

**PRINCETON ZONING BOARD OF ADJUSTMENT**  
Minutes of the Regular Meeting  
June 28, 2017 7:30 P.M.  
Municipal Complex – Main Meeting Room, Princeton, New Jersey

**1. OPENING STATEMENT**

The meeting commenced at 7:30 p.m. with Chairman Royce reading the Open Public Meetings Act statement.

**2. ROLL CALL**

PRESENT: Luisa Clayton, Steven Cohen, Eve Coulson, Michael Floyd,  
Jonathan Kaledin, Jeffrey Oakman, Barrie Royce, Stephen Schreiber,  
Bainy Suri, Harlan Tenenbaum

ABSENT: None

ALSO PRESENT: Karen Cayci, Attorney; Derek Bridger, Zoning Officer; Charles Sugg,  
Housing Inspection Manager; Ron Dilapo, Housing Inspector, Elizabeth  
Kim, HPC officer and Claudia Ceballos, Board Secretary.  
There were twenty-two (22) members of the public present.

**3. MINUTES**

a) Minutes of February 22, 2017 - 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 five ayes among those members eligible to vote and two affirmative votes. No one opposed. No one abstained.

**4. RESOLUTIONS**

a) **801 State Road**; Block 901, Lots 17 & 18, Zone S-2 (Twp)  
State Road Plaza, LLC.

Preliminary & Final Major Site Plan-Two Story Mixed Use Building with D1 use and bulk variances  
Z1616-377

This item was carried to the July meeting.

b) **420 Mount Lucas Road**, Block: 4201, Lot: 15, RB Zone (Twp)

Gretchen J. Godwin and Joseph F. Ciofalo/Owner & Applicant

C1- side yard setback for air conditioning condenser

Z1717-468

Approved with conditions

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

## 5. APPLICATIONS

- a) **162 Linden Lane**, Block: 7302, Lot: 6 (Twp)  
**166 Linden Lane**, Block: 7302, Lot: 7 R8 Zone  
Aneesh and Simi Bakshi, Owner / Applicant  
Appeal of the zoning officer's determination  
D1 to permit the continued use of 2 three-unit residential dwellings  
Z1616-386  
MLUL deadline 6/28/17 (carried from April 26, 2017 agenda)

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

Member Bainy Suri recused herself.

Present for the application were Daniel V. Madrid, Esquire, Fox Rothschild, LLP; Simi Bakshi, property owner and applicant.

Derek Bridger, Zoning Officer; Charles Sugg, Housing Inspection Manager; Ron Dilapo, Housing Inspector, all were sworn in by Attorney Cayci.

Mr. Bridger reviewed the application with the Board using his memorandum dated 1/5/2017 revised 3/23/2017.

Mr. Bridger said that Mr. and Mrs. Bakshi made an application for an appeal from the zoning officer's determination regarding two single-family residential homes that were converted to three unit residential dwellings without approval and for a D1 use variance to continue the use that is not permitted, the only permitted use is a single family dwelling.

Mr. Bridger said that the lots are non-complying with respect to the following bulk requirement: 162 and 166 Linden Lane required lot area is 8,500 sf. and the existing is 6,250 sf.

Mr. Bridger said that the applicant has submitted a survey and floor plans of the two properties: 162 Linden- has 3 apartments: basement apt. contains one bedroom and requires 1 parking space; main floor apt. contains 3 bedrooms and requires 2 parking spaces; and the upper floor apt. contains 3 bedrooms and requires 2 parking spaces.

Mr. Bridger said that the total parking spaces required is 5. Parking provided on site outside of front yard setback- 2 spaces. Variance Relief will be required.

166 Linden-Three apartments:

Basement apt. contains 2 bedrooms and required 1 parking space; main floor apt. contains 2 bedrooms and requires 1 parking space; upper floor apt. contains 2 bedrooms and requires 1 parking space. Total Parking Requirement- 3 spaces and the parking provided on site is 2 spaces

Mr. Bridger read Mr. Neal Snyder, Tax Assessor into the record.



