

**PRINCETON ZONING BOARD OF ADJUSTMENT**  
Minutes of the Regular Meeting  
January 25, 2017 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, Eve Coulson, Jonathan Kaledin  
Doreen Blanc-Rockstrom, Barrie Royce, Stephen Schreiber,  
Harlan Tenenbaum

ABSENT: Michael Floyd, Bairy Suri

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

There were twenty seven (27) members of the public present.

**3. REORGANIZATION OF THE BOARD**

a) and b) Nomination of Chair & Vice Chair a unanimous decision to elect Mr. Royce as Chair and Mr. Cohen as Vice Chair. Hearing no further nominations, a motion was made by Ms. Clayton to elect the slate as nominated, seconded by Ms. Coulson and carried with the following roll call vote:

FOR: Clayton, Cohen, Coulson, Kaledin, Rockstrom, Royce, Schreiber, Tenenbaum

AGAINST: No one

ABSTAIN: No one

c) Appointment of Zoning Board of Adjustment Attorney - Motion was made by Ms. Clayton to appoint Karen Cayci, Esquire as the Board's attorney, seconded by Mr. Cohen and carried with a voice vote of eight ayes. No one opposed. No one abstained.

d) Appointment of Secretary – Claudia Ceballos. Motion was made by Mr. Cohen to appoint Claudia Ceballos as Zoning Board Secretary, seconded by Ms. Clayton and carried with a voice vote of nine ayes. No one opposed. No one abstained.

**4. MINUTES**

a) July 27, 2016 - Motion was made by Ms. Clayton to accept the minutes as written and amended, seconded by Ms. Coulson and carried with a voice vote of seven ayes among those members eligible to vote. No one opposed. No one abstained.

b) September 28, 2016 - Motion was made by Mr. Cohen to accept the minutes as written and amended, seconded by Ms. Coulson and carried with a voice vote of seven ayes among those members eligible to vote. No one opposed. No one abstained.

#### 4. **RESOLUTIONS**

a) **428 Mount Lucas Road**, Block: 4201, Lot: 14, RB Zone

REVISED APPLICATION

D & P Private Lending LLC/Owner

Jeffrey Rogers/Applicant

C1/C2 – Lot area, lot width, lot frontage, and a setback to height to permit construction of a new single family house on a non-conforming

Z1616-374 V

Approved with conditions

Motion was made by Mr. Cohen to adopt the resolutions as written and amended, seconded by Ms. Rockstrom and carried with a voice vote of four ayes among those members eligible to vote. No one opposed. No one abstained.

b) **262 Alexander Street**; Block 11501, Lot 1, Zone S-1

Application of Enterprise Leasing Company of Philadelphia, LLC

Minor Site Plan, with Use Variance (D1) to permit conversion of an abandoned automobile service station to car rental facility, signage and the dimension of a parking stalls

Z1616-377

Approved with conditions

Motion was made by Ms. Clayton to adopt the resolutions as written and amended, seconded by Ms. Rockstrom and carried with a voice vote of five ayes among those members eligible to vote. No one opposed. No one abstained.

c) **56 Tee Ar Place**; Block 7306, Lot 9; R7 (Twp)

Grosso Homes, LLC, Owner / Applicant

C (1) – Lot area for a new single family house on a non-conforming lot

Z1616-416

Approved with conditions

Motion was made by Ms. Clayton to adopt the resolutions as written and amended, seconded by Mr. Cohen and carried with a voice vote of four ayes among those members eligible to vote. No one opposed. No one abstained.

d) **58 Erdman Avenue**; Block 7310, Lot 21; R7 (Twp)

58 Erdman LLC, Owner

RB Homes, Inc., Applicant

C1 – Lot area for a new single family house on a non-conforming lot

Z1616-412

Approved with conditions

Motion was made by Ms. Clayton to adopt the resolutions as written and amended, seconded by Ms. Rockstrom and carried with a voice vote of four ayes among those members eligible to vote. No one opposed. No one abstained.

e) **505 Ewing Street**; Block 5410, Lot 2; R6 (Twp)

505 Ewing, LLC, Owner

RB Homes, Inc., Applicant

C1/C2 – Lot Area, lot width and lot frontage for new single family dwelling

Z1616-409

Approved with conditions

Motion was made by Ms. Clayton to adopt the resolutions as written and amended, seconded by Mr. Cohen and carried with a voice vote of three ayes among those members eligible to vote. No one opposed. No one abstained.

