

PRINCETON ZONING BOARD OF ADJUSTMENT

**Minutes of the Regular Meeting
WEDNESDAY, December 10, 2014 7:30 P.M.
Municipal Complex – Main Meeting Room
Princeton, New Jersey**

1. OPENING STATEMENT

The meeting commenced at 7:34 p.m. with Chairman Royce reading the Open Public Meetings Act statement.

2. ROLL CALL

PRESENT: Steven Cohen, Michael Floyd, Richard Kahn (arrived 7:49),
Doreen Blanc-Rockstrom, Barrie Royce and Harlan Tenenbaum.

ALSO PRESENT: Karen Cayci, Attorney and Derek Bridger, Zoning Officer.

ABSENT: Louisa Clayton

There were twelve members of the public present.

3. ADMINISTRATIVE MATTERS

- a) Resolutions: Open Public Meetings Act for 2015
 - i. 2015 Meeting Schedule
 - ii. Notice of Special Meetings
 - iii. Charges for Subscribers for agenda mailings

A motion was made by Mr. Tenenbaum and seconded by Mr. Cohen to adopt the resolutions for Administrative Matters, as they have been written and amended.

ROLL CALL: Aye Steven Cohen
Aye Michael Floyd
Aye Barrie Royce
Aye Doreen Rockstrom
Aye Harlan Tenenbaum

6. APPLICATIONS

- c) DANRO LAND DEVELOPERS, LLC
31 & 33 – 33 ½ Lytle Street
Block 15.02, Lot 71 Zone R4 (Boro)
C1/C2
Z1414-081V
Deadline for action: 3/21/15

Mr. Christopher Tarr, Esquire appeared in front of the Board to request that this matter be carried to the January 28, 2015 meeting.

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

Chairman Royce asked that the neighbors be noticed by first class mail and Mr. Tarr agreed.

4. MINUTES

- a) October 22, 2014– motion was made by Mr. Cohen to accept the minutes, seconded by Mr. Tenenbaum and carried with a voice vote of five ayes among those members eligible to vote. No one opposed. No one abstained.

5. RESOLUTION OF MEMORIALIZATION

- a) HISTORICAL SOCIETY OF PRINCETON
354 Quaker Road, Block 10201, Lot 11, R-HF-W (F-2) Zone
Princeton Battlefield & Stony Brook Settlement HISTORIC DISTRICT
D - Updike Farmstead - 2 year extension office use
Z1414-092U

A motion was made by Mr. Floyd and seconded by Mr. Cohen to adopt the resolution of HISTORICAL SOCIETY OF PRINCETON, as it has been written and amended.

ROLL CALL:	Aye	Steven Cohen
	Aye	Michael Floyd
	Aye	Barrie Royce
	Aye	Doreen Rockstrom
	Aye	Harlan Tenenbaum

6. APPLICATIONS

- a) LEVY, Jody and Stewart
162 Jefferson Road
Block 7107, Lot 16 Zone R8 (Twp)
C2-variance - garage
Z1414-087V

Present for the application was Jody and Stewart Levy.

Chairman Royce noted that this was a case carried from the November meeting in order to get clarification regarding the sewer easement. He asked that Mr. Bridger clarify the letter received from the Sewer Operating Committee.

Attorney Cayci swore in Mr. Derek Bridger, Zoning Officer.

In response to the Board's questions, Mr. Bridger distributed a letter dated December 8, 2014 signed by Robert Hough, of the Princeton Sewer Operating Committee to clarify that the existing municipal sewer line lies within the property and is located 2.5 feet from the rear property line. An easement area of 10 feet is required around the line. Mr. Bridger confirmed that the proposed garage would need to be set back 12.5 feet from the rear property line in order to avoid interference with the sewer easement.

Mr. Bridger reviewed with the Board the required standard criteria for approving a c (2) variance.

Attorney Cayci swore in Jody Levy.

Jody Levy said that based on the letter from the Princeton Sewer Operating Committee the request to 2 ½ feet from the set back so instead of being 15 feet it will be 12 ½ feet and 4 feet from the side yard. Mrs. Levy said that currently their garage is currently in the middles of their yard and they would like to move it so that is lined up with the existing driveway and moving the garage would allow them to eliminate the dead space in the rear of their property which would allow to increase the esthetics of their property and it would be consistent with the other garages in the neighborhood and she noted that they don't believe it has any negative impact on the neighborhood.