Office of the Tax Assessor  
Neal A. Snyder, CTA  
Princeton Municipal Building  
400 Witherspoon Street  
Princeton, NJ 08540  
609-924-1084  
www.princetonnj.gov

June 7, 2017

To: Derek Bridger, Zoning Officer

From: Neal Snyder

Re: 162 +166 Linden Lane

**Tax Assessment History 162 Linden Lane:**

- \* 1981 tax assessor card notes 2 kitchens
- \* 1996 Tax Revaluation lists as two unit with kitchens, one in basement and one on 1<sup>st</sup> floor. No kitchen on second floor.
- \* 2010 Tax Revaluation notes possible multi family, information estimated, field inspector unable to gain access.
- \* 2015 tax appeal filed, and withdrawn, assessor unable to gain entry to inspect.
- \* 2015 Currently, assessed as three unit after joint inspection by Tax Assessor, Zoning, and Fire and Housing Safety

**Tax Assessment History 166 Linden Lane:**

- \* 1974 tax assessment note that flat was created
- \* 1979 tax assessor records note two kitchens
- \* 1996 tax revaluation notes two units, kitchen in basement and on first floor- information was estimated due to lack of entry for inspection.
- \* 2010 tax revaluation- basement kitchen and first floor kitchen, information based on tenant interview only inspected first floor
- \* 2010 Tax appeal by applicant provided income/expense statement that noted two units, assessor not provided entry for inspection, appeal withdrawn
- \* 2015 Currently, assessed as three unit after joint inspection by Tax Assessor, Zoning, and Fire and Housing Safety

All Tax Assessor inspections are listed on the property record card regardless if the work was done with or without permits. If the work is "in use" then value will be placed on the property. Inspection from the Assessor office does not mean the work is approved.

**Housing Inspection.**

**Bureau of Housing Safety for 162 Linden**

Mr. Bridger said that the inspections show:

2003 & 2004 inspections for a one unit with six bedrooms.

2005 inspections onward to 2014 have issued certificates of inspection for three units.

2014 inspection of rental properties in the former Township was transferred to the Bureau of Housing Safety. This office issued a certificate of inspection in 2015 for two units due to the lack of any prior approval for conversion of the basement apartment. The inspection notes the basement apartment did not comply with the applicable building codes.

**Bureau of Housing Safety 166 Linden**

Inspections from 2005 until 2015 issued certificates of inspection for two units and did not address whether either unit was owner occupied, which is a requirement of the flat ordinance.

Inspection of rental housing units in the former Township were transferred to the Bureau of Fire Safety. This office issued a certificate of inspection in 2015 for two units due to the lack of any prior approvals for conversion of the basement apartment. The inspection notes the basement apartment did not comply with the applicable building codes.

## Zoning History

On 1/13/16 housing inspection notified the Zoning Officer of a possible zoning violations at 162 and 166 Linden Lane and whether the 2 -three unit properties were approved by zoning.

Mr. Bridger noted that this issue was initially raised in 2015 by the tax assessor when a tax appeal was filed for 162 Linden and the assessor requested zoning information regarding how many units were in the house. The zoning office conducted a review of the zoning and construction records for each property to determine whether zoning approval for the three residential units at each address were authorized.

The following is a description of the zoning and construction records regarding the zoning approvals of each property:

162 Linden Lane:

Mr. Bridger said that a building permit issued in 1959 to permit construction of a single- home. The zoning and construction records did not show approvals to add kitchens and baths to allow 3 units.

166 Linden Lane:

Building permit issued in 1954 for a single family home. No permits were found to add kitchens and baths. A flat permit was issued in 1974 authorizing a second floor two bedroom flat with the condition that either the house or the flat must be occupied by the owner.

The applicant has submitted documentation showing that since the applicants purchased the two properties they have registered the two houses as rentals and have had the units inspected annually.

### Zoning Officer Interpretation

Mr. Bridger said that in regards to 162 Linden Lane – The only zoning approval for this property is as a single family residence.

166 Linden Lane- this is approved for a single family dwelling with a legally created flat in 1974, Mr. Bridger said that the current use of each property as three unit dwelling is not a permitted use.

Mr. Bridger said that he forward the case to Gerald J. Muller, Esq., who was acting in the capacity of the Municipal Attorney for legal guidance. Mr. Muller wrote a letter dated April 11, 2016, a copy of which is attached concurring with the zoning officer's determination.

The applicant has appealed the zoning officer's interpretation and has also requested a D1 use variance to permit a use or principal structure in a district restricted against such use or structure.

Ms. Bakshi was sworn in by Attorney Cayci. Ms. Bakshi read her statement which is attached and marked as Exhibit A1.

