

PRINCETON ZONING BOARD OF ADJUSTMENT
Minutes of the Regular Meeting
WEDNESDAY, July 22, 2015 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: Louisa Clayton, Steven Cohen, Michael Floyd, Wendy Farrington, Richard Kahn, Barrie Royce and Harlan Tenenbaum.

ABSENT: Doreen Blanc-Rockstrom,

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

May 19, 2015 - Motion was made by Member Cohen to accept the minutes as written and amended, seconded by Member Floyd and carried with a voice vote of five ayes among those members eligible to vote. No one opposed. No one abstained.

4. RESOLUTIONS

a) SCOTT, Michael P. and Ruth M.
73-75 Leigh Avenue, Block 6904, Lot 30, R9 Zone (Twp)
C1/C2 lot area, front yard setback and front yard parking setback
New single-family dwelling
Z1515-180V
Approved with conditions

Prior to the vote minor edits were made. A motion was made by Member Floyd to adopt the resolution as amended, seconded by Member Cohen and carried with a voice vote of three ayes among those members eligible to vote. No one opposed. No one abstained.

b) ABILHEIRA, Elias & Mariola
159 Snowden Lane; Block 7505, Lot 11; R5 Zone (Twp)
C1 – lot area
New single-family dwelling
Z1515-179V
Approved with conditions

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

c) MCINTYRE-FENN, Juliana
34 Edgehill Street; Block 36.01, Lot 14; R1 Zone (Boro); Mercer Hill Historic Overlay
C1/C2 – parking space within the required front yard setback
Z1515-176V
Approved with conditions

Prior to the vote minor edits were made. A motion was made by Member Floyd to adopt the resolution as amended, seconded by Member Cohen and carried with a voice vote of two ayes among those members eligible to vote. No one opposed. No one abstained.

d) WILSON, Clifford and Louise & BRENNAN, Christopher S.
16 and 18 Lytle Street; Block 15.01 Lot 104.02, R4 Zone (Boro)
C1 – Side yard setback and building coverage for generator and existing shed
Z1515-202V
Approved with conditions

A motion was made by Member Floyd to adopt the resolution, seconded by Member 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) KREIPKE, Per and Adrienne
15 Maple Street; Block 33.02, Lot 103; R4 Zone (Boro)
C1/C2 & D – FAR, smaller & combined side yard setbacks and height to setback ratio
Expansion of attic dormer
Z1515-186UV

Present for the application Per and Adrienne Kreipke and Cynthia Poulton, Architect.

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 swore in Mr. Bridger, Zoning Officer.

Mr. Bridger provided an overview of the application using his memorandum dated May 23, 2015. Mr. Bridger said that the proposed application is made for floor area variance pursuant to (N.J.S.A. 40:55D-70(d)) “d” (4) to exceed the maximum allowable floor area ratio to permit the expansion of the attic area of an existing single family dwelling. Mr. Bridger advised that a c1 and/or c2 variances are requested for smaller and combined side yard setbacks and height to setback ratios. Mr. Bridger also advised that the property is located in the R4 Zone of the former Princeton Borough. The existing single-family use is permitted as of right.

Mr. Bridger advised that the lot is noncompliant with respect to lot width and lot area and the existing two-family dwelling is noncompliant with respect to smaller side yard setback, combined side yard setback, building coverage, rear yard setback, and floor area ratio.

Mr. Bridger explained the existing nonconformities and the required variances for the smaller side yard setback, the required is 8 ft. and the existing and proposed is 0 ft., the required combined side yard setback is 20 ft. and the existing and proposed is 8 ft.; the height to setback ratio required is 3:1 and the existing is none and the FAR required is 58.8% the existing is 67.1% and the proposed is 74.7%.

Mr. Bridger explained that the lot area, lot width, front yard setback and building coverage are pre-existing conditions which will not be affected by the proposed addition and for that reason variances for those deviations from the bulk standard are not required. Mr. Bridger reviewed with the Board the standards for granting such variances.

