

PRINCETON ZONING BOARD OF ADJUSTMENT

Minutes of the Regular Meeting
WEDNESDAY, August 26, 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

Chairman welcomed new Board member Eve Coulson and congratulated Mr. Tenenbaum for becoming a full member of the Board.

PRESENT: Steven Cohen, Eve Coulson, Michael Floyd, Richard Kahn, Barrie Royce, Doreen Blanc-Rockstrom and Harlan Tenenbaum.

ABSENT: Louisa Clayton, Wendy Farrington

ALSO PRESENT: Karen Cayci, Attorney, Derek Bridger, Zoning Officer, and Claudia Ceballos, Board Secretary.

There were twenty five (25) members of the public present.

3. MINUTES

May 27, 2015 - Motion was made by Member Floyd to accept the minutes as written and amended, seconded by Member Tenenbaum and carried with a voice vote of six ayes among those members eligible to vote. No one opposed. No one abstained.

4. RESOLUTIONS

- 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
Approved with conditions

A motion was made by Mr. Cohen to adopt the resolution, 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) 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
Approved with conditions

A motion was made by Mr. Tenenbaum to adopt the resolution, 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.

c) BORDA, Thomas

54 North Tulane Street, Block 27.02, Lot 45, Zone RB
Minor Site Plan and related use and bulk variances to seek approval
for basement area converted to business use without zoning approval
P14-046UV
Approved with conditions

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

5. APPLICATIONS

a) Alku Pena, Piyush Patel, and Pankti Mashruwala

341 Witherspoon Street, Block 7104, Lot 2, B1 Zone
C1 Variance to permit construction of a two-story rear addition to an existing single family dwelling in exception to the required side yard setback.
Z1515-171V

Present for the application Piyush Patel.

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 July 14, 2015. Mr. Bridger said that the proposed application is made for the construction of a two-story addition to an existing single family house.

Mr. Bridger said that the property is located in the B1 Zone and is subject to the use and bulk regulations of the former Princeton Township. The existing single-family use is permitted as of right.

Mr. Bridger said that the lot is non-conforming, the required lot area is 10,890 sf. and the existing is 6,886 sf. and the lot width required is 85ft and the existing is 50 ft. The required front yard setback is 25 ft. and the existing is 19'2" ft.; the left side setback required is 15 ft. the existing is +/- 4 ft.; the parking setback front is 25 ft. and the existing is 0; the parking setback side required 15 ft. and existing is 0 ft.

Mr. Bridger said that the applicant began construction without permits and is now requesting a C1 variance to construct a two-story addition on the rear elevation of the existing single family dwelling. The proposed addition is 238 sf. with a laundry utility room on the first floor and a full bath and a closet on the second floor. The proposed addition will violate the required side yard setback of 15 feet. The proposed setback is 11'1".

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

Mr. Piyush Patel was sworn in. Mr. Patel said that he is a co-owner of the property with his sister and niece. Mr. Patel noted that he began construction without zoning approval. Mr. Patel apologized and said he did not know he needed permission.

Mr. Patel presented the following exhibits: Exhibit A-1: Enlarged survey of Property, dated September 17, 2014; and Exhibit A-2: Floor Plans for proposed first and second floor addition; Exhibit A-3: Enlarged copy of Princeton Tax Map showing subject lot and surrounding properties.

Mr. Patel said that the lot is undersized and irregularly shaped. He noted that that the right-hand side of the lot resembles a “saw-tooth” shape which creates the need for a variance which would otherwise not be required if the property line were straight. Mr. Patel said that the addition will follow the line of the existing house with a gabled roof.

Mr. Patel said that due to the plumbing the laundry room has to stay where proposed. Mr. Patel said that he believes that Conte’s restaurant encroaches on the right side yard and rear area of the property.

Chairman Royce opened the meeting to the public and the following members of the public provided comment:

Christopher S. Tarr, Attorney at Law, was present to represent Lucullo, Inc., owner of Conte’s, owner of the property to the rear and owner of the Tiger Garage.

Mr. Tarr said that his clients were out of town and he requested the Board to carry the application to allow his client additional time to review the application.