## Statement of Simi Bakshi

### in support of Princeton Zoning Board of Adjustment Application

Good Evening Mr. Chairman and members of the Board and staff of the Municipality of Princeton Board of Adjustment.

You have reviewed the materials presented by the Municipality regarding this matter. I respectfully ask for your time and attention to allow me the opportunity to share my version of the story with you as well. The Township version tells only a partial story. You can be assured of my complete candor as I stand here to speak before you with my version of the story, supported with exhibits to ensure the verity of my statements.

In 1993, my family purchased the property located at 166 Linden Lane to provide a comfortable place for us to take care of my elderly parents. As the MLS Listing indicates (**MLS-Exhibit 1**), the house was purchased with a full kitchen and a finished lower level. The listing shows that we did not undertake any construction or improvements to the property. We retained one floor of the house for our needs and approached the Township for advice and guidance on renting out the other two floors as we did not need that much space for our needs. Based upon the Township rules provided to us, we submitted the requested information and opened the property up for physical inspections. We ultimately received certificates of compliance (“CO”) from the Township authorized and signed by Mr. John Pettenati (Construction Official) and have been receiving COs for almost 20 years (**CO-Exhibit 2**). Based on this, there was no indication that our actions were in violation of any law or regulation.

In 2001, the house next door to 166 Linden Lane i.e. 162 Linden Lane came on the market. My husband and I thought, it would be prudent for us to purchase that property and at some point to move there from Pennington so that the families could live in proximity to each other. Again, we purchased the property (**MLS-Exhibit 3**), as is, with a completed basement and kitchens. The property was marketed to us as multi-family, and the listing even shows the amount of rent that was being collected. I have highlighted these sections for ease of reference. We made no additions or improvements to this property either.

As with 166 Linden Lane, we again contacted the Township and received the requisite CO and did so thereafter every two years. The properties were inspected bi annually, and we subsequently received COs authorized and signed by Mr. Pettenati for almost 15 years. Until 2005, the Township provided a single CO for the entire house. In 2005, we were asked by the Township to apply for COs for each level separately. We followed these instructions and were issued COs for the three floors individually from 2005 to 2015 (for 10 years)-(**CO Exhibit 4**).

In 2013 due to fire department intervention at 162 Linden Lane, we were informed by the Fire Inspector that due to 3 COs and three floors, we were required to apply for the State Multi Housing license. After learning that this additional permit was required, we voluntarily reported that 166 Linden Lane would also need to comply with the same rules and applied to the State accordingly. The State inspected and approved both houses for a Multi Family Dwelling (**State Multi Level CO Exhibit 5**).

My siblings and I shared my parents care by revolving them among our various homes. As my parents grew older and more aged, they were unable to travel around and rotate between my home, and my siblings, who moved out of state. So, as a next move we moved my parents permanently to reside with us in Pennington. To efficiently manage my parents' escalating care needs, I used the 166 Linden Lane as an interim daily lodging. I would drop my parents to Princeton (166 Linden Lane) every morning at 6:30 am. I would then take the 7:15 am train daily from Princeton (the Dinky) making the requisite transfers to connecting trains to reach my work in Newark, NJ.

The Princeton home gave them more mobility and security during the daytime, than would be afforded them in the more suburban setting at Pennington. The proximity and walking distance to the library, the shopping center, the post office, the pharmacy etc. was very convenient and safe. Then on my way back in the evening I would pick them up and take them home to Pennington. I did this for several years until their health declined to the point that they could not do anything or ambulate on their own. I continued to be their primary care giver, until 2012-when we realized that the daily drop offs to Princeton would not be possible anymore. We proceeded to dissolve the family home and I, being the only one of my siblings in NJ, purchased the 166 Linden Lane home.

Prior to purchasing it, I reached out to the Township to determine if there would be any detriments that I need to be aware of. I was assured by several Township officials that for us "it would be business as usual" and that we could continue to rent the homes without any issues or problems. So we continued to rent the properties until 2015 when we were informed that it "could not be business as usual".

The properties provided us a source of income to take care of my elderly parents in their sun-setting years. My father just passed away last year and my mother suffers from severe and advanced Alzheimer's. It was just recently - about a month ago - that I had to place my mother in a nursing home. Her care needs are extensive, and she has is entirely dependent on us.