Mr. Per Kreipke was sworn in and said that his residence currently has an existing attic dormer which contains an existing third floor bathroom. He would like to add full head room to the existing bathroom and to add a fourth bedroom in the third floor to accommodate his family of five. Mr. Kreipke mentioned that his lot is very narrow and as ½ of a duplex, one property boundary lies on the common wall between the units thereby requiring side yard and height to setback variances.

Mr. Kreipke said that this project will not increase coverage on the lot as the existing dormer space is being made more usable. Mr. Kreipke said that the dormer expansion will be consistent with the adjacent residence. He noted that the next door owner has no objection to the addition.

Cynthia Poulton, Architect was sworn in and reviewed the application with the Board using Exhibit A1, photos of 15 Maple Street and 17 Maple Street. Ms. Poulton noted that in 2000 the Board approved a third floor addition for 17 Maple Street.

Chairman Royce opened the meeting to the public but no comment was provided.

Board members discussed the proposed addition and agreed that the addition will not alter the profile of the house and will not affect the neighborhood. A motion was made by Mr. Tenenbaum and seconded by Ms. Clayton to grant C2 variances to allow a smaller side yard setback of 0 ft., a combined side yard setback of 8 ft. and a zero height to setback ratio and a d (4) variance to permit a floor area ratio of 74.7% to allow expansion of an existing attic dormer with conditions.

FOR: Clayton, Cohen, Floyd, Kahn, Royce, Farrington, Tenenbaum

AGAINST: No one

ABSTAIN: No one

b) REIN, Richard K.

36 Park Place, Block 28.03, Lot 83; R4 Zone (Boro)

D – FAR to permit the enclosure of the existing covered front porch

Z1515-183U

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 Mr. Richard K. Rein, owner.

Mr. Bridger reviewed his memorandum dated May 16, 2015. Mr. Bridger advised that the application is to convert the existing covered front rear porch to living area. No expansion of this area is proposed. The conversion of this space will result in an increase in the floor area ratio from 63% to 66%. The maximum floor area ratio permitted is 58.42 %. Variance relief is required.

Mr. Bridger said that the property is located in the R4 Zone of the former Princeton Borough and that the lot is noncompliant with respect to lot area, the required is lot area is 6,000 sf. and the existing is 3,237 sf.; the required lot width is 60 ft. and the existing is 41.65 ft.; and the required lot depth is 100 ft. and the existing is 76.54ft. The existing single-family dwelling is noncompliant with respect to smaller side yard setback, the required smaller side yard setback is 8 ft. the existing is 1.8 ft., the required combined side yard setback is 20 ft. and the existing is +/- 5.3 ft., the required building coverage is 30% and the existing is 35.8%, the required front yard setback is 25 ft. and the existing is 4.5 ft., the required height to setback ratio is 3:1 and the existing is non-complying and floor area ratio.

Mr. Bridger advised that the applicant requires a D (4) variance for floor area ratio. Mr. Bridger viewed with the Board the standards for granting such variance.

Richard Rein was sworn in and advised that he wishes to enclose the covered portion of his existing front porch to create a sun room and to expand the existing living room. He reviewed his application using Exhibit A-1: Photos of 32 Park Place, 34 Park Place and 36 Park Place (existing and with photo of enclosed porch at 32 Park Place superimposed). He noted that he wishes to enclose only the covered portion of the front porch and that the existing front door would remain unchanged.

Chairman Royce opened to the public for comment and no one provided comment.

The Board discussed the application and determined that the proposed variance is *de minimus* increase in the floor area ratio from 63% to 66%. A motion was made by Mr. Cohen and seconded by Mr. Tenenbaum to grant a D variances to permit the enclosure of the existing covered front porch with conditions.

FOR: Clayton, Cohen, Floyd, Kahn, Royce, Farrington, Tenenbaum

AGAINST: No one

ABSTAIN: No one

c) BORDA, Thomas

54 North Tulane Street, Block 27.02, Lot 45, Zone RB (Boro)

Minor Site Plan and related use and bulk variances to seek approval for basement area converted to business use without zoning approval

Project No: P14-046UV

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 Mark Solomon, Esquire, Russell M. Smith, P.E., Lorine Murray-Mechini, Architect, and Mr. Thomas Borda, Owner.