## **5. APPLICATIONS**

### **a) 397 Cherry Hill Road, Block 4000, Lot 12, Zone RB**

**Laura Edwards, Applicant / Owner**

**Minor Site Plan with Use Variance**

**Bed and Breakfast Application**

**Z1515-305**

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

Present for the application were Richard Schatzman, Esquire; David J. Schmidt, P.E.; Elizabeth McKenzie, P.P.; Jeremiah Ford, III, AIA., all sworn in by Attorney Cayci.

Mr. Derek W. Bridger, Zoning Officer and Lee O. Solow, P.P., A.I.C.P., Director of Planning, were sworn in by Attorney Cayci.

Derek Bridger, Zoning Officer presented a joint memorandum dated April 28, 2016 prepared by Mr. Bridger and John M. West, PE, Land Use Engineer. Mr. Bridger said that the lot consists of 4.24 acres with a four bedroom single family house, a masonry barn and a frame barn located behind the house.

Mr. Bridger advised that the property is located in the RB zone, which permits only single residential dwellings and the applicant is requesting use variance and site plan approval to permit a bed and breakfast inn.

Mr. Bridger said that the proposal is to renovate two bedrooms in the main house, an existing masonry barn located to the rear of the main house to provide two additional bedrooms, to create a total of four guestrooms.

Mr. Bridger noted that there is an existing additional kitchen on the second floor for which prior approvals were not obtained. He recommended that if site plan approval is granted for the proposed project that the kitchen on the second floor be removed.

Mr. Bridger said that the proposal includes eight parking spaces along with an emergency vehicle turnabout consisting of grass pavers to be located off of the driveway loop. A trash and recycling enclosure is proposed along the east side of the driveway.

Mr. Bridger reviewed the comments provided by the Site Plan Review Board (SPRAB) comments in its memorandum dated June 24, 2016 (attached).

Mr. Bridger reviewed with the Board the standard for granting the requested use variance and minor site plan approval.

Lee Solow, PP, AICP, Director of Planning, presented the application using his memorandum dated July 16, 2016 (attached). Mr. Solow noted that the existing zone allows single-family

homes and does not permit the proposed bed and breakfast use. Mr. Solow noted that the setbacks of existing house exceed the minimum zone requirements.

Mr. Solow said that the goal of the Master Plan Land Use Element is to preserve the character of existing residential neighborhoods and that the Board should consider whether the proposed use will be consistent with the residential nature of the neighborhood. Mr. Solow noted that bed and breakfast inns are not a permitted use under the former Princeton Township land use ordinance, hotels are in fact permitted in certain zones under the former Princeton Township land use ordinance.

Mr. Solow noted that the applicant has argued that proposed project will promote the general welfare through the appropriate use of land, will maintain appropriate population densities, will provide sufficient space in an appropriate location for the bed and breakfast will promote a desirable visual environment through good civic design. Mr. Solow said that these arguments could equally be applied to support the argument that property should continue to remain a single-family residence.

David J. Schmidt, P.E., presented his credentials and was accepted by the Board. He presented the application using the following exhibits, which were all prepared by Mr. Schmidt:

Exhibit A-1: "Existing Features Plan", Sheet 1, dated 11/12/15 and revised 8/31/16

Exhibit A-2: "Variance Plan", Sheet 2, dated 11/12/15 and revised 8/31/16

Exhibit A-3: "Detail Plan", Sheet 3, dated 11/12/15 and revised 8/31/16.

Mr. Schmidt stated that the existing single-family residence and existing masonry barn on the site will be renovated for use as a bed and breakfast inn. He said that access will be provided through an existing 220 ft. gravel driveway, He said that applicant will provide a 25 ft. right of way dedication to the municipality if necessary. He also said that no storm water management plan will be required.