As I stand here today, I feel overwhelmed at the thought of defending myself on something we are not culpable for. We are not professional real estate investors. We do not do this for a living, nor am I gaming a system. My husband and I are both professionals with enormous family responsibilities and little disposable time to pursue anything else. Since the issuing authorities were directing and steering us - we had no reason to believe that we were in violation of any laws or regulations.

So we continued to rent the homes as our circumstances changed and relied on the Township for direction. Today, we feel like we were misled and misdirected, and now suffer the possibility of losing part of our livelihood.

At these crossroads, and in closing I would only like to offer the following to the Chairman and the Board:

1. We have established at all times, that we have acted in good faith, and with due diligence to comply with all laws necessary to operate the properties as directed by the township.

Our cooperation and lawful conduct is evidenced by the prompt and thorough response each time to the Township's directives (**See Exhibit-Timelines-6**).

2. The direction we have been provided over the last 20 years has been consistently inconsistent. I am not here to repudiate the Township. However, I feel like a pawn in this whole case where I now am required to meet a highly difficult burden of proof, and stand to lose something me and my husband were counting on for financial security. It precludes the diligence and the honesty with which we have approached it for the past 17+ years. I try to be an educated consumer-but if the education is flawed, then who is to blame – the teacher or the student?? The Township or the Home Owner?
3. The Township provided a very comprehensive and exhaustive document to the Zoning Board. I applaud their efforts. They eventually did their due diligence after 17 years. If they had done even half of this due diligence when I, as a homeowner, approached them, we would not be here discussing this, and I would not have taken all the wrong turns at their direction. To me, as a homeowner it has been a very costly mistake with dire financial consequences.
4. I respectfully disagree with the manner in which the assessments have been presented, as it puts the burden of proof on the homeowner, who innocently just followed directions given by the Township. I am being held accountable for the trespasses against me by the same Authority that gave me these directions in the first place.
5. It is surreal to me that after 20 years of legally receiving the CO-I am now having to defend my actions. The constantly shifting information: two family to multi family to two family and back to single family makes me feel I am in a twilight zone. (**See Exhibits 2, 4, and 6-Multi Family; Exhibit # 7-August 20, 2015-2 family; Exhibit # 8, Mr. Muller's letter-Single family; Exhibit #9-June 8, 2016-162 approved with flat and 166 single family**). The goal post on me was consistently moved, maybe not intentionally-but with a casual and damaging nature. I understand that misinformation can sometimes be communicated- But to consistently get contradicting information from an issuing authority for 20 years is inappropriate and reprehensible.
6. If I persistently and doggedly followed directions, is it just for me to bear the financial brunt of the misinformation that I received. I did not attempt to circumvent any rules or to operate the property illegally. My family substantially relied on Princeton's issuance of the certificates of occupancy over the past decade and a half as confirmation that the use of these Properties was legal.
7. As you can see from the above documented history-it became impossible to rely on the information from the Township-It became impossible to know if the information being given to me was accurate and to what extent. I felt like I was consistently on shifting sands. So to get valid and objective information, I actually had to retain legal counsel for

direction, guidance and advocacy. I have no desire to have a contentious relationship with the Township and that is not the reason I have legal counsel.

With that being said, I would like the Board to know, that I am **NOT** asking for the grandfathering of these properties in perpetuity. I am only asking the Board for its empathy of my circumstances and allow me to continue the use of these properties for only 5 more years, in the same vein as deemed acceptable by the Township for the past 17 years. I rely on this income for the care of my 90 year old mother with severe Alzheimer's in a nursing home, who has no other means of sustenance. This is also the income I had planned on for our retirement. And for no fault of ours we are being penalized for consistent bad information given to us over the past 15-20 years.

1. As for any potential negative impacts - if none have existed for 17 years then why would it be detrimental for another 5 years?
2. Additionally, the Properties do not create a substantial detriment to the public good, nor would their continued use substantially impair the intent and purpose of the zone plan and zoning ordinance. As noted, the Properties have been used for over seventeen years as multi-family residential without any complaints, citations or incidents. We have always complied with all regulatory requirements to use the Properties for such purpose and followed all directions provided by Princeton with regard to requirements for use of the Properties as multifamily residential. As special reasons exist along with mitigation of any potential negative impacts, the benefits outweigh any detriment in the deviation from the zoning ordinance. As a matter of fact, there is substantial public good-the student's needs for affordable housing has been neglected. This meets that purpose without any negative consequences.
3. There is a whole pragmatic side to this argument. And on that-just a side note and short segway on the parking requirements-in the last 17 years I have **NOT** had any tenants who needed more than one or two parking spots. Most are students who bike and walk to School. If the Township really wants to focus on a Master Plan-they need to factor in biking and walking trails. That is what the Township needs-not parking zoning requirements or difficult to understand ordinances for the ordinary homeowner, which do not take into account the needs of its constituents. There is a real disconnect here between the enforcers and their consumers and customers.

