

PRINCETON ZONING BOARD OF ADJUSTMENT

Minutes of Regular Meeting

Wednesday, April 23, 2014– 7:30pm

Main Meeting Room

400 Witherspoon Street, Princeton, NJ 08540

PRESENT: Louisa Clayton, Michael Floyd, Barrie Royce, Doreen Blanc-Rockstrom, Steven Cohen and Harlan Tanenbaum

ALSO PRESENT: Karen Cayci, Attorney; Derek Bridger, Zoning Officer;

ABSENT: Penelope Baskerville, Richard Kahn and Sara Segal

There were fifteen (15) members of the public present.

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

1. MINUTES:

a) March 26, 2014

Upon motion made by Steven Cohen and seconded by Doreen Blanc-Rockstrom, a motion was made to adopt the minutes of March 26, 2014 as written and amended.

ROLL CALL:	Aye	Louisa Clayton
	Aye	Steven Cohen
	Aye	Michael Floyd
	Aye	Doreen Blanc-Rockstrom
	Aye	Barrie Royce

2. RESOLUTIONS OF MEMORIALIZATION:

a) **CARLPARKS 141 LLC**

141 Linden Lane

Block 7302, Lot 2, R-8

C1/C2 – New Home

File No. Z13 13-119V

Upon motion made by Louisa Clayton and seconded by Michael Floyd, a motion was made to adopt the resolution of Carlparks 141 LLC as it has been written.

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ROLL CALL: **Aye Louisa Clayton**
 Aye Steven Cohen
 Aye Michael Floyd
 Aye Doreen Blanc-Rockstrom
 Aye Barrie Royce

b) GESSNER, Joseph
30 Race Street
Block 6902, Lot 55, R-9
C1/C2 & D FAR for Addition and Front-yard Parking
File No. Z14 14-007UV

Upon motion made by Steven Cohen and seconded by Louisa Clayton, a motion was made to adopt the resolution of Joseph Gessner as it has been written.

ROLL CALL: **Aye Louisa Clayton**
 Aye Steven Cohen
 Aye Michael Floyd
 Aye Doreen Blanc-Rockstrom
 Aye Barrie Royce

c) NASSAU PRESBYTERIAN CHURCH
61 Nassau Street
Block 45.01, Lot 40, E-1/E-2
C&D Variances, Minor Site Plan & Preservation Plan Approval
File No. Z13 13-108PUV

Upon motion made by Louisa Clayton and seconded by Doreen Blanc-Rockstrom, a motion was made to adopt the resolution of Nassau Presbyterian Church as it has been written.

ROLL CALL: **Aye Louisa Clayton**
 Aye Steven Cohen
 Aye Michael Floyd
 Aye Doreen Blanc-Rockstrom
 Aye Barrie Royce

- d) **NAMES, Lauri**
16 Madison Street
Block 28.02, Lot 39, R-4
C1/C2 – Front-yard Parking
File Z13 13-094V

After much discussion it was determined that this resolution would be carried to the May 28, 2014 meeting as there was only one person eligible to vote on the resolution. Mr. Greiger (attorney for the applicant) agreed to an extension of time for the Board to act on the resolution. He granted the Board time through the May 28, 2014 meeting.

3. APPLICATIONS:

- a) **MITCHELL, Dean**
45 Hodge Road
Block 7.01, Lot 19, R-1
C1/C2 – Prevailing front-yard setback and front-yard parking
File No. Z13 13-115V

Present for the application were Jill Mitchell, applicant; Mark Brahaney, Architect; and Mark Solomon, attorney.

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

Attorney Cayci swore in Derek Bridger, Zoning Officer.

Mr. Bridger discussed his report saying that the applicant has applied for C1/C2 variances for the prevailing front-yard setback requirement and for a front-yard parking area. He said the applicants demolished the previous structure in October of 2013. He said the property is located in the R-1 zoning district where single family structures are permitted as of right. He said the lot width is non-conforming – the requirement is 125 ft. and this lot has 115 ft. He said the applicant was given incorrect information from the Engineering Department about the prevailing front-yard setback. He noted that there is a house that is setback quite far from the front and that lot was inadvertently left out of the prevailing setback calculation. With that lot included the prevailing front-yard setback is 77 feet and the applicant is proposing to have a front-yard setback of 53.6. He discussed the criteria for the Board when considering C1 and C2 variances.

