

PRINCETON ZONING BOARD OF ADJUSTMENT
Minutes of the Regular Meeting
WEDNESDAY, March 25, 2015 7:30 P.M.
Municipal Complex – Main Meeting Room
Princeton, New Jersey

1. OPENING STATEMENT

The meeting commenced at 7:36 p.m. with Chairman Royce reading the Open Public Meetings Act statement.

2. ROLL CALL

PRESENT: Louisa Clayton, Steven Cohen, Wendy Farrington, Michael Floyd,
Doreen Blanc-Rockstrom, Barrie Royce and Harlan Tenenbaum.

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

ABSENT: Richard Kahn.

There were twenty seven (21) members of the public present.

3. MINUTES

a) January 28, 2015 – Motion was made by Ms. Clayton to accept the minutes,
seconded by Ms. Rockstrom and carried with a voice vote of five ayes. No one opposed.
No one abstained.

4. RESOLUTIONS OF MEMORIALIZATION

a) RISTABA
7 Lytle Street
Block 15.02, Lot 62; RB (Boro)
C1– lot area, lot width, lot depth, building coverage, front yard setback side and rear
yard setbacks - Single-family dwelling
Z1414-135V

A motion was made by Ms. Clayton and seconded by Mr. Tenenbaum to adopt the
resolution of Ristaba, the applicant, as it has been written and amended.

ROLL CALL: Aye Louisa Clayton
Aye Wendy Farrington
Aye Harlan Tenenbaum
Aye Barrie Royce

b) RB HOMES

203-5 Nassau Street; Block 47.02 Lot 9

Zoning ordinance interpretation pursuant to N.J.S. 40:55D-70(b) regarding floor area ratio and exemptions relating to “mixed use” and “joint occupancy buildings”.

Z1515-153

A motion was made by Ms. Clayton and seconded by Mr. Tenenbaum to adopt the resolution to approve the interpretation of “Floor Area Aggregate” as set forth in Section 17A-201 such that the exclusions provided therein for nonresidential uses shall be applied to the nonresidential portion of a joint occupancy building and the exclusions provided therein for residential uses shall be applied to the residential portion of a joint occupancy building, as it has been written and amended.

ROLL CALL:	Aye	Louisa Clayton
	Aye	Steven Cohen
	Aye	Wendy Farrington
	Aye	Michael Floyd
	Aye	Doreen Rockstrom
	Aye	Barrie Royce
	Aye	Harlan Tenenbaum

c) TARR, Christopher and Susan

93 Overbrook Drive

Block 5802 Lot 6; R5 (Twp)

C1/C2 – Lot area (new house)

Z15-155V

A motion was made by Mr. Floyd and seconded by Ms. Clayton to adopt the resolution of Christopher and Susan Tarr, as it has been written and amended.

ROLL CALL:	Aye	Louisa Clayton
	Aye	Steven Cohen
	Aye	Wendy Farrington
	Aye	Michael Floyd
	Aye	Doreen Rockstrom
	Aye	Barrie Royce
	Aye	Harlan Tenenbaum

5. APPLICATIONS

- a) GOLDER, Nina (carried from 2/25/15)
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

Chairman Royce noted that this is an application carried from February 25, 2015.

Present for the application Mark Solomon, Esquire and Sue Cook, Real Estate Agent.

Attorney Cayci swore in Elizabeth Kim, HPC Officer.

Elizabeth Kim provided the Board with a copy of a memorandum dated March 24, 2015 from Ms. Capozzoli to the Board. Ms. Kim said that the applicant appeared before the HPC on March 9, 2015 and presented a revised proposed condominium layout, with much smaller amounts of land being allotted to each individual condominium unit.

Ms. Kim noted that the HPC voted to allow small portions of land on the side and back of the units to include septic equipment specific to each unit and to allow the interface between the interior and exterior space to continue to be used as it currently functions.

Ms. Kim listed the limited common elements specific to Unit 2 (Barn) as the approximately 2/3rd of the upper portion of the driveway, parking spaces adjacent to the Barn and the walkway and steps to the front entrance. The driveway will also be usable for maintenance and pedestrian access to the common elements, including the open space that extends to the Stony Brook. The limited common elements for Unit 1 (the Main House) will be the parking area adjacent to the main house, partial walkway and steps from that parking area to the front entrance and terraced walk to the covered back porch area.

Ms. Kim said that the majority of the Property will be held in perpetuity by a homeowner association, the HPC believes that the property can be maintained as one property. Ms. Kim said that the HPC made six recommendations, as set forth in Ms. Capozzoli's memorandum, including submission of the Master Deed and by-laws for review by the HPC.