Mr. Bridger reviewed a joint memorandum dated April 6, 2015, revised July 7, 2015 prepared by Mr. Bridger and Jack M. West, P.E., Princeton Land Use Engineer. Mr. Bridger advised that the property is +- 2,830 sf. joint-occupancy building consisting of a salon (Salon 54) on the first floor and a two-bedroom apartment on the second and third floors. The property is situated on a 4,611 sf. lot and is located in the RB zone.

Mr. Bridger said that the applicant is seeking approval to convert 297 sf. portion of the basement to business space. During a municipal fire and housing safety inspection of the property, it was discovered that the unfinished basement was converted to habitable business space. The applicant is seeking the variance relief necessary to permit the basement conversion.

Mr. Bridger said that that some of the conditions of the original approval had been altered as follows:

- a. The original site plan reflected one 9’X19’ parking space and one handicap accessible space. A recent site visit indicated that the majority of the rear yard was used for parking. The applicant is proposing three regular 9’X19’ parking spaces and one handicap accessible parking space.
- b. The original approved parking plan has been altered by converting the required open space in the rear yard to an area for automobile parking.

Mr. Bridger said that in 1998 a use variance was granted to convert the existing single family to a joint occupancy building, the applicant was granted use, FAR and parking variances.

Mr. Bridger said that the RB zone limits business uses to the ground floor and to 40% of the total floor area of the building and the maximum floor area ratio in the RB zone is 60%. With the unapproved basement conversion, the proposed floor area exceeds the 40% limitation and the 60% FAR. Mr. Bridger said that seven parking spaces are required by the zone standards. Per the 1998 resolution, a variance was granted to allow only one regular and one handicap parking space at the rear of the property. A variance from the required 4 ft. rear yard parking setback was also granted. Mr. Bridger said that applicant proposes an additional parking space in the rear yard to be located approximately 2 feet from the rear property line. Mr. Bridger said that the 1998 approved site plan reflected 706 square feet of usable open space in the rear yard. The zone standards require 400 sf. of usable open space. Mr. Bridger said that it appears that approved open space area has become a parking area. He did confirm that there are decks on the second and third floor which qualify as approximately 200 sf. of open space, leaving a requirement of 200 sf. of additional open space.

Mr. Solomon provided an overview of the application, he said that this is an existing building that received approval in 1998. Mr. Solomon said that there is basement space that at the time of approval was not approved for business use. Mr. Borda will explain that this area is for employees only, it is an employee lounge. Mr. Solomon said that it is the same use of the building, there is no increase of the intensity of use, there is no more employees occupying the property.

Mr. Solomon said that the seven spaces are required as per the original approval but left it at the discretion of the Zoning Officer and the Municipal Engineer to determine between four and two spaces. Mr. Solomon said that staff does not like the proposed parking expansion.

Mr. Borda was sworn in by Attorney Casey.

Mr. Borda said that he has a salon at the property, he purchased the property in 1996 which at that time contained a Colonial style residence. Mr. Borda said his property has changed significantly with the construction of the municipal Spring Street parking garage, the construction of the Witherspoon Grill restaurant and the expansion of the PSE&G substation. He said that the restaurant garbage receptacles have a negative impact on the yard, and that as a result of snow plowing of the access road for the rear of the municipal parking garage, snow is consistently pushed onto his property and has damaged his fencing, which he replaced two times and the landscaping was also damaged.

Mr. Borda said that due to Hurricane Floyd in 1999, his basement was flooded and required repairs. As part of that process, Mr. Borda decided to convert 297 sf. of the basement for use as an employee break-area, with the inclusion of a washer-dryer, a sink and storage closets. Mr. Borda noted that he was not aware of the need to obtain approvals for this area. Mr. Borda confirmed that he does not intend to use the basement conversion area for any expansion of the beauty salon use and that the basement use would be limited to a lunch/break area for employees, storage closets, sink and washer/dryer.