Mr. Schmidt said that 8 parking spaces will be provided. The proposed hours of operation for the bed and breakfast will be 7 days/week, 24 hours a day. Mr. Schmidt reviewed the proposed site lighting advising that motion-activated lighting would be installed for the parking spaces. He said that the owner installed 11 Norway spruce trees for additional screening for the barn.

Mr. Schmidt said that the applicant had withdrawn its request for a sign variance.

Elizabeth McKenzie, P.P. presented her credentials and was accepted by the Board. She presented the application using the following exhibits:

Exhibit A-4: Aerial photograph of subject property and surrounding area taken in 2011.

Ms. McKenzie confirmed that a bed and breakfast usage is not permitted in any zone in the former Princeton Township.

Ms. McKenzie said that the bed and breakfast use is compatible to a single family use. The B&B will be operated by the owner who lives in the house.

Ms. McKenzie said the proposed use should be considered accessory to the single-family use and characterized as similar to having visiting friends and family.

Ms. McKenzie said that the B&B will provide an alternative to a hotel in a residential environment.

Ms. McKenzie noted that the applicant proposes 4 guestrooms and will provide a total of eight parking spaces, additional landscaping and a new trash/recycling enclosure.

Jeremiah Ford, III, AIA, presented his credentials and was accepted by the Board. He presented the application using the following exhibits, which were prepared by Mr. Ford:

Exhibit A-5: Proposed Site Plan (Sheet A100 submitted with application)

Exhibit A-6: Barn Existing Plans, Proposed Plans, Elevations and Photos (Sheet A101)

Exhibit A-7: Context Photographs of Site (Sheet A102)

Mr. Ford testified that house and barn are situated in the middle of the site and that a limited number of changes will be required to convert the existing structures to a bed and breakfast. Mr. Ford testified that he had served as architect of record for a bed and breakfast inn located in Lawrenceville, New Jersey which has successfully operated for some years.

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

Sonja Lips of 451 Cherry Hill Road, was sworn in by Attorney Cayci noted his opposition to the application. Ms. Lips owns one of the properties adjacent to site. Ms. Lips expressed her concern that a commercial use should not be permitted in a residential zone; concerns regarding turnover of guests, safety for children, late night traffic and privacy concerns for adjacent neighbors. Ms. Lips said that a change to commercial use would have a negative impact.

Wendy Mager and Eric Monberg of 459 Cherry Hill Road, sworn in by Attorney Cayci expressed their support of the application. They advised that they have known the applicant for many years and believe that there will be no negative impacts from the proposed application.

Carlo Balestri of 910 Stuart Road, sworn in by Attorney Cayci, noted his opposition to the application. He said that this is a commercial use and it is not similar to having family members visiting the site and the headlights from the parking lot could impact neighboring properties.

Mary Mackie of 448 Cherry Hill Road, was sworn in and was there to support the application. Ms. Mackie said that there are many properties in Princeton rented through Airbnb and that the applicant could rent rooms in that fashion without regulation.

Karleen Aghevli of 164 Highland Terrace, was sworn and said that he was in opposition to the application, concerned with frequent turnover of guests.

Elliot Leeve of 20 Bouvant Drive, was sworn and said that he was in support of the application. Mr. Leeve believes that a B&B will provide additional housing for visiting lecturers.

Ingela Kastenbader of 245 Moore Street, was sworn and she is in opposition to the application. She is a local realtor and believes that a B&B will negatively impact property values for surrounding neighbors.

Wei Zhung of 150 Montadale Road, was sworn in and he was there in opposition to the application and concerns regarding frequent turnover of guests.

Le Tao and Xuejun Xu of 427 Cherry Hill Road, were sworn and expressed their opposition to the application. They said that they are next door to the site and expressed concerns regarding their childrens' safety.

Mr. Schatzman indicated that he considered the bed and breakfast to be a hybrid use of a residential and commercial nature. He argued that the applicant had met the standards for approval of the application.

Mr. Bridger said that home occupation uses are considered conditional uses under the former Princeton Township land use ordinances and advised the Board of the definition of a home occupation. ("an occupation customarily carried on in a dwelling unit by a member of the family in residence, which occupation is clearly an accessory use incidental to the residential use, including such occupations as instruction in music, dancing, arts and crafts, and which occupation gives no external evidence of nonresidential use, and which occupation does not generate traffic nor have related parking requirements in excess of three car spaces, which spaces, if required, are provided off-street on the same lot as the occupation. The area occupied by a home occupation shall not exceed forty percent of the net floor area of the dwelling unit.")

