) property line.

Chairman Kahn asked for comments from the Board.

Member Krasner stated that the applicant has met the negative and positive criteria and he did not feel there would be any negative impacts on the zone plan, zoning ordinance or master plan.

Attorney Casey noted that this structure is part of a duplex which is a non-conforming use therefore the applicant needs a d3 variance for expansion of a non-conforming use.

Upon motion made by Brent Krasner and seconded by Penelope Baskerville, a motion was made to approve the application of NICOLA KNIPE including the 2 side-yard variances for the condensing units, the 2 d variances for FAR and expansion of a non-conforming use and the bulk variance requests for the pre-existing conditions.

ROLL CALL: Aye **Penelope Baskerville**
 Aye **Louisa Clayton**
 Aye **Brent Krasner**
 Aye **Antonio Pirone**
 Aye **Richard Kahn**

4. NEW BUSINESS:

Chairman Kahn announced that this will be Member Krasner’s last meeting as he will be relocating out of state. He thanked Mr. Krasner for serving on the Board and said that the Board will miss his expertise and knowledge.

Member Krasner said that he will miss serving on the Board and he has truly enjoyed the time that he has been a part of it.

5. ADJOURNMENT:

Upon motion made by Brent Krasner and seconded by Antonio Pirone, a motion was made to adjourn the meeting at 8:16 p.m.

ROLL CALL: Aye **Penelope Baskerville**
 Aye **Louisa Clayton**
 Aye **Brent Krasner**
 Aye **Antonio Pirone**
 Aye **Richard Kahn**

Respectfully Submitted,



Debra Rogers, Secretary

Date Approved: July 27, 2011