**I am not asking for the zoning status of these properties to be changed forever.** All I need to do is to get through the next 5 years. I need to care for my mother's needs. She is a 90 year old woman who in her prime was a President of the UN women's guild. But today, she knows nothing, she has nothing, she recognizes nobody except me. It is my responsibility take care of her needs until she reaches the valleys of the great beyond.

In addition, I personally depended on this income as the primary source of retirement income. It will be a financial catastrophe for our family finances if the rug is pulled out from under my feet

at this time. All I am asking is to allow the grandfathering of these properties for just 5 more years as in the past 17+ years, so we may be able to meet my mothers and my family needs.

At the end of those 5 years I will return these properties to the single family status the Township is seeking be done and subsequently sell them as single family. I have no issues with that-I do not want to break any zoning laws-I understand they are there for a reason. All I am asking for is some empathy for my circumstances which were created by constantly erroneous and spurious information provided to me. It is a severe financial hardship for me if the current status would be changed.

I do not expect you to take my word for it and am thus willing to commit to it in a legal document that by 2022, I will convert these properties to the Single Family Status as proposed by the Township. But in those interim years, I also do not want to be dogged by building permits or any other arcane Township Requirements proposed by them in their document to the Zoning Board, as my confidence that they would be enforced with empathy or consideration of my circumstances is shattered as the system failed me innumerable times. I do not wish to stand here and be subjected to humiliation again.

All I ask of is your empathy and compassion of my circumstances. There will be no detriment to the Township-but it will be a catastrophe for me.

The members and the municipal officials discussed the legality of the apartments, as well as the safety, these apartments do not meet code, fire walls, fire ceilings, ceiling heights.

After listening to the municipal officials, the applicant requested that the application be carried to October 25, 2016 to address the safety issues.

Applicant granted an extension of time to October 26, 2017.

b) **62 Patton Avenue**; Block 52.01, Lot 49; R3 (Boro)

Selina Man and Peter Ramadge, Owner/Applicant

C2 –enclosure/reconstruction of existing front porch and new deck in exception to the ordinance requirements and building coverage

Z1717-470

MLUL deadline 8/29/17

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 was Peter Ramadge, property owner. He was sworn in by Attorney Cayci.

Mr. Bridger reviewed the application with the Board using his memorandum dated May 1, 2017.

Mr. Bridger said that the applicants are requesting a c (2) variance to permit the enclosure of an existing covered front porch.

Mr. Bridger said that the lot is non-complying with respect to the required lot area of 7,200 sf. and the existing is 5,967 sf.; the required lot width is 60 ft. and the existing is 50 ft.; and that the house is non-complying with the required front yard setback (prevailing) of 18 ft., the existing is 12'7 1/4".

Mr. Bridger explained that the applicant is renovating the existing single-family house and part of the renovation calls for the existing front porch to be enclosed, in order to accommodate an entry vestibule and powder room. The living and dining room will have walls removed to create an open floor plan. The kitchen will be remodeled. A 9'x13' deck is proposed off of the living room and kitchen. The second floor will be remodeled and an 8'X13 addition will be added creating a master bath.

Mr. Bridger said that the front porch is in exception to the recently passed ordinance permitting open porches to encroach 8 feet into the front yard setback and that the proposed enclosed porch will encroach approximately 5'5" more into the front yard setback and it is enclosed on all sides which is counter to the new ordinance.

Mr. Bridger said that variance relief is required to enclose the porch and for the new enclosed structure to encroach into the front yard setback.

Mr. Bridger said that the proposed deck will result in a building coverage of 28% and the maximum building coverage is 25%.

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

Mr. Peter Ramadge presented power point slides showing location map, lot details regarding area, width and setback, house details, photos of the home and neighborhood, and details about the proposed renovation.

Mr. Ramadge said that they are trying to preserve the house which was built in 1926. He said that he and his wife would like to make renovations to the house to enable them to age in place in the house.

