

PRINCETON ZONING BOARD OF ADJUSTMENT
Minutes of the Regular Meeting
WEDNESDAY, January 28, 2015 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: Louisa Clayton Steven Cohen, Michael Floyd, Doreen Blanc-Rockstrom and Barrie Royce.

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

ABSENT: Wendy Farrington, Richard Kahn and Harlan Tenenbaum.

There were twenty six (26) members of the public present.

4. ADMINISTRATIVE MATTERS

a) Election and Appointment of Chair:

Attorney Cayci asked for nominations for the position of Chair of the Princeton Zoning Board of Adjustment for the year 2015.

Steven Cohen nominated Barrie Royce; Doreen Blanc-Rockstrom seconded that motion carried with a voice vote of five ayes. No one opposed. No one abstained.

b) Election and Appointment of Vice Chair:

Chairman Royce asked for nominations for the position of Vice Chair of the Princeton Zoning Board of Adjustment for the year 2015.

Doreen Blanc-Rockstrom nominated Michael Floyd; Steven Cohen seconded that motion. Chairman Royce asked if there were any other nominations. Mr. Floyd declined. Chairman Royce asked for another nomination for the Vice Chair position; Michael Floyd nominated Steven Cohen; Doreen Blanc-Rockstrom seconded that motion carried with a voice of vote of five ayes. No one opposed. No one abstained.

c) Appointment of Board Attorney:

Motion was made to appoint Karen Cayci, Esquire, as the Board's attorney, seconded and carried with a voice vote of five ayes. No one opposed. No one abstained.

d) Appointment of Board Secretary:

Motion was made to appoint Claudia Ceballos, as the Board's Secretary, seconded and carried with a voice vote of five ayes. No one opposed. No one abstained.

3. MINUTES

a) November 12, 2014 – Motion was made by Ms. Clayton to accept the minutes, seconded by Mr. Floyd and carried with a voice vote of five ayes. No one opposed. No one abstained.

5. RESOLUTIONS OF MEMORIALIZATION

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

A motion was made by Mr. Cohen and seconded by Ms. Rockstrom to adopt the resolution of Jody and Stewart Levy, as it has been written and amended.

ROLL CALL:	Aye	Steven Cohen
	Aye	Barrie Royce
	Aye	Doreen Rockstrom

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

A motion was made by Mr. Floyd and seconded by Mr. Cohen to adopt the resolution of Paul C. Raeder, as it has been written and amended.

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

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

A motion was made by Mr. Floyd and seconded by Mr. Cohen to adopt the resolution of Lori and Tad Troilo, as it has been written and amended, Attorney Cayci noted that in this case the vote was a tie and therefore only the votes of those who were in opposition of it, as memorializing the resolution and that will be Mr. Floyd, the only member at this meeting that was in opposition.

ROLL CALL: Aye Michael Floyd

6. **APPLICATIONS**

- a) VASELLI, 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.

Chairman Royce noted that this was a case carried from the December 10, 2015 meeting.

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

Mr. Bridger noted that Ms. Clayton listened to the recording of December 10, 2015 regarding this case; she has reviewed the application and signed the certification.

Mr. Bridger said that the applicants revised their proposal, they lower the top of front roof from 40' to 35', they have increased the smaller side yard setback on the eastern elevation from 2 feet to 3 feet, and the combined side yard setback is now on their plans showed as 15', however he noted that the setback is measured to the foundation, which on the survey is 11.2' off the western property line. Mr. Bridger said that according to his calculations, with a 3' smaller side yard setback it comes out to 14.2' combined side variance. The applicant also proposed maintaining the existing height to building setback ratio (11.8:1) at the front of the proposed new residence and reducing the height to building setback ratio at the rear of the proposed dwelling to 3.9:1.

Mr. Bridger reviewed the standards for granting a C1 variance.

Attorney Cayci swore in Mr. Schmitt.

Mr. Schmitt presented the following drawings:

Exhibit A-1: Zoning schedule, owners within 200 feet and photos of the residence

Exhibit A-2: Building Elevations

Exhibit A-3: Street Elevations

Mr. Schmitt said that in response to Board comments, the applicants revised its application to reduce the degree of nonconformity of the smaller side yard setback and combined side yard setbacks by proposing a side yard setback of 3 feet and a combined side yard setback of 15 feet.

Mr. Schmitt said that the revised application proposes maintaining the existing height to building setback ratio (11.8:1) at the front of the proposed new residence and reducing the height to building setback ratio at the rear of the proposed dwelling to 3.9:1.

Mr. Schmitt said that 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. 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. The air conditioning condensers will be located on the roof.

Mr. Schmitt said that he analyzed the height to building setback of residence on Lytle Street and concluded that height to building setback is quite high due to the size of the lots.

