

**PRINCETON ZONING BOARD OF ADJUSTMENT**  
**Minutes of the Special Meeting**  
**WEDNESDAY, May 19, 2015 7:30 P.M.**  
**Municipal Complex – Main Meeting Room**  
**Princeton, New Jersey**

**1. OPENING STATEMENT**

The meeting commenced at 7:28 p.m. with Chairman Royce reading the Open Public Meetings Act statement.

**2. ROLL CALL**

PRESENT: Louisa Clayton, Steven Cohen, Wendy Farrington, Michael Floyd,  
Richard Kahn and Barry Royce.

ABSENT: Doreen Blanc-Rockstrom and Harlan Tenenbaum

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

There were twelve (12) members of the public present.

**3. RESOLUTIONS OF MEMORIALIZATION**

- a) GOLDER, Nina  
619 Lawrenceville Road  
Block 9301, Lot 14 Zone R1 (Twp)  
Princeton Battlefield and Stony Brook Settlement Historic District  
Relief of Use 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 use, with conditions.

A motion was made by Member Clayton and seconded by Member Farrington to adopt the resolution of Nina Golder, the applicant, as it has been written and amended.

ROLL CALL:       Aye   Clayton  
                      Aye   Cohen  
                      Aye   Farrington  
                      Aye   Floyd  
                      Aye   Barrie Royce

- 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

A motion was made by Member Clayton and seconded by Member Farrington to adopt the

resolution to approve the 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 it has been written and amended.

ROLL CALL:       Aye   Clayton  
                      Aye   Farrington  
                      Aye   Royce

**4. DISCUSSION**

686 Prospect Avenue  
Block 5903 Lot 19 Zone R-5 (Twp)  
Floor Area Ratio (FAR) calculation

Chairman Royce advised the Board that correspondence was received regarding 686 Prospect Avenue. Mr. Charles Karney wrote concerning Zoning Officer's interpretation and calculation of floor area ratio and exclusions as it relates to properties within the former Princeton Township.

Chairman noted that this matter should be addressed by Council, The Zoning Board of Adjustment has a set of ordinances that provide the guidelines in which the Board is able to make decisions.

Chairman Royce urged the residents concerned with this issue to go to Council.

Chairman Royce noted that 686 Prospect Avenue is in the former Township.

Attorney Cayci said that the Zoning Officer is entitled to apply the former Township's set of ordinances consistently with how they have been interpreted and applied in the past by the Township.

Attorney Cayci said that from her perspective as the Board Attorney, she does not feel that the Zoning Officer's interpretation was out of left field or inconsistent with interpretations previously made.

Attorney Cayci concurred with Chairman Royce and said that this Board does not create ordinances. She said that that the interpretations that some of the public are looking for do require a change to the ordinance but for tonight the Board will hear the comments and decide if this merits a more formal process here or whether the Board's direction to them would remain to raise these issues to the governing body.

Attorney Cayci swore in Mr. Karney.

Mr. Karney read to the Board the attached "Testimony to the Zoning Board of Adjustment, Princeton, NJ, Charles Karney, April 22, 2015".

Attorney Cayci swore in Mr. Joseph Giordmaine of 710 Prospect Avenue.

Mr. Giordmaine said that he has resided in Princeton with his wife over 25 years. He said he attended the meeting to protest the construction of 686 Prospect Avenue. He said that in his view and his neighbors this house is out of proportion with the rest of the neighborhood. He said that the Zoning Ordinance is supposed to prevent this kind of disproportion.

Mr. Giordmaine respectfully urged that the Zoning Ordinance and its interpretations be reviewed.

Attorney Cayci swore in Dale Mead.

He expressed his concerns with the FAR calculations and the compliance with the height requirements, front set back requirements and so on.

He mentioned the basements in the big McMansions are not included in the calculations. Also he is very concerned with the height of these houses.

He asked for clarification of the height of the building.

Chairman Royce thanked the public for their comments.

**5. APPLICATIONS**

- a) ATTARWALA, Fakhruddin  
364 Cherry Hill Road  
Block 3901, Lot 7; RA Zone (Twp)  
C1/C2- lot area, lot width, side yard setback and height to setback ratio  
New single-family dwelling  
Z1414-133V**

Present for the application Mr. Attarwala and Mr. Douglas C. Pelikan, P.E.

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 Derek Bridger, Zoning Officer.

Attorney Cayci swore in Mr. Attarwala, applicant.

Mr. Bridger, Zoning Officer, presented his memorandum dated Revised March 30, 2015. Mr. Bridger explained that an application is being made for a hardship variance N.J.S. 40:55D-70 C (1) and in the alternative a C (2) pursuant to Section 10B-20 of the Princeton Township Land Use Ordinance to permit the development of single family dwelling on a

non-conforming lot. Bulk variances for lot area and lot width are requested. Additional variances are requested for side yard setback, and height to setback ratio.

Mr. Bridger said that the property is located in the R-A 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. Mr. Bridger noted that the existing single-family use is permitted as of right and that the subject lot is non-complying with respect to the following bulk requirement:

The required lot area is 174,240 sf. and the existing is 67,880 sf. and the lot width required is 200 ft. and the existing is approximate 131 ft.

Mr. Bridger said that the existing single family dwelling will be demolished and a new structure will be constructed.

Mr. Bridger said that the applicant is proposing to construct a 5,723 sf. single family dwelling and that the two story structure features a full bath, living room, dining room, kitchen, family room, library, four bedrooms, four full baths and a powder room. Parking is provided in the attached three-car garage.