Board Members discussed the application and a motion was made by Ms. Clayton and seconded by Ms. Coulson for a D (1) variance to allow a bed and breakfast as set forth in the application, with conditions.

#### ROLL CALL VOTE ON MOTION TO GRANT D (1) VARIANCE

Moved by:	Clayton
Seconded by:	Coulson
Those in Favor:	Clayton, Coulson, Rockstrom, Royce
Those Opposed:	Cohen, Kaledin, Tenenbaum
Those Absent:	Floyd, Suri

#### **b) 55 Erdman Avenue; Block 32.06, Lot 131; R2 (Boro)**

**Judith Rebecca and Trevor Graham, Owners / Applicants**

**C (2) variance to permit the construction of an addition in exception to the prevailing front yard setback**

**Z1616-424**

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

Present for the application Mr. Trevor Graham, Judith Rebecca, owners and Antonietta R. Schreiber, R.A., all sworn in by Attorney Cayci.

Derek Bridger, Zoning Officer, presented the application using his memorandum dated December 29, 2016. Mr. Bridger said that the applicants seek to construct an addition to the

front of the existing home which will accommodate a covered entry porch and foyer. The addition has a proposed front yard setback of 27.6 feet which will violate the prevailing front yard setback of 37 +/- 2 feet.

Mr. Bridger said that the proposed project includes the construction of a second floor addition containing a third bedroom and a full bathroom, which is permitted as of right.

Mr. Bridger reviewed with the Board the standards for granting the requested variance.

Mr. Trevor Graham said that he and his family have lived in the existing residence for ten years and the house is small and the addition is needed to accommodate their growing family.

Antonietta R. Schreiber, R.A. presented her credentials and was accepted by the Board. She noted that she has been retained by the applicants to prepare the project plans.

Ms. Schreiber said that proposed covered porch and foyer addition will alleviate the current layout which requires entry directly into the dining room and that the existing residence is small and that the proposed porch and foyer will not add much space.

She mentioned that the applicants' decision to retain the residence rather than demolishing it presents a positive aspect of the application. Ms. Schreiber noted that the proposed porch will not be enclosed.

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

Board Members discussed the application and a motion was made by Ms. Clayton and seconded by Mr. Kaledin to grant a C (2) variance to permit an addition to the front of the existing residence to accommodate a covered porch entry and foyer, with conditions.

#### ROLL CALL

Moved by:	Clayton
Seconded by:	Kaledin
Those in Favor:	Clayton, Cohen, Coulson, Kaledin, Rockstrom, Royce, Tenenbaum
Those Opposed:	None
Those Affirmed:	Schreiber
Those Absent:	Floyd, Suri

#### **c) 75 Cleveland Lane; Block 4.01, Lot 5.01; R1 (Boro)**

##### **Grant Homes Cleveland LLC, Owner / Applicant**

##### **C (2) variance to permit construction of a dormer within the required front yard setback and in exception to the required height**

**Z1616- 426**

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

Present for the application Thomas Letizia, Esq., of Pepper Hamilton, LLP., Jay Grant, Frank Falcone, P.L.S, P.P. Grant and Falcone were sworn in by Attorney Cayci.

Derek Bridger, Zoning Officer presented the application using his memorandum dated December 27, 2016.

Mr. Bridger reviewed the prior approvals granted by the Board on 6/22/2016. Mr. Bridger said that the lot is noncompliant with respect to lot area, lot depth, front yard setback and floor area ratio and those variances for these nonconformities were granted by the prior resolution.

Mr. Bridger advised that the applicant now seeks approval to raise the existing dormer roof on the existing carriage house to provide clear interior headroom of 7' and to extend the dormer 11'2" closer to Cleveland Lane.

Mr. Bridger noted that the carriage house is a permitted accessory structure and that he considers the proposed work to be an increase in the degree of existing nonconformity.

