

PRINCETON ZONING BOARD OF ADJUSTMENT
Minutes of the Regular Meeting

WEDNESDAY, September 17, 2014 7:30 P.M.
Municipal Complex – Main Meeting Room
Princeton, New Jersey

PRESENT: Steven Cohen, Michael Floyd, Barrie Royce, Doreen Blanc-Rockstrom,
Sara Segal and Harlan Tenenbaum

ALSO PRESENT: Karen Cayci, Attorney, Derek Bridger, Zoning Officer and Christine
Lewandoski, Historic Preservation Officer.

ABSENT: Louisa Clayton and Richard Kahn.

There were eighteen members of the public present.

1. OPENING STATEMENT

The meeting commenced at 7:32 p.m. with Chairman Royce reading the Open Public Meetings Act statement.

2. MINUTES:

- a) July 23, 2014 – motion was made Mr. Cohen to accept the minutes, seconded by Mr. Floyd and carried with a voice vote of five ayes among those members eligible to vote. No one opposed. No one abstained.
- b) August 6, 2014 - motion was made Mr. Floyd to accept the minutes, seconded by Ms. Blanc-Rockstrom and carried with a voice vote of five ayes among those members eligible to vote. No one opposed. No one abstained.

3. RESOLUTION OF MEMORIALIZATION

- a) JOSEPH MCLAUGHLIN
25 Old Orchard Lane
Block 901, Lots 4; R-2 Zone
C1 – setbacks for generator
Z1414-062V

A motion was made by Michael Floyd and seconded by Steven Cohen to adopt the resolution of JOSEPH MCLAUGHLIN, as it has been written.

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

- b) JOHN AND MARGUERITE D'AMICO
29 Old Orchard Lane
Block 901, Lots 6; R-2 Zone
C1 – setbacks for generator
Z1414-063V

A motion was made by Michael Floyd and seconded by Steven Cohen to adopt the resolution of JOHN AND MARGUERITE D'AMICO, as it has been written.

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

- c) LOUISE W. GROSS
30 Old Orchard Lane
Block 901, Lots 11; R-2 Zone
C1 – setbacks for generator
Z1414-061V

A motion was made by Michael Floyd and seconded by Steven Cohen to adopt the resolution of LOUISE W. GROSS, as it has been written.

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

- d) COASTAL STEEL CONSTRUCTION OF NJ LLC
9 Vandeventer Avenue; Block 28.01, Lot 2, R4 Zone
D Variance, Minor Site Plan - expansion of a non-conforming use
Z1414-055U

A motion was made by Michael Floyd and seconded by Doreen Blanc-Rockstrom to adopt the resolution of COASTAL STEEL CONSTRUCTION OF NJ LLC, as it has been written.

ROLL CALL: Aye Steven Cohen
Aye Michael Floyd
Aye Barrie Royce
Aye Doreen Blanc-Rockstrom

- e) PROSPECT PRINCETON LLC
686 Prospect Avenue, Block 5903, Lot 19; R5 Zone
C1– Lot area and lot width
Z1414-071V

A motion was made by Michael Floyd and seconded by Steven Cohen to adopt the resolution of PROSPECT PRINCETON LLC, as it has been written.

ROLL CALL: Aye Steven Cohen
 Aye Michael Floyd
 Aye Barrie Royce
 Aye Doreen Blanc-Rockstrom

- f) CHUNG-WU HO and FALAN C.
22 Chestnut Street
Block 30.01, Lots 29; R-4 Zone
C2 – Accessory structure lot coverage area
Z1414-075V

A motion was made by Chairman Royce and seconded by Doreen Blanc-Rockstrom to adopt the resolution of CHUNG-WU HO and FALAN C., as it has been written.

ROLL CALL: Aye Barrie Royce
 Aye Doreen Blanc-Rockstrom

4. APPLICATIONS:

- a) JILL JACHERA, TRUSTEE & FERNANDO M. GUERRERO, TRUSTEE
(Cont'd from August 27, 2014 meeting)
60 Hodge Road Block 11.01, Lot 3, R1 Zone
C2 – Front yard setback for a two car attached garage
Z1414-078V
Deadline for action: 12/6/14

Mr. Solomon requested the application to be carried to the next meeting of the Board on October 22, 2014.

A motion was made by Mr. Tenenbaum to accept the request to carry the application and no one opposed. No one abstained.