Ms. Kim said that to address arguments raised by the objecting neighbors that no exterior change to the property can be made, including changes to parking areas or the driveway, without prior approval by the HPC and Site Plan and Historic Preservation plan approval from the board of appropriate jurisdiction.

Attorney Cayci swore in Julie Capozzoli, HPC Chair.

Ms. Capozzoli noted that HPC unanimously approved the applicant's revised plan, as described in her memo to the Board dated March 24, 2015.

Ms. Capozzoli said that the HPC found that the proposal will facilitate preservation of the property which is of significant historical importance.

Attorney Cayci swore in Robert Von Zumbusch, HPC member.

Mr. Von Zumbusch confirmed his support of the application.

Christopher Tarr, Esquire appeared on behalf of Mrs. Dingwall. He reviewed with the Board his letter of March 25, 2015 and requested the following conditions:

1. The condominium documents for the property, including sales agreements and deeds , provide that each unit must owner-occupied with no right to divide either of them, create a flat or rent them to others, that this provision could not be changed without consent of the Zoning Board and the neighbors be given the right to enforce it through legal action.
2. Additional tree screening should be required between the property and the Dingwall and Carman properties, particularly with respect to the line-of-sight views between the windows of each property, with maintenance guarantees with respect to plant survival.
3. Inclusion of language in the condominium documents requiring the driveway and parking areas must remain as they currently are with no ability to change them without Zoning Board consent and with a right of enforcement by the neighbors.

Mr. Tarr said that the 1998 approval was ill-conceived, that it was inappropriate to allow two principal residences on the property and that it is not unreasonable to continue to require owner occupancy.

Eric Goldberg, Esq. appeared on behalf of Roy Carman. Mr. Goldberg argued that the deed restrictions requested by Mr. Tarr should be recorded prior to the condominium master deed, that the neighbors should be given the right to privately enforce the restrictions and that the revised condominium plan still constitutes a de facto subdivision.

Attorney Cayci swore in Sue Cook.

Ms. Cook noted that she believes under the current approval, it is more likely that an owner will rent out the barn, which is permitted under the 1998 Approval than if the Board grants the requested relief.

Mr. Solomon advised that the applicant is willing to create a deed restriction prohibiting any subdivision of the property or further creation of condominium units and will record such deed prior to the master deed.

Mr. Solomon said that the applicant is amenable to a condition of approval prohibiting a flat arrangement in either unit without approval of the Zoning Board, but argued that it is unfair to create a deed restriction to that effect. He also said that prohibiting rental of the units would be an unfair restriction and would impede the applicant's ability to sell the units.

Mr. Solomon said that the applicant has met the criteria for approval of a "D" variance.

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

A motion was made by Steven Cohen and seconded by Harlan Tenenbaum to approve the application of Nina Golder for a D variance to permit relief from a condition of the 1998 approval, namely the obligation to restrict the residential use of the renovated barn to the use and occupancy provision of the Section 10B-274 (e) of the former Princeton Township land with conditions.

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

- b) FULLER, Daniel J. & MORGAN-STANDARD, Celina
 21-23 Jefferson Road
 Block 25.03, Lot 46 Zone 3 (Boro)
 C1& D – lot coverage, front yard setback, side yard setback & FAR for addition
 Z1515-152UV

Present for the application Mark Solomon, Esquire, and Daniel J. Fuller, applicant.

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, Zoning Officer, presented his memorandum dated March 10, 2015. Mr. Bridger explained that the subject lot is noncompliant with respect to lot width and lot area and the existing two-family dwelling is noncompliant with respect to front yard setback, smaller side yard setback, combined side yard setback and height to setback ratio. Mr. Bridger noted that the subject property is located in the R3 Zone and is subject to the use and bulk regulations in accordance with Sections 17A-241 & 246 of the former Princeton Borough Land Use Ordinance. The existing two-family use is permitted as of right. Mr. Bridger said that the applicant has applied for a hardship C1 variances for building coverage, front, and smaller and combined side yard setbacks to

permit the construction of a one-story front addition which will attach the two enclosed front porches. Two rear one-story kitchen additions are proposed for each unit. The attic dormer on the rear elevation is being expanded, however this is permitted as of right.

Mr. Bridger explained the existing nonconformities and the required variances as follows:

The subject lot is non-complying with respect to the following bulk requirement:

Bulk Requirement	Required	Existing
Lot Area	10,000 sf.	6,143 sf.
Lot Width	60 ft.	47 ft.

The subject property is non-complying with respect to the following bulk requirements:

Bulk Requirement	Required	Existing
Front Yard Setback	21.45ft. (Prevailing)	18.1ft
Height To Setback	3:1	11.1 and 1:2
Smaller Side Yard Setback	8 ft.	2.2 ft.
Combined Side Yard Setback	20 ft.	4.7 ft.