Mr. Lucullo was sworn in and said that he was concerned that the addition would encroach onto his properties. He presented Objector Exhibit -1 photo of the house taken prior to Mr. Patel purchasing the property.

After the Board’s discussion, Mr. Patel agreed to carry the application to the September 16th meeting.

- b) 39 Random LLC
347 Mount Lucas Road, Block 5501, Lot 8, R2 Zone
Hardship Variance C1 and C2, for lot width and area to permit construction of a new single family house on a non-conforming lot
Z1515-206V

Present for the application Eric S. Goldberg, Esquire, Robert Gazzale, P.E. and Carlos Rodrigues, P.P., AICP.

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 provided an overview of the application using his memorandum dated July 22, 2015. Mr. Bridger said that the proposed application is for a hardship variance C1/C2 to demolish the existing structure and to allow the construction of a single-family house on a non-conforming lot in exception to the required lot area, lot width and setback to height ratio.

Mr. Bridger said that the lot is located in the R2 Zone and the existing single-family use is permitted as of right. Mr. Bridger said that the required lot area is 65,340 sf. and the existing is 23,637 sf.; the required lot width is 175 ft. and the existing is 100 ft; and the required setback to height ratio is 1.5:1 and the proposed is .8:1.

Mr. Bridger also reviewed with the Board the criteria for granting a C1 or C 2 variances.

Mr. Goldberg was sworn in. He presented copies of the letters sent to the neighbors to determine their interest in either purchasing the property or selling their land or a portion thereof to the applicant. Exhibit A-1: Four Letters dated August 13, 2015 sent to the neighbors and no one responded.

Robert Gazzale, P.E. was sworn in. He said he has been a licensed professional engineer of the State of New Jersey since 1990. The Board accepted his credentials. Mr. Gazzale presented Exhibit A-2: “Variance Plan” dated July 14, 2015 prepared by Robert Gazzale, P.E., L.S., Fisk Associates, P.A. Mr. Gazzale said that the left side of the lot is four feet higher than the right side. He said that the new structure will have 1000 less square feet of impervious coverage. Mr. Gazzale noted that some trees near the driveway may need to be removed.

Carlos Rodrigues, P.P., AICP was sworn in. Mr. Rodrigues informed the board that he is a licensed professional planner of the State of New Jersey. The Board accepted Mr. Rodrigues credentials. Mr. Rodrigues presented the following exhibit:

Exhibit A-3: Zoning map and three tables prepared by Mr. Rodrigues showing respectively, bulk variances approved during the period of 2000-2014 in the former Princeton Township, non-confirming lots as to minimum lot size based upon 2004 annual report of Princeton Township Zoning Board of Adjustment, and listing of residential zoning districts and required setback to height ratios in the former Princeton Township.

Mr. Rodrigues said that there is no planning justification for the R2 zone bulk requirements in the former Princeton Township, particularly with respect to required lot area and width, noting that the area around the property is consistent with a more urban area, noting that there is a multi-family residential project across the street from the property along with a bus stop and sidewalks running along one side of the entire length of Mount Lucas Road. He also noted that the property has public water and sewer.

Chairman Royce opened the meeting to public comment and the following members of the public provided comment:

Thomas White of 379 Mount Lucas Road was sworn in and he said he is concerned with the impact on surrounding neighbors.

In response to concerns raised by Board members regarding the lack of elevation plans in connection with the requested setback to height ratio variance, Mr. Goldberg advised that the applicant wished to carry the application to allow his architect the opportunity to provide testimony.

After the Board's discussion, applicant asked to carry the application to September 16th.

c) Din Attarwalla

364 Cherry Hill Road, Block 3901, Lot 7, RA Zone

Hardship variance C1 and C2 for lot area and lot width to permit construction of a new single family house on a non-conforming lot. Use "D" variance for temporary placement of two houses on a lot in exception to ordinance requirements.

Z1414-133V

Present for the application Chris Tarr, Esquire and Din Attarwalla, owner. Mr. Tarr and Mr. Attarwalla were sworn in.

