

PRINCETON ZONING BOARD OF ADJUSTMENT
Minutes of Regular Meeting
Wednesday, May 22, 2013– 7:30pm
Main Meeting Room
400 Witherspoon Street, Princeton, NJ 08540

PRESENT: Barrie Royce, Michael Floyd, Penelope Baskerville, Louisa Clayton, Richard Kahn, Steve Cohen and Doreen Blanc-Rockstrom

ALSO PRESENT: Derek Bridger, Zoning Officer; Karen Cayci, Attorney; and Debra Rogers, Secretary

ABSENT: Ravi Manchi and Sara Segal

There were nineteen (19) members of the public present.

The meeting commenced at 7:35 p.m. with Chairman Royce reading the Open Public Meetings Act statement.

1. MINUTES:

Upon motion made by Louisa Clayton and seconded by Richard Kahn, a motion was made to approve the minutes of April 24, 2013 as written and amended.

ROLL CALL: **Aye Penelope Baskerville**
 Aye Louisa Clayton
 Aye Michael Floyd
 Aye Richard Kahn
 Aye Steven Cohen
 Aye Doreen Rockstrom
 Aye Barrie Royce

2. RESOLUTIONS OF MEMORIALIZATION:

- a) **MRM Construction**
24 Balsam Lane
Block 8705, Lot 16, R-5
C1-Lot Area for new home
File No. Z13 13-036V

Upon motion made by Michael Floyd and seconded by Louisa Clayton, a motion was made to adopt the resolution of MRM Construction as written and amended.

ROLL CALL: **Aye** **Penelope Baskerville**
 Aye **Louisa Clayton**
 Aye **Michael Floyd**
 Aye **Richard Kahn**
 Aye **Steven Cohen**
 Aye **Barrie Royce**

- b) **TAL, Erel & Marilyn Marks**
36 Herrontown Circle
Block 3101, Lot 13, R-2
C1/C2 – Sideyard Setbacks for generator
File No. Z13 13-032V

Upon motion made by Penelope Baskerville and seconded by Michael Floyd, a motion was made to adopt the resolution of Erel & Marilyn Marks Tal as written and amended.

ROLL CALL: **Aye** **Penelope Baskerville**
 Aye **Louisa Clayton**
 Aye **Michael Floyd**
 Aye **Richard Kahn**
 Aye **Steven Cohen**
 Aye **Barrie Royce**

3. APPLCIATIONS:

- a) **Trustees of Princeton University**
119 Fitzrandolph
Block 50.01, Lot 12, R-2
C1/C2 for Garage, Parking Stall Size
File No. Z13 13-011V

Present for the hearing were Christopher DeGrezia, Attorney; and James Bradbury, Architect.

Chairman Royce recused himself and Vice Chair Kahn took over.

Members Cohen and Blanc-Rockstrom were appointed to hear the application in the absence of members Segal and Manchi.

Vice Chair Kahn asked Attorney Cayci about the noticing done by the applicant and if the Board could take jurisdiction of the application.

Attorney Cayci said the applicants were obligated to send out a notice by regular mail since the application was carried from the April meeting. She said the noticing was done correctly and the Board was in a position to entertain jurisdiction of the application.

Mr. DeGrezia said the applicants are returning this month to unveil a new plan that they worked hard to achieve. He said they feel that they have addressed all of the Boards concerns. He noted that this is the only property on Broadmead that does not have a garage on site. He also noted that the applicant could design a garage that would meet the bulk requirements but in doing so it would have a visual impact on the neighborhood and the applicant does not want to do that. He said he thinks the plan that has evolved is a better option than what was just noted.

Attorney Cayci swore in James Bradbury, Architect.