Mr. Bridger noted that the lot area, lot width and height to setback ratio are pre-existing conditions which will not be affected by the proposed addition.

Mr. Bridger noted that the applicant does not require a floor area ratio variance as the attic work is permitted as of right under the former Princeton Borough land use code.

Mr. Bridger also noted that the applicant will need an increased variance for building coverage in order to permit the anticipated air conditioning condensers. Mr. Bridger noted that under the former Princeton Borough land use code, the proposed addition will require review by the municipal engineer for drainage compliance as it will exceed 400 square feet.

Mr. Bridger reviewed with the Board the standards for granting such C1 and/or C2 variances.

Attorney Casey swore in Mr. Daniel J. Fuller, applicant.

Mr. Fuller said that he has a young family and needs more living space. He believes the existing two-family dwelling was constructed in 1914. He purchased the property in 2014 and he intends to maintain the two-family usage.

Mr. Fuller said that the front doors of each dwelling are accessed through enclosed entry porches, the two existing porches are separated by an approximately 11.5 foot gap in the center of the front of the common structure.

Mr. Fuller would like to fill the gap which will allow a continuous enclosed porch across the front of both dwellings which he advised will be similar in appearance to other homes on the street.

Mr. Fuller noted that both units have only one bathroom and a small kitchen. The proposed addition will permit a powder room, kitchen seating and cabinets and counter space for each dwelling.

Attorney Casey swore in Mr. Ronal Berlin, Architect.

Ronald Berlin said that he is a licensed architect in the State of New Jersey. He is a graduate of Yale University and Princeton University and has been a practicing architect since 1990. The Board accepted Mr. Berlin as an architecture expert.

Mr. Berlin presented following exhibits which were placed into evidence:

Exhibit A-1: Photos of the West and East Street Elevations of the Property.

Exhibit A-2: First Floor Plan Showing Setbacks.

Exhibit A-3: Exterior Existing and Proposed Elevations.

Mr. Berlin said that the property is a duplex and for that reason, it would be aesthetically appropriate to mirror improvements on both sides. He noted that the subject lot is undersized, being only approximately 61% of the required minimum lot area and 78% of the required minimum width and that the small lot size is the basis for the requested variances.

Mr. Berlin said that he has focused on making the kitchen larger and more usable as well as adding a powder room on the first floor. He said that the front yard setback is violated only because of the existing porches and that the proposed porch renovation will not increase the degree of nonconformity, he continued and said that the proposed work on the rear elevation will improve the appearance with the proposed new windows.

The Board asked about runoff and lighting issues. He responded that there are currently no downspouts at the rear of the dwelling. However, he proposed to locate two downspouts off of the roof which will drain to the backyard. He confirmed that the proposed development will not cause drainage issues and regarding any exterior lighting, Mr. Berlin noted that he anticipated using recessed lighting which should not cause light spillage onto neighboring properties.

The application was opened to the public for comment and the following individuals provided comment:

Attorney Casey swore in Benjamin Warren, 17-19 Jefferson Road. Mr. Warren advised that he also owns 23-25 Jefferson Road, which is adjacent to the property, and that he is very familiar with the neighborhood. He advised that he is comfortable with the proposed

enclosed front porches as his home at 23-25 Jefferson also has an enclosed front porch. He advised that he supports the application.

Mr. Solomon said that due to the very small size of the lot, strict application of the zoning ordinance would cause a great hardship on the owner. Mr. Solomon said that the proposed addition will be consistent with the facades of surrounding homes and with the streetscape.

Board members Cohen and Floyd expressed concern regarding the proposed increase in lot coverage in relationship to the size of the lot. Member Cohen also expressed concern that the proposed enclosure of the front porches would be inconsistent with the streetscape.

A motion was made by Louisa Clayton and seconded by Wendy Farrington to approve the application of Daniel J. Fuller and Celina Morgan-Standard for C (1) variances from the requirements of Section 17A-241 and 246 of the former Princeton Borough Land Use Ordinance to allow a front yard setback of 18.2 ft., building coverage of 43.4%, smaller side yard setback of 5.8 ft. and combined side yard setback of 11.7 ft. to allow construction of a front, rear and attic addition, as set forth in the application and amended herein, with conditions.

ROLL CALL VOTE ON MOTION TO APPROVE “C” (1) VARIANCES
(March 22, 2015)

Moved by:	Clayton
Seconded by:	Farrington
Those in Favor:	Clayton, Farrington, Royce, Tenenbaum
Those Opposed:	Cohen, Floyd, Rockstrom
Those Absent:	Kahn

6. ADJOURNMENT

There being no further business the meeting was adjourned at 9:42 PM.

Respectfully Submitted,

Claudia Ceballos
Secretary

Approved: June 24, 2015.