Mr. Solomon stated that he is the attorney for the applicants Dean and Jill Mitchell. He said the property is located at the corner of Hodge Road and Lilac Lane. He noted that the applicants are seeking 2 “C” variances – one for front-yard parking and one for the prevailing mean setback. He said lot 3 on Hodge Road sits back 100 feet from the front and skews the prevailing setback

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numbers. He noted that where the applicant is proposing to place the house would line up with the prevailing setback if this other house was not included in the calculation. He said this proposed house will front on Hodge Road which will allow for a more formal entryway. He noted that the front area included a gravel area for guest parking. He said there is an existing curb-cut off of Lilac that will serve the garage and the entrance for the family. He also explained all of the curb-cuts saying that there are 2 curb-cuts off Hodge Road and 2 on Lilac. He noted that this proposal will reduce the number of curb-cuts to 2. He stated that the entry court to permit visitor parking is actually a lower impervious coverage than that which exists today. He said the applicant's feels that the proposal is a much better than the current plan.

Attorney Cayci swore in Jill Mitchell.

Mrs. Mitchell said that they have lived in Princeton for 12 years and wanted to move closer to town. She said they want to build a house that they will enjoy and yet be complimentary to the neighborhood. She also noted that they want to move the house closed to the front than what had existed previously and thinks it will look much nicer, and will allow them to have a rear yard with more privacy. She said she spoke with the adjacent property owners and neither have any objection to the proposal.

Attorney Cayci swore in Mark Brahaney, architect.

Mr. Brahaney reviewed his qualifications for the Board and was accepted as an expert witness. He presented Exhibit A-1 titled Area Plan. He showed the subject property and other properties on Hodge Road. This exhibit also showed the schematic of the proposed house. He showed how the outlier property was set back quite far on its lot. He noted that if the outlier property was removed from the calculation the prevailing setback would be 53 feet and the proposed structure would meet that requirement. He showed the varying front-yard setbacks on the road and noted that the proposed 53 front-yard setback was consistent with the neighborhood and even more consistent with the zone plan. He presented Exhibit A-2 titled Site Plan. He showed where the new curb-cut would be and where the existing curb-cuts are located (1 on Hodge Road and 3 on Lilac). He noted that 2 of the 3 curb-cuts on Lilac would be closed. He also stated that the family would be using the curb-cut on Lilac to get to the garage entrance to the house and the front yard area would only be used by guests. He noted that there is limited (if any) on-street parking on Hodge Road. He said the front parking area and formal entrance would be less coverage than what currently exists. He said the parking-allows guests to turn around and exist back onto Hodge Road the same way they entered. He said they met with Greg O'Neill the towns Arborist and there are 3 trees that will be removed – an Ash Tree, Double Ash Tree and a Maple Tree. He said they also discussed the replacement trees by possibly adding trees along Hodge Road. He noted that Greg O'Neil said that the Board could place a condition on the approval that a tree replacement and landscaping plan be worked out with Mr. O'Neil in the field. He noted that the existing hedge in front is in dire condition and he also spoke with Greg O'Neil about replacing the hedge with a new one and Mr. O'Neil was agreeable. He referred back to Exhibit A-1 and noted the driveway configuration of the other homes stating that almost all have driveways with parking in the front-yard setback and others that have horseshoe driveways. He submitted Exhibit A-3 which are photo's of other driveways and front-yard

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parking on the street. He said he feels there will be no substantial detriment or impairment to the neighborhood or zone plan. He said this plan clearly has benefits. He said he feels the proposal is more aesthetically pleasing than what exists now. He said the proposal promotes the municipal land use law. He stated that the proposed house will be compliant with respect to all other zoning requirements.

Mrs. Costin (neighbor) said there was some sort of deed restriction on the property regulating the height.

Mr. Solomon said the applicant is not aware of any type deed restriction. He also noted that it is something that will be researched during the title search.

Mrs. Costin also asked what the coverage was on the property.

Mr. Brahaney said there is 4,932 sq ft of coverage which is 20.26% and the allowable is 25%.

Chairman Royce said that the discussion is digressing from issues that are important to the Board and asked that they keep to issues that are important to the Board.

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

Attorney Cayci swore in Andrew Costin, 45 Hodge Road.

Mr. Costin said he is opposed to the proposal. He said that people should live within the restrictions. He said if the parking is allowed he will see it from his house and it will have an adverse effect of his family. He said it is the Zoning Board's job to protect the neighbors and he hopes the Board will not allow this variance. He said the current structure was 1 story and the proposed will be 2 story and closer to the road.