Mr. Bradbury introduced **Exhibit A-5** - Vicinity Plan. He discussed the aesthetics of the neighborhood and how the lots tend to be long and deep and the garages are all located in the rear of the property. He then introduced **Exhibit A-6** which were pictures of homes in the neighborhood. He noted to the Board that there are no curb cuts along the road because the access to all the properties is in the rear. He then introduced **Exhibit A-7** – Existing Plot Plan. He explained that the construction for this house had begun prior to choosing the new occupants for the house. He during the remodeling they had found that the foundation was deteriorated. He said they rebuilt the mudroom in the same location as it was previously. He said once the university found occupants for the structure, and they requested a garage. He then introduced **Exhibit A-8** – Garage Location Options. He said when the applicant was here last month they heard quite a few suggestions from the Board and they explored a few different options before coming to the final plan that they will present. He said they looked at 2 different spots in the front yard, but both would require curb cuts and the installation of a retaining wall. He said those options did not seem viable to the applicant. He said the 3rd option they explored was placing the garage at the southwest corner of the house – attached to the sun room. He said the applicant did not like that option because it would add too much impervious surface to the lot. He said the 4th option was to move the garage to the west side of the house and attached it to the mudroom. Again this did not seem viable as it would take up too much of the rear of the rear yard. He introduced **Exhibit A-9** – 5th Option. He said in the former Borough, garages are considered accessory structures and can be placed 5 feet from the property line, but again the applicant did not like this option. He introduced Exhibit A-10 – Proposed Plan. He said the garage will still be located at the northwest corner, but it will be further away from the property line and “notched” into the mudroom. He said the building will encroach in the Sideyard setback 20 inches and still be over 10 feet away from the rear property line. He said they felt that this was the best solution. He noted that the impervious coverage will remain the same as the original proposal. He introduced **Exhibit A-11** – Elevations and **A-12** – Photo’s of the rear of 119 Fitzrandolph and Exhibit A-13 Photo’s of 11 Fitzrandolph. He noted that you will not be able to see the garage from Fitzrandolph.

Vice Chairman Kahn asked if the applicants updated the paperwork with the new proposal.

Mr. DeGrazia said no, they did not. He noted that the new chart is located on the architectural plans.

Member Floyd asked the applicant if they were prepared to move forward without a garage (before the occupants were chosen).

Mr. DeGrazia said initially there were no plans for a garage.

Member Clayton said she is concerned that the applicants did not develop a long range plan for this area after the original garage was removed.

Mr. DeGrazia said that the university removed the garage because of an agreement it had. He said the agreement stated that when the title changed back to the university the garage would be removed. He said they were planning on a parking pad but when the new professor came about he wanted a garage. He said that no one wants parking on the street and the applicant really did not want to put the garage in the front yard (as of right). He noted that 8 out of 11 garages on the street are 8 feet or less from the sideyard setback. He stated that this proposal may trigger a variance but it is a much better plan than what the applicant can build as-of-right.

Member Blanc-Rockstrom inquired about the mudroom.

Mr. Bradbury said the last time the garage was totally free of the mudroom and now it is notched into the side of the mudroom.

Member Floyd asked if Princeton University owns the property.

Mr. DeGrazia said yes, and they have an agreement with a professor who will be living there.

Member Floyd asked who owns the 111 Fitzrandolph lot.

Mr. DeGrazia said Princeton University owns it.

Member Floyd asked if the university would purchase land from that lot so as to make the garage conforming to the bulk regulations.

Mr. DeGrazia said that has not been considered because 111 Fitzrandolph is smaller than this lot and does not have a lot of usable land to it.

Vice Chairman Kahn noted that it would only be an imaginary lot line change and they applicant would still need variances.

Member Clayton said she is worried because this request is very particular to this neighborhood. She said her concern lies with fact that this could be the first of many future applications for the same request. She said Princeton University controls all of these lots and should create a larger plan with potential future needs of the professors. She said the university has a great opportunity

to create a larger plan and she would have liked to see that. But, she said, she thinks they did a good job listening to the Boards concerns and she likes the plan that they came back with.

Member Cohen said that he thinks this is clearly the best choice for the placement of the garage. He also agreed with Member Floyd saying the purchase of land would make the variance go away.

Mr. DeGrezia referred to Exhibit A-13 and showed how 111 Fitzrandolph has very limited useable space to it.

Member Cohen said that the plan that was presented to the Board tonight will not have any visual impacts and by changing the lot line it will bring the sideyard encroachment into conformance. \

Mr. DeGrezia said the proposal will not impact the neighborhood. He said if the applicant were to change the lot line it would create a large lot and a very small lot and he didn't think that was something that university wanted to do.

Member Cohen again stated that he thought this proposal was the best location for the garage.

Vice Chairman Kahn said he agrees this is the lesser of 2 evils but he didn't think that remapping for 20 inches is really worth it. He said this proposal will not change the character of the neighborhood and the applicants would still need a variance for the rear yard.

Vice Chairman Kahn asked if there were any conditions the Board would like to place on this approval if it is granted.

Attorney Cayci noted that the University is to provide an easement to give access to the lot. She noted that the easement could be terminated in the future but if it is terminated the university would need to comply with the parking requirements.

Upon motion made by Steven Cohen and seconded by Louisa Clayton, a motion was made to approve the application of the Trustees of Princeton University with the condition that the university provides an access easement for the lot.