Chairman Royce questioned if there were any windows on the wall on the east side and Mr. Schmitt said that the east side wall will be solid for privacy reasons and fire rating.

Chairman Royce noted that the source of illumination cannot be seeing from neighboring properties.

The application was opened to public comment but no comment was provided by the public.

A motion was made by Steven Cohen and seconded by Louisa Clayton, to approve the application of Anthony Vasselli and Mary Maguire for a C (1) variances from the requirements of Section 17A-257 of the former Borough Land Use Ordinance to allow a smaller side yard setback of 3 feet, combined side yard setback of 15 feet and height to building setback ratio of 11.8:1 for the front of the residence and a ratio of 3.9:1 for the rear of the residence to permit construction of a three story single family residence subject to the applicant’s compliance with conditions.

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

- b) DANRO LAND DEVELOPERS, LLC (carried from December)
 31 & 33 – 33 ½ Lytle Street
 Block 15.02, Lot 71 Zone R4 (Boro)
 C1/C2
 Z1414-081V

Mr. Christopher Tarr, Esquire appeared in front of the Board to request that this matter be carried to the February 25, 2015 meeting.

Attorney Cayci advised that the Board took jurisdiction at the previous meeting and the Board could continue.

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

- c) GOLDER, Nina
 619 Lawrenceville Road
 Block 9301, Lot 14 Zone R1 (Twp)
 Princeton Battlefield and Stony Brook Settlement Historic District
 Relief of Use Variance Approval Condition
 Z1414-106U

Present for the applicant was Mark Solomon, Esquire.

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.

After discussion of the Board and the attorney for the applicant it was requested by Mr. Solomon to carry the meeting to the February 25, 2015 meeting.

- d) RB HOMES, INC.
 28 Hillside Road
 Block 7208, Lot 13 Zone R6 (Twp)
 C1/C2 lot area and lot width
 Z1414-112V

Present for the application Chris Tarr, Esquire and Daniel Barsky of 28 Hillside Road LLC.

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 December 4, 2014. Mr. Bridger, said that the property is noncompliant with respect to lot area and lot width. The lot area required in the zone is 10,890 sf. while the existing lot area of the property is 7838 sf. The required lot width is 85 ft. and the existing lot width at its widest point is 57 ft.

Mr. Bridger said that the property contains a single-family dwelling which is permitted as of right.

Mr. Bridger said that that the applicant proposes demolition of the existing dwelling and construction of a new home. Mr. Bridger said that the former Township Land Use Code requires the applicant to obtain a variance for construction of a new home because the lot is undersized. The applicant has represented that the new single family dwelling will meet all applicable setbacks and bulk requirements other than lot area and lot width. Mr. Bridger advised that should the new dwelling be determined to be noncompliant, the applicant will be required to seek appropriate variance relief. He noted that applicants seek approval for the proposed improvement as a C (1) variance or in the alternative as a C (2).

Mr. Bridger went over the criteria for for granting either variance.

Attorney Cayci swore in Daniel Barsky and Chris Tarr.

Daniel Barsky presented Exhibit A-1, a Power point slide presentation consisting of four slides.

Mr. Barsky said that the lot is undersized with respect to lot width and lot area. He noted that the adjacent lots, Lots 12 and 14, are similar in size to the Property and accordingly, neither owner could provide land to the property without requiring a variance. Mr. Barsky said that 2/3 of the lots in the surrounding neighborhood are undersized. Mr. Barsky said that the new single family dwelling will be in compliance with all bulk regulations with the exception of lot width and lot area. He explained that he had contacted all the neighbors on the block and had met with those available to discuss the project

Mr. Tarr noted that approximately 2/3 of the lots in the surrounding neighborhood are undersized. He noted that because the property is undersized, strict application of the zone standards would result in peculiar and exceptional difficulties for the applicant.

A motion was made by Louisa Clayton and seconded by Michael Floyd, to approve the application of RB Homes, Inc. a C (2) variance from the requirements of Section 10B-253, 255 and 10B-246 of the former Township Land Use Ordinance regarding lot area and lot width to permit demolition of an existing single family residence and construction

of a new single-family home on the property.

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

- e) CARSON, Steven R. and RAMAGE, Elizabeth, H.
 12 Harrison Street
 Block 53.01 Lot 19 Zone 3 (Boro)
 C1/C2 rear setback and building coverage (addition)
 Z1414-021V

Present for the application Steven Carson and Elizabeth Ramage, owners and applicants.
And James Karas, 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 December 1, 2014 and reviewed the current status of compliance with the zone requirements and the required variances for the proposed project.