Mrs. Levy said that each of her neighbors have a rear setback less than 15 feet or a side setback less than 8 feet.

The application was opened to the public for comment, but no member of public offered comment.

The Board agreed that as conditions of approval this application should be reviewed by the municipal engineer to insure compliance with all municipal storm water runoff regulation requirements and that the light source of any new exterior light fixtures may not be visible and such fixtures must be shielded to prevent light spillage onto surrounding properties and that any exterior lighting on the garage must be a motion-sensor light.

A motion was made by Harlan Tenenbaum and seconded by Doreen Blanc-Rockstrom, to approve the application of Jody and Stewart Levy for a C (2) variance from the requirements of Section 10B-246, 253 and 255 of the former Princeton Township Land Use Ordinance to permit relocation of the existing two-car garage to the southwest corner of the Property to allow a 12.5 ft. rear yard setback and a 4 ft. side yard setback subject

to the applicant's compliance with conditions.

ROLL CALL:	Aye	Steven Cohen
	Nay	Michael Floyd
	Aye	Barrie Royce
	Aye	Doreen Blanc-Rockstrom
	Aye	Harlan Tenenbaum
	Abstain	Richard Kahn

- b) RAEDER, Paul C.
32 Cuyler Road
Block 5408, Lot 58, R6 (Twp)
C1/C2 – setback for generator
Z1414-104V

Present for the application Paul C. Raeder, applicant and owner.

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

Mr. Bridger presented his memorandum dated October 10, 2014. Mr. Bridger said that an application was made by Mr. Raeder for a hardship variance N.J.S. 40:55D-70 c (1) pursuant to Section 10B-20 of the Princeton Township Land Use Ordinance to permit the installation of a natural gas generator in exception to the required setback.

Mr. Bridger said that the property is located in the R6 Zone and is subject to the use and bulk regulations in accordance with Sections 10B-253 & 255 and 10B-246 of the former Princeton Township Land Use Ordinance. The existing single-family use is permitted as of right.

Mr. Bridger noted that the subject lot is non-complying with respect to the following bulk requirements: the lot area required is 10,890 sf. and the existing is 10,018 sf. The lot width required is 85 feet and the existing is 82 feet.

Mr. Bridger also noted that the existing real property is complying with respect to the required bulk requirements.

Mr. Bridger said that the applicant is proposing to install a natural gas generator 15 feet from the property line in the front yard facing on Dempsey. Corner properties in the former Township are subject to two front yards. The proposed location of the generator is behind a solid fence. The required setback is 25 feet.

Mr. Bridger informed the Board that the applicant has requested a hardship variance c1 and in the alternative a c2.

Attorney Cayci swore in Paul Raeder.

Paul Raeder said that he owns the property and wishes to install a natural gas generator to provide power during outages. Mr. Raeder said that the previous owner built the residence out to the maximum permitted footprint.

Mr. Raeder said that the only location for the generator which would not require a variance would be in the driveway, far from the existing gas and electrical lines which would complicate installation. Mr. Raeder said that he proposes to install the generator within an existing 6' high wooden property fence. He noted that the closest house is approximately 90 feet.

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

A motion was made by Michael Floyd and seconded by Harlan Tenenbaum, to approve the application of Paul Raeder a "C (1)" variance from the requirements of Section 10B- 246 regarding the location of an accessory structure to permit the installation of a natural gas generator in the front yard of the property along the Dempsey Avenue with a setback of 15 feet from the property line, as shown on the application with conditions.

ROLL CALL:	Aye	Steven Cohen
	Aye	Michael Floyd
	Aye	Richard Kahn
	Aye	Barrie Royce
	Aye	Doreen Blanc-Rockstrom
	Aye	Harlan Tenenbaum

- d) TROILO, Lori and Tad
49 Markham Road
Block 53.03, Lot 78 Zone R3 (Boro)
C1/C2 - dormer
Z1414-105V

Present for the application Tad Troilo, applicant and owner.

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

Mr. Bridger presented his memorandum dated November 24, 2014. Mr. Bridger said that an application was made for a variance pursuant to Section 17A-20 (C2) of the Princeton

Land Use Ordinance to permit the construction of front and rear attic dormers in exception to the required 3:1 height to setback and smaller side yard setback provisions.