ROLL CALL:

Aye	Penelope Baskerville
Aye	Louisa Clayton
Nay	Michael Floyd
Aye	Richard Kahn
Aye	Steven Cohen
Aye	Doreen Rockstrom

- b) **CHANG, Clarence & Elizabeth**
11 Murray Place
Block 51.03, Lot 17, R-3
C1/C2 – Addition and Deck with wheelchair access
File No. Z13 13-027UV

Present for the hearing was Elizabeth Chang, applicant; and Joseph Sullivan, Architect.

Hearing the application in the absence of Members Segal and Manchi would be Members Cohen and Blanc-Rockstrom.

Attorney Cayci noted that all of 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.

Mr. Bridger discussed his memo dated March 13, 2013. He said the applicants are proposing a 2-story addition and a deck to the property. He said the development proposal calls for the construction of 696 SF. two-story addition and deck. The first floor addition is designed to provide ADA accessible living area. A deck and accessible ramp are proposed on the rear elevation of the house. The second floor addition expands a master bath and a bedroom. He said the proposals require relief for rear yard setback and lot coverage. He said the applicants are requesting a C1 or hardship variance.

Attorney Cayci swore in Elizabeth Chang.

Mrs. Chang said that her husband Clarence Chang has been living in this house since the 1960's and right now he is suffering from a progressive untreatable condition that has him living in Meadow Lakes. She noted that the steps and stairways are very narrow in the house and they would like to add on to the house so that Clarence would have his own bedroom, full bath and access to the kitchen on the first floor; and add on to the second floor because they anticipate having to hire a live-in home health care aide. She did note that if they constructed the addition on just the first floor, it would not look very attractive. She said their primary intention is to make the addition look as if it was always there. She said the only "modern" part of the proposal will be the deck that can handle a wheelchair.

Chairman Royce inquired about the lighting that will be used on the deck area. He suggested that if the Board was inclined to approve the application that a condition be placed on the approval that no light shall spill onto the neighboring properties. He also inquired about storm water run-off from the new roof.

Attorney Cayci swore in Joseph Sullivan, Architect.

Mr. Sullivan said the patio will be removed and the deck will be designed to shed water. He said the distance from the bottom step of the deck to the rear property line is 28 feet; however it is 43 feet from the edge of the house to the property line. He said the addition will not be visible from

the street and he showed a rendering of the house will look like. He said that Mr. Chang loves to play piano and cook. He said the downstairs (1st floor) will be designed so that he can maneuver around the Kitchen and he will have his own bedroom and bathroom. He said the deck will function as his “yard”. He also noted that the siding of the new addition will match that of the existing siding.

Chairman Royce asked if there were any members of the public who wanted to comment in this application.

Ms. Jacqueline Tillman, 12-14 Murray Place, said she came out to support the variance request. She said she has seen the plans and does not feel there will be any impacts from this proposal. She said this is a win/win situation because it is allowing the desire of people to age in place.

Chairman Royce asked if there were any other members of the public who wanted to comment on the application. Hearing none, he closed the public portion and the Board went into deliberative session.

Vice Chairman Kahn said this is a modest request that will not be visible from the street and he did not foresee any negative impacts on the neighborhood.

Chairman Royce said the need for handicap accessibility should be encouraged.

Member Cohen said this property backs up to commercial property so the impacts, if any, will be minimal.

Member Clayton said the proposal works for many reasons on various levels.

Upon motion made by Richard Kahn and seconded by Louisa Clayton, a motion was made to approve the application of Clarence and Elizabeth Chang as presented with the conditions that there is no light spillage or storm water runoff onto the neighboring properties.

ROLL CALL:

Aye	Penelope Baskerville
Aye	Louisa Clayton
Aye	Michael Floyd
Aye	Richard Kahn
Aye	Steven Cohen
Aye	Doreen Rockstrom
Aye	Barrie Royce

- c) **NEVILLE, Frances**
2 Willow Street
Block 28.03, Lot 118, R-4
C1 & D-FAR – Proposed Outside Elevator
File No. Z13 13-042UV

Present for the hearing were Mr. & Mrs. Neville, applicants; Mr. Peter Treichler, Attorney; and Robert Cerutti, Architect.

Hearing the application in the absence of Members Segal and Manchi would be Members Cohen and Blanc-Rockstrom.

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

Attorney Cayci reminded Mr. Bridger that he was still under oath.