Attorney Cayci swore in Rebecca Costin, 45 Hodge Road.

Mrs. Costin said the reality is that a larger house will be much closer to the front and something that she will see from her lot. She said it would be much easier to enter the property from Lilac as Hodge can be a very dangerous road. She said the hedgerows make it very dangerous to exist the properties on Hodge. She also stated that "a grand parking lot" is not good for the neighbors to view.

Mr. Brahaney said the house will comply with all of the building and zoning requirements including the height. He said the height is well under the 35' height requirement and the roof is hipped and slopes on all sides. He noted that Lilac has mostly 2 story homes – all of the homes have driveways that cut through Hodge or Lilac. He noted that the homes on the opposite side on Hodge are mostly in-line.

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Chairman Royce asked if the Board could place a condition on an approval that would prohibit overnight parking.

Mr. Bridger said that would be a nightmare to try and enforce.

Mrs. Mitchell noted that the previous structure that was demolished was a 2 story home.

Member Blanc-Rockstrom said she thinks this is a massive house for the size of the lot.

Mr. Solomon said the ordinance allows the proposal and he noted, in actuality the ordinance allows a larger size home than that being proposed. He said the house has been centered on the lot to have a usable backyard and parking for guests. He said because of the outlier property, it throws off the front-yard requirement.

Member Tanenbaum asked if the parking could be placed on the side of the lot rather than in the front.

Mr. Brahaney said that the parking needs to be in the front to utilize the formal entryway.

Member Clayton asked how many cars the parking area will accommodate.

Mr. Brahaney said it is designed for 4 cars maybe 5 cars at the most.

Mr. Costin said the applicant is asking for a larger structure closer to the road with closer parking to the neighbors!

Chairman Royce asked Mr. Costin where his guests park when they visit.

Mr. Costin said they park on the side of the house in the driveway and the occupant's park closer to the house.

Member Blanc-Rockstrom asked if it was possible to reinstate the driveway on Lilac and into the back of the house.

Chairman Royce said it is not the Board's job to redesign the project. He said the Board needs to make a decision based on what has been presented.

Attorney Cayci swore in Buckey Hayes.

Mr. Hayes said that there is parking on the south side of Hodge Road. He noted that the homes further down Hodge have larger front-yard setbacks. He respectfully asked that the Board uphold the ordinance requirement.

Chairman Royce asked if there were any other members of the public who wanted to comment on the application. Hearing none, he closed the public portion of the application.

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Mr. Solomon said the applicant has heard the comments of the public and the Board and reminded the Board that the applicant is seeking 2 variances. He said 1 variance is for the prevailing front-yard setback and the other for the courtyard for the front-yard parking area. He said the Cleveland house changes the prevailing front-yard setback calculation – without that house in the calculation the proposal would meet the requirement. He said this request meets all the requirements and causes no substantial detriment. He said with regards to the parking – the main parking will be off of Lilac; that's where the family will be parking daily. He said the applicant would agree that if there is ever a need for overnight guest parking, they will park in the driveway off of Lilac. He said the applicants will be developing a landscape plan that will make the area very attractive. He said the benefits of this proposal will outweigh any detriments that would arise. He said their thinking about the proposal had a lot to do with the current driveway configuration.

Chairman Royce said he thought the Board should first decide about the prevailing front-yard setback and then about the parking issue.

Member Cohen said he believes the outlier property presents an undue burden on the construction along Hodge Road and that the outlier property should not be included in the calculation to determine the prevailing front-yard setback.

Member Clayton agreed with Member Cohen and noted that the Board has taken out an outlier property before.

Chairman Royce said that it seems to him that a C-2 variance is most appropriate for this type of variance.

Member Clayton agreed with Chairman Royce.

Member Floyd said he is not happy with the parking being proposed in the front. He said he understands it can be part of the character of a neighborhood, but he said at some point it needs to be changed.

Member Clayton said she is concerned with the tree removal. She also stated that the parking is too close to the front of the property and she doesn't like it.

Member Tanenbaum said he agreed about the parking and also agrees that the outlier property should not be included in the prevailing front-yard setback calculation.

Member Cohen said taking this particular property into account, maybe the Board should think about discouraging parking on Hodge Road because it is such a busy road.