Mr. Borda reviewed the following exhibits:

- Exhibit A-1: Photos of boundary area of property with adjacent municipal parking garage.
- Exhibit A-2: Photos of boundary area of property with adjacent municipal parking garage.
- Exhibit A-3: Parking area of 50 North Tulane Street (next door property) and shared driveway.
- Exhibit A-4: 54 North Tulane parking area in rear yard.
- Exhibit A-5: Photo of View from 54 North Tulane Street to adjacent PSE&G substation.

Lorine Murray-Mechini, AIA, LEED AP, and NCARB was sworn in. She said that she is a licensed architect in the State of New Jersey with over 25 years of experience. Ms. Murray-Mechini was accepted by the Board as an expert witness. Ms. Murray-Mechini noted that she had represented Mr. Borda in 1998 with respect to the renovation and reconstruction project. She reviewed the following exhibits:

- Exhibit A-6: As-Built Basement Floor Plan prepared by Lorine Murray-Mechini, AIA and photos of basement lounge area.

Exhibit A-7: Aerial view of neighborhood (prepared by Lorine Murray-Mechini, AIA taken from Google maps);

Ms. Murray-Mechini said that on the second floor two decks were built, on the second floor is 105 sq. ft. and the 3rd floor 198 sq. ft. deck.

Mr. Russell M. Smith, P.E. was sworn in. Mr. Smith is a licensed professional engineer and professional planner in the State of New Jersey and employed by Hopewell Valley Engineering, PC. He advised that he has over 30 years of experience.

Mr. Smith reviewed the following:

Exhibit A-7: Aerial view of neighborhood (prepared by Lorine Murray-Mechini, AIA taken from Google maps);

Exhibit A-8: 1998 approved site plan, dated April 16, 1998 prepared by Hopewell Valley Engineering;

Exhibit A-9: Colorized version of current site plan, dated July 22, 2015 prepared by Hopewell Valley Engineering;

Exhibit A-10: Diagram of proposed parking plan prepared by Russell M. Smith, PE.

Mr. Smith reviewed the proposed parking configuration indicating a reversal of the locations of the existing handicapped parking space with the regular parking space and locating two additional employee only parking spaces horizontally on the remainder of the rear yard. Mr. Smith noted that he believes that the rear yard can accommodate the increased number of parking spaces and that there would be sufficient space for drivers to turn around in the lot by performing a K-turn. There is no handicapped ramp, there is a lift, and the door is at basement level entrance. Mr. Smith said that Mr. Borda only has one handicapped customer that comes in every two months, the rest of the time the handicapped space is empty which allows employees to pull into both of those spaces very easily. Mr. Smith feels this would work better because it allows the two spaces that previously faced the garage, by rotating them 90 degrees and moving the handicapped space over, which is not used that often, it really give us the ability to get in to those two spaces.

The application was opened to public comment but no members of the public offered comment.

Mr. Solomon asked that the Board allow the municipal Zoning Officer and Land Use Engineer to review and make the final determination as to the number and location of on-site parking spaces to be permitted on the property, as this was the process used by the Board with respect to the 1998 approvals. He said that the applicant should have first obtained approvals for the basement conversion, no harm was done as a result of his failure to first obtain approvals. Mr. Solomon said that parking is a challenge for the entire zone and that in light of the impacts of the surrounding restaurant and municipal garage use, the rear yard no longer can be considered usable open space.

Chairman Royce opened to the public for comment and no one provided comment.

The Board discussed the application and determined that the property can accommodate the

requested increase in floor area ratio as there will be no change in the footprint of the building as the converted area is located entirely within the building. The Board determined that there will no intensification of salon usage, as the applicant has agreed that the basement conversion area would be limited to usage by employees as a lounge/break area along with a washer/dryer with no customer use without further Board's approval. A motion was made by Mr. Tenenbaum and seconded by Mr. Floyd to grant a Minor Site Plan and related use (D1 & D4) and bulk variances to seek approval for basement area converted to business use.

FOR: Clayton, Cohen, Floyd, Kahn, Royce, Farrington, Tenenbaum

AGAINST: No one

ABSTAIN: No one

6. **ADJOURNMENT**

There being no further business, the meeting was adjourned at 9:18 PM.

Respectfully Submitted,

Claudia Ceballos
Secretary

Approved: October 28, 2015.