Mr. Bridger explained that the applicant proposes to demolish an existing 66 ft. enclosed rear porch and construct a 134 sf. addition in its place. He said that the lot area, lot width, smaller side yard and combined side yard, height to setback ratio and building lot coverage are pre-existing nonconforming conditions which are not affected by the proposed project. However, the proposed addition will create new nonconforming conditions with respect to rear yard setback and building lot coverage and will require variances for those bulk conditions. Mr. Bridger explained that the required rear yard setback in the R3 zone is 35 feet while the proposed rear yard setback, measured to the proposed addition stairs, will be 28 feet. The lot coverage, with the proposed addition, will be 30.6% and will exceed the zone's permitted maximum coverage of 25%. Mr. Bridger said that applicants seek approval for the proposed improvement as a C (1) variance or in the alternative as a C (2).

Mr. Bridger reviewed the criteria for C1 and C2 variances.

Mr. Bridger also noted that the existing shed is located only six inches from the north side property line in violation of the required five foot setback. He noted that the applicants indicated that the shed will be relocated to a compliant location in the rear yard.

He recommended that, should the Board approve the application, the relocation of the

shed to a compliant location should be made a condition of approval.

Attorney Cayci swore in Steven Carson.

Carson explained that the proposed addition would allow a bathroom to be located on the first floor along with a laundry room.

Attorney Cayci swore in James S. Karas.

James S. Karas said that he is a registered architect in the State of New Jersey and a principal of JSK Architecture LLC. He advised that he has been retained by the applicants to provide design services for the proposed addition.

Mr. Karas explained the as the subject lot is undersized which creates a number of nonconforming bulk conditions. He said that the applicants propose removing the existing one story 66 sf. enclosed porch at the rear of the existing dwelling and constructing in its place, a one story 134 sf. addition with rear exterior stairs. He noted that the new building will encroach 2 feet beyond the required 35 ft. rear setback. However, the new exterior stairs protrude further into the setback, resulting in a proposed new rear yard setback of 28 feet. Mr. Karas also said that the new proposed building lot coverage will be 30.6%. He informed the Board that the applicant considered other alternatives but could not find a suitable compliant location for the addition. Mr. Karas said that because the subject lot is long and narrow, a compliant location for the addition would result in windows in the existing dwelling being blocked.

Mr. Karas said that the subject property is bounded on the right by a residential lot on one side with a sufficient buffer area and on all other sides by a commercial parking lot.

Mr. Karas said that the applicant will move the shed to a compliant location on the property.

There was a previous variance for parking.

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

A motion was made by Louisa Clayton and seconded by Doreen Blanc-Rockstrom, to approve the applicants Steven R. Carson and Elizabeth H. Ramage a C (1) variance from the requirements of Section 17A-246 of the former Borough Land Use Ordinance regarding rear yard setback and lot coverage to permit demolition of an existing one story enclosed porch and construction of a one story 134 sf. addition on the property

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

- f) FANG, Jingyu
159 Linden Lane
Block 7304, Lot 6 Zone R8 (Twp)
C1 Lot area (new house)
Z1414-106U

Present for the application was William Doran, 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 December 10, 2014. Mr. Bridger said that the property is noncompliant with respect to lot area. The lot area required in the zone is 8500 square feet while the existing lot area of the property is 7165 square feet.

Mr. Bridger said that the property contains a single-family dwelling which is permitted as of right. Mr. Bridger said that the applicant proposes demolition of the existing dwelling and construction of a new home. The former Township Land Use Code requires the applicant to obtain a variance for construction of a new home because the lot does not comply with the bulk requirements. The applicant has represented that the new single family dwelling will meet all applicable setbacks and bulk requirements with the exception of lot area.

Mr. Bridger noted that applicants seek approval for the proposed improvement as a C (1) variance.

Attorney Cayci swore in William Doran.

William Doran said that he is a registered architect in the State of New Jersey and was retained by the applicant to provide design services. Mr. Doran said that the property is undersized with respect to lot area but meets all other bulk requirements. He further testified that the lots immediately adjacent to the property are also undersized and that accordingly, neither could provide additional land to the property without requiring a variance.

Mr. Doran explained that the owner intends to tear down the existing dwelling and replace it with a slightly larger residence which will comply with all bulk regulations other than lot area.

The application was opened to the public for comment, but no comment was provided.

A motion was made by Michael Floyd and seconded by Louisa Clayton, to grant to the applicants Liang Gao and Jingyu Fan a C (1) variance from the requirements of Section 10B-246 of the former Township Land Use Ordinance regarding lot area to permit

demolition of an existing single family residence and construction of a new single-family home on the property.

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

7. ADJOURNMENT

There being no further business the meeting was adjourned at 9:00 PM.

Respectfully Submitted,

Claudia Ceballos
Secretary

Approved: 3/25/2015