Mr. Bridger noted that the proposed project will require the following variances:

<b>Bulk Requirement</b>	<b>Required</b>	<b>Proposed</b>	<b>Variance</b>
Lot Area	174,240sf.	67,880.1 sf.	Yes
Lot Width	200 ft.	117.82	Yes
Side yard setback(west)	40 ft.	20.1 ft.	Yes
Height to Setback	1.5:1	1.1:1	Yes

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

Mr. Attarwala, said that this property was purchased in 2006 and he wants to build a new home for his family. Mr. Attarwala said that he would like to request the approval of the variances marked on his application.

Chairman Royce noted that the applicant is proposing to switch the garage from the right side of the elevation to the left and that the applicant's proposal requires eliminating a small portion of the side of the house to avoid an additional variance.

Attorney Casey swore in Mr. Douglas C. Pelikan, P.E.

Mr. Pelikan advised that he is a licensed engineer in the State of New Jersey and advised the Board that he has previously testified as an expert witness in other land use applications. The Board accepted Mr. Pelikan as an expert witness.

Mr. Pelikan presented the following exhibits which were placed into evidence:

Exhibit A – site plan  
Exhibit A2 – revised site plan  
Exhibit A3- height to set back diagram  
Exhibit A4- previous design  
Exhibit A-5 photos of the house

Mr. Attarwala said that he would like to keep the existing house until the new house is constructed.

Mr. Bridger advised that the applicant needs to file for a D variance in order to have two homes on this lot.

There was no public comment.

After the Board's discussion, the applicant requested to be carried to the July 22<sup>nd</sup> meeting.

**b) LABOVITZ, Hunter and HOWARD, Heather**  
**50 Aiken Avenue**  
**Block 52.01, Lot 85.02; R3 Zone (Boro)**  
**C1/C2- smaller side yard setback and height to setback ratio for attic dormer**  
**Z1515-170V**

Present for the application Hunter Labovitz, owner and Douglas R. Schotland, 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, Zoning Officer, presented his memorandum dated March 10, 2015. Mr. Bridger said that a hardship C1 and in the alternative C2 variances are requested for smaller side yard setback and height to setback ratio to permit the construction of attic dormer.

Mr. Bridger explained that the 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 is proposing to convert the existing enclosed rear porch to living area and he noted that no expansion of this area is proposed. Mr. Bridged said that the area is already counted as FAR and building coverage. The applicant is also proposing to construct an attic dormer on the rear elevation.

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

<b><u>Standard</u></b>	<b><u>Required</u></b>	<b><u>Existing</u></b>	<b><u>Proposed</u></b>	<b><u>Variance Relief Required</u></b>
Front yard setback	25 ft.	18.9 ft.	18.9 ft.	No, pre-existing condition
Smaller side yard setback	8 ft.	0 ft.	0 ft.	Yes
Combined side yard setback	20 ft.	+ -6 ft.	+ -6 ft.	Yes
Building Coverage	25% maximum	26%	26%	No, pre-existing condition
Lot area	7200 sf.	4241.9 sf.	same	No-pre-existing condition
Lot Width	60 ft.	30.12 ft.	Same	No, pre-existing condition
Height to Setback ratio	3.0:1.0	31:92:0	Same	Yes

Mr. Bridger reviewed with the Board the standards for granting such variances.

Attorney Cayci swore in Mr. Hunter Labovitz.

Mr. Labovitz said that his residence currently has a half bathroom on the first floor with three bedrooms and a full bathroom on the second floor. Mr. Labovitz wishes to add the dormer to create an additional full bathroom which would be much more comfortable for his family.

Mr. Labovitz noted that the dormer would not be visible from Aiken Avenue and that the dormer will be consistent with the scale of their home and the surrounding neighborhood.

Mr. Labovitz said that he spoke with his neighbor on the other side of the duplex and he has no objection to the proposed addition.

Attorney Cayci swore in Mr. Douglas R. Schotland.

Douglas R. Schotland advised that he is a licensed architect in the State of New Jersey and has previously testified before the Board. The Board accepted Mr. Schotland as an architecture expert.

Mr. Schotland presented the following exhibits which were placed into evidence:

Exhibit A-1: Elevation of Rear of House

Exhibit A-2: Photos of 50 Aiken Avenue and neighboring properties

Mr. Schotland said that his clients wish to add a 7 ft. wide dormer to the rear facing portion of their roof which will create the headroom required for a second full bath.

Mr. Schotland said that the size of the dormer is modest and is no larger than absolutely necessary to contain the proposed bathroom.

Mr. Schotland talked about the existing roof configuration and space constraints on the first floor and noted that the bathroom could not be located on the first floor without destroying a room. Mr. Schotland said that the edge of the proposed dormer will be at the property line due to the existing configuration of the house and that the dormer will be 31' 11" above grade.

Mr. Schotland said that the proposed dormer will be similar in scale and character to the dormers on surrounding houses in the neighborhood.

Chairman Royce opened the application to the public for comment:

Attorney Cayci swore in Clifford Zink, 54 Aiken Avenue.

Mr. Zink said that he owns 52, 54 and 56 Aiken.

Mr. Zink said that he supports the application.

A motion was made by member Kahn and seconded by Member Cohen to approve the application of Hunter Labovitz and Heather Howard C (2) variances from the requirements of Section 17A-241 and 246 of the former Princeton Borough Land Use Ordinance to allow a smaller side yard setback of 0 ft., a combined side yard setback of +/- 6 ft. and a height to setback ratio of 31:92:0 to allow construction of an attic dormer as set forth in the application with conditions.

ROLL CALL:	Aye	Clayton
	Aye	Cohen
	Aye	Farrington
	Aye	Floyd
	Aye	Kahn
	Aye	Royce

**6. ADJOURNMENT**

There being no further business, the meeting was adjourned at 9:14 PM.

Respectfully Submitted,

Claudia Ceballos  
Secretary

Approved: July 22, 2015.