Mr. Bridger said that the subject property is an existing two and a half-story single-family house and the property is located in the R2& R3 Zones. The improvements on the lot all are located within the R3 zone and in accordance with previous Zoning Board decisions pursuant to Section 17A-206d of the former Princeton Borough, the bulk requirements of the R3 zone were utilized. Mr. Bridger said that the property is subject to the use and bulk regulations in accordance with Sections 17A-241 & 245 of the Princeton Land Use Ordinance. The existing single-family use is permitted as of right.

Mr. Bridger said that the subject lot is non-complying with respect to the following bulk regulations: the lot area required is 7,200 SF and the existing 6,315 SF.

Mr. Bridger said that the subject property is non-complying with respect to the following bulk regulations: the required smaller side yard setback is 8 feet and the existing is 4.98 feet; the front yard setback required is 25 feet and the existing 12 feet coverage required is 25% and the existing 30.29% height to setback ratio required 3:1 and the existing 5.95:1.

Mr. Bridger said that the lot was subdivided in 1985 and a variance was granted in 1997 to permit the construction of a two story addition in exception to the required rear and front yard setbacks and then a variance was granted in 2003 to allow for the construction of a deck in exception lot coverage.

Mr. Bridger said that the proposed dormer addition will also violate the required side yard setback. The required side yard setback is 8 feet. The proposed setback is 6 feet.

Mr. Bridger said the applicant has requested a C2 variance.

Attorney Cayci swore in Mr. Troilo.

Mr. Troilo explained that he seeks the requested variances in order to construct front and rear attic dormers which will make the third floor more usable by permitting use for an office and homework area for his children.

Mr. Troilo said that the existing layout and the staircase make adding the dormer the best option for providing more usable space. Mr. Troilo said that the building height set back ratio allowed in the zone makes raising the dormer to a useful height impossible without a variance.

Mr. Troilo said that the proposed dormers will satisfy the standards for a c (2) variance.

The application was opened to public comment:

Attorney Cayci swore in Eric Greenfeldt of 35 Markham Road.

Eric Greenfeldt, 35 Markham Road. Mr. Greenfeldt said that he has lived at his house for over 30 years and is very familiar with the neighborhood. He mentioned that he can see the house from his living room and bedroom windows and he is very concerned that the dormers will add to the visual bulk of the residence.

Mr. Greenfeld said that adding the dormers will change the character of the structure and will adversely impact the appearance of the neighborhood. He asked that the applicant find an alternate means to increase usable space.

The Board found that the proposed dormers will create an adverse visual impact by adding to the bulk of the residence, and that the proposed construction will not promote a desirable visual environment nor would it represent good civic design.

The Board found that the applicant has previously received variances to allow expansion of the dwelling on a nonconforming lot and that although the proposed dormers would not increase the building footprint, they would add significant bulk to the residence.

The Board found that the applicant has failed to satisfy the criteria for a c (2) variance.

A motion was made by Steven Cohen and seconded by Harlan Tenenbaum, to approve the application of Lori and Tad Troilo for a c (2) variance to permit the addition of the proposed front and rear attic dormers.

ROLL CALL:	Aye	Steven Cohen
	Nay	Michael Floyd
	Nay	Richard Kahn
	Aye	Barrie Royce
	Aye	Doreen Blanc-Rockstrom
	Nay	Harlan Tenenbaum

The vote resulted in a tie and as such without an affirmative vote the application was not approved.

- e) VASSELLI, Anthony & MAGUIRE, Mary
12 Lytle Street
Block 15.01, Lot 97 Zone R4 (Boro)
C1 variance – New home, left side setback and ht. to bldg. setback
Z1414-099V

Present for the application Fred Schmitt, Architect.

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

Mr. Bridger presented his memorandum dated November 25, 2014. Mr. Bridger said that an application is made for a C1 hardship variance pursuant to Section 17A20 C1 of the former Princeton Borough Land Use Ordinance to permit construction of a new single family dwelling in exception to the required smaller side yard setback, combined side yard setback and the required height to setback ratio requirements.

Mr. Bridger said that the property is an existing two story single-family dwelling and is located in the R4 Zone and is subject to the use and bulk regulations in accordance with Sections 17A-254 & 257 of the Princeton Land Use Ordinance. The existing single-family use is permitted as of right.