Member Floyd said that the applicant could probably fit 6 cars in the driveway on Lilac so there would still be parking for the guests. He said he thinks the applicant is asking for a lot in the front-yard setback.

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Mr. Solomon stated that the applicant could maintain the current driveway configuration.

Chairman Royce asked Mr. Bridger if that was something that the applicant would be permitted to do.

Mr. Bridger said yes, the current configuration could remain.

Chairman Royce said the applicant could keep the existing driveway and park as of right. However, they had planned to reduce the pavement to make it more attractive.

Mr. Solomon said yes that was correct.

Mr. Solomon asked Mr. Brahaney if the driveway could be shifted in order to save the trees.

Mr. Brahaney said he was not sure, Mr. O'Neil said that the ash trees are under attack in that area right now. He said he is not sure how long the tree would actually be there.

Member Cohen asked the applicant if the current driveway configuration was going to be maintained.

Mr. Solomon said that depending on the consensus of the Board.

Mrs. Mitchell noted that even though the house is at the corner of Hodge and Lilac, their address is Hodge Road and the parking should be in the front of the house for people to find it.

Member Clayton made a motion to approve a C-2 variance for the prevailing front-yard mean setback and deny the parking in the front-yard.

Attorney Cayci suggested that the Board make 2 separate motions.

Upon motion made by Louisa Clayton and seconded by Michael Floyd, a motion was made to approve the prevailing front-yard setback requirement request with the conditions that the applicant work with Greg O'Neil on a landscape plan and that any outdoor lighting is not visible from the neighboring properties (there is no light spillage on neighboring properties).

ROLL CALL:	Aye	Louisa Clayton
	Aye	Steven Cohen
	Aye	Michael Floyd
	Aye	Doreen Blanc-Rockstrom
	Aye	Harlan Tenanbaum
	Aye	Barrie Royce

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Chairman Royce said he thinks the parking proposal is reasonable and decreases the gravel and keeps visitors vehicles off the road. He said he thinks a landscape plan will mitigate visual detriments and would be in favor of the parking proposal.

Upon motion made by Harlan Tenanbaum and seconded by Steven Cohen, a motion was made to approve the front-yard parking request as it has been presented.

ROLL CALL:

Nay	Louisa Clayton
Nay	Steven Cohen
Nay	Michael Floyd
Nay	Doreen Blanc-Rockstrom
Nay	Harlan Tenanbaum
Aye	Barrie Royce

b) **ADELMAN, Jeremy & PRENTICE, Deborah**
7 Evelyn Place
Block 34.01, Lot 9, R-3
C2 – Side-yard Setback for garage
File No. Z14 14-018V

Present for the hearing was Jeremy Adelman.

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

Mr. Bridger discussed his report saying that the subject property is located at 7 Evelyn Place and that this proposal was previously approved and approved by the HPRC. He said the garage was constructed and then the as-built survey was submitted it was discovered that the garage is located only 4 feet from the property line and not 5 feet. He said the applicant is seeking a 1 foot variance. He said there have been no comments from the neighbors regarding this issue.

Attorney Cayci swore in Jeremy Adelman.

Mr. Adelman said he spent 10 years restoring his property. He said they demolished the other garage, designed something that appropriate for the neighborhood and built a new garage. He said he does not know how this mistake happened. He said there were measurements made in the field and they can't figure out how the mistake happened.

Chairman Royce said he thinks this is a *de minimus* request.

Mr. Adelman said he spoke with all of the neighbors and no one has a problem with the request.

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

Upon motion made by Steve Cohen and seconded by Harlan Tenanbaum, a motion was made to approve the request as it has been presented to the Board.

ROLL CALL:

Aye	Louisa Clayton
Aye	Steven Cohen
Aye	Michael Floyd
Aye	Doreen Blanc-Rockstrom
Aye	Harlan Tenanbaum
Aye	Barrie Royce

4. ADJOURNMENT:

Upon motion made by Michael Floyd and seconded by Steven Cohen, a motion was made to adjourn the meeting at 10:30 p.m.

ROLL CALL:

Aye	Louisa Clayton
Aye	Steven Cohen
Aye	Michael Floyd
Aye	Doreen Blanc-Rockstrom
Aye	Harlan Tenanbaum
Aye	Barrie Royce

Respectfully Submitted,

A handwritten signature in blue ink, appearing to read "Debra Rogers", is written over a faint rectangular stamp.

Debra Rogers, Secretary

Date Approved: May 28, 2014.