Mr. Ramadge said the front porch enclosure will allow them to create a house entry vestibule and add a half-bathroom.

Mr. Ramadge noted that the homes along Patton Avenue have an eclectic mix of facades and that he does not believe that the proposed enclosed front porch will have a detrimental impact on the zone plan.

Meeting was open for public comment.

Scott Sillars of 50 Patton Avenue, was sworn in by Attorney Cayci. He said that he opposes the application. Mr. Sillars said that the proposed enclosed porch and stairs are too close to the property line. He noted that the 2016 new ordinance discourages the enclosure of porches.

Mr. Ramadge asked for continuance to the July 26h meeting and the Board agreed.

c) **13-15 Vandeventer Avenue**; Block 28.01, Lot 3 (C.01 and C.02); R4 (Boro)  
Martina Clement, Owner/Applicant- 13 Vandeventer Ave.  
James and Galina Peterson, Owner/Applicant-15 Vandeventer Ave.  
C1/C2 & D4- bulk variances, building coverage and FAR – addition  
Z1616-425  
MLUL deadline 9/23/2017

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 was Christopher S. Tarr, Esq., Stevens & Lee; Martina Clement, Jim Firestone, James and Galina Peterson, property owners. All were sworn in by Attorney Cayci.

Mr. Bridger reviewed the application with the Board using his memorandum dated May 22, 2017, revised June 6, 2017. Mr. Bridger said that the existing 2- family use is permitted as of right and that this property is a condominium. Mr. Bridger said that the lot is non-compliant with respect to lot area and lot depth and that the existing residential structure is non-compliant with respect to front yard setback, rear, side and combined side yard setbacks, building height to setback ratio, lot coverage and floor area ratio.

Mr. Bridger noted that a minor subdivision approval and variance approval to permit construction of certain additions and porch repair to the existing two-family structure was previously approved.

Mr. Bridger said that the proposed application is for the expansion of the attic, construction of a roof top deck, the addition of 3 bay windows and a new side entrance porch.

Mr. Bridger said that the attic expansion will raise the roof by approximately 3 feet with the addition of two dormers to the front facade and a roof addition to the rear. The expanded attic will serve as master suites for each unit. The proposed roof-top deck will be added to the rear of the existing roof. A bay window was proposed to be added to the second floor of the side elevation of 15 Vandeventer and two bay windows will be added to the first and second floor of the side elevation of 13 Vandeventer. Mr.

Bridger said that the project will require the following variances:

Required combined side yard setback is 20 ft., the existing is 13.7 ft. and the proposed is 13 ft. for new bay window at 15 Vandeventer; 11.9 ft. for new entrance deck at 15 Vandeventer; 9.55 ft. for trellis at 15 Vandeventer and 12.5 ft. for 2 new bay windows at 13 Vandeventer.

Required yard setback is 35 ft., the existing is 2.3 ft. and the proposed is 33 ft. for new bay windows at 15 Vandeventer, 11.9 ft. for new entrance deck at 15 Vandeventer, 9.55 ft. for trellis at 15 Vandeventer and 12.5 ft. for two new bay windows at 13 Vandeventer.

The required rear yard setback is 35 ft., the existing is 2.3 ft., and the proposed is 33 ft. for new bay window at 15 Vandeventer.

The maximum building coverage is 30%, the existing is 42.1% and the proposed is 43.2%.

The height to building setback ratio is 3:1; the existing is 5.8:1 and the proposed is 6.51:1.

The max FAR is 53.1 %, the existing is 64% and the proposed is 65.90%.

Mr. Bridger said that the applicants are asking for approval for C1 and C2 variances for the rear and side yard setback along with the building coverage and height to building setback ratio and D4 variance for the FAR.

He reviewed with the Board the standards for granting such variances.

Elizabeth Kim, P.L.A., Historic Preservation Officer, was sworn in by Attorney Cayci. She read into the record the memorandum to the Board from Julie Capozzoli, Chair of the Historic Preservation Commission (HPC) dated June 20, 2017.

Ms. Kim noted that the property is not located within a municipal historic district and the applicant was not required to provide a preservation plan. However, because the property is located within the Suggested Central Residential Historic District set forth in the Historic Preservation Element of the Princeton Community Master Plan, the HPC was authorized to conduct a courtesy review of the application.