Mr. Bridger went over his memo dated May 2, 2013. He said the applicant is proposing to construct a three-story elevator on the western elevation of the subject property. The proposed elevator addition will add 168 sf. of floor area and encroach approximately 6 feet into the side yard setback. The development will create a new non compliance with regard to the side yard setback and will increase the existing degree of non-compliance regarding the floor area ratio. He reminded the Board of the “d” variance and the fact that the applicant will need 5 affirmative votes in order for the variance to be approved.

Mr. Treichler said he the attorney representing the applicant. He said he would like to have Mrs. Neville speak first and then Mr. Cerutti, the applicants architect can testify as to the details of the plan.

Mrs. Neville said she and her husband had previously lived on Moore Street, but wanted to find a home that was more accessible to the downtown area. She said when they found the townhouse it was the perfect location. She said she has had to have her knee replaced and her husband just had his hip replaced. She said they would like to age in place so they spoke to an architect about the possibility of making their home more accessible. She said they wanted to have an elevator inside but said that is virtually impossible. She said their architect suggested an outside elevator. She said this would be far from their neighbors – and it will not change the integrity of the building. She also noted that there is a wall that runs along the property line. She said between the wall, the trees and the shrubs, the elevator will not be visible. She also said she will be planting some “creeping” vegetation to hide the elevator and add beauty to the lot.

Attorney Cayci swore in Robert Cerutti, Architect.

Mr. Cerutti said the townhouses were built in the 1980’s and one enters the structure from the side. He said they will align the elevator with the line of the building and it will not be larger than 56 square feet. He said they are not proposing any lighting and the roof will drain from front to back as it does now. He said this is the smallest residential elevator available. He said

the entrance will be from the street-side and then the elevator will take them to the family room or up to the master bedroom. He said there will be no exterior elements that will create noise. He also noted that the brick will match the existing house. He introduced 2 exhibits – A-1 Site Plan and A-2 Rendering.

Member Clayton asked about the machinery in the elevator.

Mr. Cerutti said it is all internal.

Member Clayton asked about making the elevator wheelchair accessible.

Mr. Cerutti said the applicants would need 2 more feet to do that.

Member Blanc-Rockstrom inquired about the tracks for the elevator and how they were held together.

Mr. Cerutti said the tracks run along the wall and they begin at the finished grade of the property.

The Board and the applicant held a brief discussion about the elevator and whether or not the applicants should amend their application to include the 2 additional feet needed to make it more wheelchair accessible.

Chairman Royce asked if there were any members of the public who wanted to comment on the application. Hearing none, he closed the public portion and the Board went into deliberative session.

Chairman Royce asked Mr. Treichler if he had any closing comments.

Mr. Treichler said that the subject lot is very narrow and the layout of the building is very challenging when it comes to elevators. He said there are exceptional circumstances that warrant the approval of the application. He said the Neville's would like to age in place, and they are merely asking for the variance to gain more use and accessibility of the property. He said the lot is located at the end of a dead end street and has very little traffic. He said the benefits definitely outweigh the any detriments the approval of the variances would cause. He said regarding the FAR variance, right now the homeowners are unable to use the house as it is now because of the staircases and the layout.

Chairman Royce asked the Board if they would like to allow a bigger landing space or a bigger elevator.

Vice Chairman Kahn suggested giving the applicants the option.

Member Cohen said that with minimal change they can make the elevator more wheelchair accessible.

Member Clayton suggested approving something with a reasonable envelope in order to gain more wheelchair accessibility.

Upon motion made by Louisa Clayton and seconded by Richard Kahn, a motion was made to amend the application of Frances Neville to enlarge the building envelope to 7 feet wide and 12 feet deep.

ROLL CALL: Aye **Penelope Baskerville**
 Aye **Louisa Clayton**
 Aye **Michael Floyd**
 Aye **Richard Kahn**
 Aye **Steven Cohen**
 Aye **Doreen Blanc-Rockstrom**
 Aye **Barrie Royce**

4. ADJOURNMENT:

Upon motion made by Louisa Clayton and seconded by Steven Cohen, a motion was made to adjourn the meeting at 9:45 p.m.

ROLL CALL: Aye **Penelope Baskerville**
 Aye **Louisa Clayton**
 Aye **Michael Floyd**
 Aye **Richard Kahn**
 Aye **Steven Cohen**
 Aye **Doreen Blanc-Rockstrom**
 Aye **Barrie Royce**

Respectfully Submitted,



Debra L. Rogers, Secretary

Date Approved: June 26, 2013