Mr. Bridger said that the lot is non-compliant with respect to the following requirements: The lot width required is 60 ft and the existing is 32 ft. The lot area required is 6,000 sf. and the existing is 3,840 sf.

The subject property is non-complying with respect to the following bulk regulations: The smaller side yard setback required is 8 ft. and the existing is 1.85 ft.; the combined side yard setback required is 20 ft. and the existing is 3.05 ft.; the required height to setback ratio is 3 to 1 and the existing is 11.8:1.

Mr. Bridger said that the applicant is proposing to demolish the existing single-family house and construct a new three-story one-bedroom house. The house features a covered front porch and on grade patio at the rear, a theatre room, greenhouse room, balconies, roof decks, and a pergola. The air conditioning condensers will be located on the roof. An elevator is proposed on the eastern elevation. The plans call for a future garage that can be built as of right. The existing parking in the driveway along the western property line will be maintained until the garage is constructed. This is considered a pre-existing non-complying condition. The development requires the following variances

Smaller and Combined Side Yard Setback and Height to Setback Variances

Combined Side Yard Setback	Required 20ft.	Existing 13.05ft.	Proposed 14ft.
Smaller Side Yard Setback	Required 8ft.	Existing 1.85	Proposed 2ft.

Variance relief is required

Height to Setback Variance

Height to Setback Ratio	Required 3:1	Existing 11.8:1	Proposed 17.5:1
-------------------------	-----------------	--------------------	--------------------

Variance relief is required.

Mr. Bridger said the applicant is seeking a C1 Variance.

Attorney Cayci swore in Mr. Fred Schmitt.

Mr. Schmitt advised that he is a licensed architect in New Jersey and previously testified before this Board as well as many other land use boards in New Jersey. Mr. Schmitt advised that he had been retained by the applicants to provide design services for the proposed new residence.

Mr. Schmitt presented the following documents which were marked as exhibits:

Exhibit A-1: Photos of nine residences on Lytle Street.

Exhibit A-2: Floor Plans of Proposed Structure, all prepared by Mr. Schmitt.

Mr. Schmitt explained that the applicants purchased the Property in April 2014. He noted that the existing dwelling is a very substandard structure under modern building codes.

Mr. Schmitt said that the applicants initially worked with him to create a design which would not require variances. However, because the subject lot is so narrow, the zoning compliant building envelope could only be 12 feet wide. If the building envelope is made wider, it will require variances. Mr. Schmitt noted that although variances are required with the proposed design, the John Street side of the proposed residence will now comply with the larger side yard setback.

Mr. Schmitt said that the proposed dwelling would retain the old foundation as a crawl space with no basement. The proposed dwelling will be only 17 feet wide with a narrow “shotgun” style layout.

Mr. Schmitt noted that an elevator has been proposed to allow accessibility and aging in place.

Mr. Schmitt explained that the room sizes are modest, particularly for a new home, as the proposed linear layout requires relatively small rooms. The proposed design contains “green” features, including the collection and reuse of rainwater, a solar array over a proposed greenhouse area, and a green screen on the Witherspoon Street side with vine type plants.

Mr. Schmitt said that the exterior materials will be neutral colors with wood windows. The air conditioning condensers will be located on the roof. He confirmed that the applicants intend to live in the proposed residence, as both work in Princeton.

Mr. Schmitt advised that if the project is approved, the applicant anticipates building a garage in the rear of the property, which can be built as of right. Mr. Schmitt said that almost all the residences on Lytle Street have a garage in the rear of the properties.

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

Attorney Cayci swore in Minnie Craig.

Minnie Craig, 173 Witherspoon Street testified that she is concerned that any new homes be consistent with the neighborhood and not out of scale.

Attorney Cayci swore in James Floyd.

James Floyd, 64 Harris Street, inquired as to the nature and number of variances required. He expressed his concern regarding the side yard variances and bulk of the new residence. He agreed with Ms. Craig that any new homes should be consistent with the neighborhood character.

The Board discussed the application and after the Board's comments the applicant requested that this application be carried to next meeting on January 28, 2015 and agreed to re-notice by regular mail.

7. ADJOURNMENT

There being no further business the meeting was adjourned at 9:34 PM.

Respectfully Submitted,

Claudia Ceballos
Secretary

Approved: February 25, 2015