Ms. Kim said that the HPC is concerned that the proposed the bay windows, dormers and the raising of the attic roof would alter the historic character of the house but that the HPC had no objection to the variances.

James Peterson, Galina Peterson and Martina Clement presented the application using Exhibit A1 - 30 power point slides, which included photos of the homes, description of the proposed changes to the attic, addition of bay windows, proposed roof top deck, attic dormers and trellis.

Mr. Peterson said that the home was built in approximately 1878 and was originally located on the Princeton University campus. He believes that the house was moved to its current location at the corner of Vandeventer Avenue and Park Place around 1882.

Mr. Peterson said that around 1911 a second house was built on the northeast corner of that lot (now 7 Park Place). He also said that a subdivision was approved in 1994 by the Planning Board. He said that due to the narrowness of the lots, neither side can comply with side and rear setback regulations and in certain locations, the property lines are very close to the residential structures and require the residents to cross over to the neighboring property to access areas of their respective lots.

Mr. Peterson said that the proposed attic renovations will eliminate the current lack of light, access and the low ceiling height, the proposed bay windows will bring light and fresh air into the middle of both

residential units.

Mr. Peterson noted that they have reduced the number and size of the proposed facade windows in response to the HPC comments

Mr. Peterson said that 60% of the homes on Vandeventer, Madison, Park and Jefferson (to Hawthorne) also have dormers on their front facades.

Mr. Peterson presented a shadow analysis using an on-line program and that he said that he does not believe the proposed attic expansion will cast a shadow on 7 Park Place.

The application was opened to public comment and the following comments were made:

Ashley Formento of 20 Vandeventer Avenue, was sworn in by Attorney Cayci and she said that she supports the application.

Marci Shavel of 9-11 Vandeventer Avenue, was sworn in by Attorney Cayci and she said that she supports the application.

Ilhan Aksay of 6 Park Place, was sworn in by Attorney Cayci and he said that he supports the application.

Jennifer Mischner of 7 Park Place, was sworn in by Attorney Cayci and she said that she provided a written statement to the Board which she read into the record.

Ms. Mischner informed the board that access to the garage on 13-15 Vandeventer is only through an easement through the parking area on her property and that she would oppose use of the easement for construction vehicles.

She also said that the proposed a/c will be less than 9” from her property line and that installation and maintenance of it will require access to the parking area on her property and risks damage to their car.

Ms. Mischner in concerned with the 3<sup>rd</sup> floor addition and rooftop deck, and proposed trellis advising that these improvements will block access to light, air and open space, will generate noise and will add public space close to the bedrooms on the second and third floors of 7 Park Place.

Ms. Mischner said that the proposed roof top deck is considerably wider than her own deck and that of neighboring properties.

Ms. Mischner also is concerned with drainage.

Mr. Tarr said that the proposed changes to the facade facing Vandeventer Avenue do not require variances.

Mr. Tarr said that the applicant will be able to install the proposed improvements without infringing upon Ms. Mischner’s easement.

Mr. Tarr said that application meets the positive criteria for granting a c1 variance as the lot is particularly shaped. He also said that the positive criteria for granting the FAR variance for the bay windows has been met as it will promote adequate light, air and open space.

Board Members discussed the application and a motion was made by Mr. Kaledin and seconded by Ms. Clayton to grant the following variances to permit the expansion of the attic, construction of a roof top deck, the addition of one two-story bay window, addition of an air conditioning condenser, and installation of a trellis as modified during the meeting:

1. C 1 variances for combined side yard setback of 13 ft. for a new two-story bay window at 15 Vandeventer, 11.9 ft. for proposed new entrance deck at 15 Vandeventer, 11.3 ft. for proposed trellis at 15 Vandeventer, and 12.5 ft. for a new two-story bay window at 13 Vandeventer
2. C 1 variances for rear yard setback of 33 ft. for new two-story bay window at 15 Vandeventer, 18 ft. for new entrance on 15 Vandeventer, 2.5 ft. for proposed trellis at 15 Vandeventer, 17 ft. for new roof top rear deck and not less than 24 feet setback for rooftop air conditioning condenser.
3. D 4 variance to permit FAR of 65.90%., as set forth in the application, with conditions.

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

## **6. ADJOURNMENT**

There being no further business, the meeting was adjourned at 11:39 pm.

Respectfully Submitted,

Claudia Ceballos  
Secretary

Approved: September 27, 2017.