Mr. Bridger said that the applicant will need the following variances:

Variance to permit accessory structure height of 16.8' in exception to the zone limit of 15' and

Variance to permit an accessory structure front yard setback of 27.1' 35 feet in exception to the zone requirement of 35 feet.

Mr. Bridger said that the applicant seeks the requested relief as C (2) variances and he reviewed with the Board the standard for granting such variances.

Jay Grant advised that he is the managing member of the applicant entity and the builder of the project. Mr. Grant presented the following exhibits:

Exhibit A-1: Depiction of Existing and New Dormer for Carriage House

Exhibit A-2: Elevation of Proposed Dormer.

Mr. Grant said that the dormer was on the original architectural plan but not on the site plan and it was later determined that the dormer had to be extended in order to add an egress window to the bedroom in order to meet building code requirements.

Frank Falcone, P.L.S, P.P., presented his credentials and was accepted by the Board. Mr. Falcone explained the need for the proposed variances using the following exhibit:

Exhibit A-3: Side Elevation of proposed dormer.

Mr. Falcone confirmed that the proposed dormer will not be visible to the closest adjoining owner as it will be located on the opposite side of the existing carriage house.

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

Board Members discussed the application and a motion was made by Mr. Cohen and seconded by Mr. Tenenbaum to grant C (2) variances to permit an accessory structure height of 16.8 feet and an accessory structure front yard setback of 27.1 feet to allow the dormer roof of the existing carriage house to be raised to provide clear interior headroom of seven feet as shown on the applicant's plans and to extend the dormer 11 feet 2 inches closer to Cleveland Lane, with conditions.

ROLL CALL

Moved by: Cohen  
Seconded by: Tenenbaum  
Those in Favor: Clayton, Cohen, Coulson, Kaledin, Rockstrom, Royce, Tenenbaum  
Those Opposed: None  
Those Affirmed: Schreiber  
Those Absent: Floyd, Suri

**d) 82 Valley Road; Block 7001, Lot 25; R6 (Twp)**

**Kirsten Thoft, Owner / Applicant**

**C (1) / C (2) variance to permit construction of a new single family house on a non-conforming lot. The lot does not meet the minimum required lot frontage or lot width  
Z1616-429**

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

Present for the application Ryan P. Kenney, Esq., Stevens & Lee. and Kirsten Thoft, Architect.

Derek Bridger, Princeton Zoning Officer, presented the application using his memorandum of December 29, 2016. Mr. Bridger said that the applicant wants to demolish an existing single-family dwelling and replace it with a new single family residential dwelling.

The applicant is asking for variances for lot with and lot frontage. Mr. Bridger noted that the existing lot width and lot frontage are 75 feet and that the zone requirements for lot width and lot frontage are 85 feet.

Mr. Bridger reviewed with the Board the standards for addressing the requested variances.

Kirsten Thoft, Architect, reviewed the application using the following exhibit:

Exhibit A-1 – Five sheets showing zoning requirements, surrounding lots, drawing of proposed house and site layout, which she provided to neighbors within 200 feet.

Ms. Thoft said that she is a licensed architect in the State of New Jersey. She said that the majority of surrounding lots do not comply with the required bulk standards.

Ms. Thoft confirmed that the new dwelling will comply with all bulk regulations.

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

Board Members discussed the application and a motion was made by Ms. Clayton and seconded by Mr. Cohen to grant C (1) variances to allow a lot with of 75 feet and a lot frontage of 75 feet to permit demolition of the existing single-family residence and construction of a new single-family dwelling as set forth in the application, with conditions.

ROLL CALL

Moved by: Clayton  
Seconded by: Cohen  
Those in Favor: Clayton, Cohen, Coulson, Kaledin, Rockstrom, Royce, Tenenbaum  
Those Opposed: None  
Those Affirm: Schreiber  
Those Absent: Floyd, Suri

**7. DISCUSSION**

- a) End of the Year Report to Mayor and Council  
The members of the Board reviewed and approved the report.

**8. ADJOURNMENT**

There being no further business, the meeting was adjourned at 11:38 pm.

Respectfully Submitted,

Claudia Ceballos  
Secretary  
Approved: 5/24/17