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 provided an overview of the application using his memorandum dated July 21, 2015. He said that the property is located in the RA zone of the former Princeton Township and the existing single family use is permitted as of right. Mr. Bridger informed the Board that the applicant is requesting C1/C2 variances for lot area and width. Applicant's new proposal does not require variances for side yard setback and height to setback ratio. The required lot area is 174,240 sf. and the existing is 67,880 sf. and the required lot width is 200 sf. and the existing is +/- 131. ft.

Mr. Bridger noted that the applicant wishes to reside in the existing house while the new house is being constructed and has requested D (1) use variance to temporarily permit two primary residences.

Mr. Bridger also noted that any tree removal will require approval and all storm water plans will be reviewed by the Municipal Engineer.

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

Mr. Attarwalla advised that he reviewed his proposal and is withdrawing the requested variances for side yard setback and height to setback ratio. Mr. Attarwalla said that he tried to acquire land from the neighboring properties but was not successful.

Mr. Attarwalla said his existing house only has two bedrooms and one bath. He said that he is a licensed professional engineer in the State of New Jersey and wishes to be on site to supervise the project. Mr. Attarwalla said that in 2001 this same type of request was granted by the Board for 247 Elm Road.

Mr. Tarr said that the applicant will post a bond to cover the cost of the demolition of the existing residence within 18 months of receiving his building permit or within 90 days of receiving a temporary certificate of occupancy, whichever is sooner.

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

The Board discussed the application. A motion was made by Mr. Kahn and seconded by Mr. Tenenbaum to grant a C1 variance(s) for the lot area and lot width; and a D1 variance to temporarily permit two principal residences on the property to allow construction of a new single-family home with conditions.

FOR: Cohen, Coulson, Floyd, Kahn, Rockstrom, Royce, Tenenbaum

AGAINST: No one

ABSTAIN: No one

ABSENT: Clayton and Farrington

d) Joel and Caroline Burger

277 Walnut Lane, Block 7205, Lot 3, R6 Zone

Hardship variance C1/C2 for lot width to permit construction of a new single family house

Z1515-220V

Present for the application Chris Tarr, Esquire and Steven F. DeRochi, 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.

Mr. Bridger provided an overview of the application using his memorandum dated July 16, 2015. Mr. Bridger said that the application is made for C1/C2 to permit the construction of a single family house on a non-conforming lot. Mr. Bridger said that the property is in the R6 Zone of the former Princeton Township and the existing single-family use is permitted as of right. The required lot width is 85 ft. and the existing is 75 ft.

Mr. Bridger said that the existing house will be demolished and a new house will be constructed.

Steven F. DeRochi was sworn in. Mr. DeRochi said that he is a licensed architect in the State of New Jersey.

Mr. DeRochi presented Exhibit A-1: Tax Map with blow-up insert of the property.

Mr. DeRochi said that the property is noncompliant with respect to lot width as it is 75 feet wide and zone requirement is 85 feet. He said that it is not possible for the applicants to obtain any additional land from surrounding properties.

Mr. DeRochi advised that the new house will comply with all other bulk standards other than lot width. He also said that only one small dogwood tree will be removed to accommodate the new residence and all major trees on the site will be preserved.

Chairman Royce opened the meeting to the public and the following members provided comment on the application:

Richard Rosolino of 287 Walnut Lane was sworn in. He asked for an opportunity to review the drawings provided with the application. Mr. DeRochi reviewed the drawings with Mr. Rosolino at the meeting.

John Lemmo of 15 Oakland Street was sworn in and advised that he lives next to the property and that he supports the application.

The Board discussed the application. A motion was made by Mr. Tenenbaum and seconded by Mr. Floyd to grant a C (1) variance regarding lot width to permit demolition of an existing single family dwelling and construction of a new single family home with conditions.

FOR: Cohen, Coulson, Floyd, Kahn, Rockstrom, Royce, Tenenbaum
AGAINST: No one
ABSTAIN: No one
ABSENT: Clayton and Farrington

6. ADJOURNMENT

There being no further business, the meeting was adjourned at 9:30 PM.

Respectfully Submitted,

Claudia Ceballos
Secretary
Approved: 11/10/15