- b) FOSTER, DEBRA AND CHARLES
150 Mercer Street Block 39.01, Lot 5, R-1 Zone
Mercer Mill Historic District
C1/C2 & D- FAR and Lot Coverage variance
Demolition of rear addition, new addition and preservation plan and site work
22HP-2014 and Z1414-040UV

Present for the application Mark Solomon, Esquire, attorney for the applicant and Joseph Gallagher, Architect.

Attorney Cayci advised 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 and Christine Lewandoski, Historic Preservation Officer

Ms. Lewandoski advised that the property is located in the Mercer Hill District and the house is a three bay (façade) by six bay, two and half story frame structure, clad with clapboard. The house has a one story modern addition at the rear and the applicant is proposing to remove this addition to make way for the proposed addition of approximately 336 square feet.

Ms. Lewandoski said that the proposed addition is a one story structure, clad with clapboard to match the original house. The left (northeast) side of the addition will be seen from the public way and is subject to review by the Historic Preservation Commission. The rear elevation cannot be seen from the public way and it is not described in this report. Ms. Lewandoski said that the proposed addition will add a mudroom, and enlarged breakfast area and a small covered porch. Ms. Lewandoski noted that applicant has also submitted a landscape plan for approval. A six foot wood fence shown on the plans is not being proposed. The applicant received administrative approval for a Preservation Plan for a 5 foot 11 inch fence. The applicant is proposing landscaping on the subject lot as well as in an easement area to the west. The easement has been provided as part of this application.

Ms. Lewandoski presented a HPC memo dated September 2, 2014. Ms. Lewandoski advised that the HPC provided unanimous recommendation of approval of the application with the following conditions: (1) location of any new utilities underground; (2) applicant coordination with the municipal Land Use Engineer to insure proper management of any storm water runoff associated with the new addition; (3) screening of the air condition units on the side of the property. Ms. Lewandoski said that the HPC advised that if desired by the Board, it could designate a subcommittee to review final details of the landscape plan.

Mr. Bridger, provided an overview of the application and presented a memorandum prepared by Mr. Bridger and Christine Lewandoski, Historic Preservation Officer. Mr. Bridger reviewed the current status of compliance with the zone requirements and the required variances for the proposed addition as follows:

Mr. Bridger said that the required small side yard setback is 10 feet, the existing is 4.7 feet and the proposed is 4.7 feet; the combined side yard setback is 30 feet, the existing is 11.4 feet and the proposed is 12.7 feet; the permitted lot coverage is 25 % the existing is 40.95% and the proposed is 43.59%; floor area ratio the maximum allowed is 40.135% the existing is 71.53% the proposed is 73.35% and the height-setback ratio is 1.5:1 maximum the existing is 6.73:1 (existing 2 ½ structure), the proposed is 3.66:1.

He explained that the applicant seeks the bulk variances as a C (1) variance or in the alternative a C (2) variance and the floor area relief as a D (4) variance along with approval of a historic preservation plan. Mr. Bridger reviewed with the Board the standard of proof required for the bulk variances, a D-variance and the criteria to be met by the applicant.

Mr. Solomon said that his clients have hired Mr. Joseph Gallagher, who will testify regarding the proposal. He noted that this is a “D” variance because of the floor area ratio. He said that the side yard and the height setback are being improved.

Attorney Cayci swore in Joseph Gallagher, Architect.

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

He testified regarding the proposed addition and the required variances and referenced the following exhibits were marked into evidence:

Exhibit A-0 Drawing A-0 showing existing site and proposed layout

Exhibit A-1: Drawing A-0.1, Area Plan Key Map, Height-setback ratio

Exhibit A-2: Drawing A-1 Existing First Floor and foundation demo plans

Exhibit A-3: Drawing A-2, Existing second and third floor plans and existing front and rear exterior elevations

Exhibit A-4: Drawing A-3 Existing side elevations all prepared by Joseph Gallagher, dated March 16, 2014

Exhibit A-5: Photos of the Existing Dwelling (Photo A: Mercer Street Elevation; Photos B and C: Left Side view of addition-visible from street; Photos D, E and F: Rear yard views of addition

Exhibit A-6: Drawing A-4, Proposed first floor plan and proposed foundation plan”, prepared by Joseph Gallagher

Exhibit A-7: Drawing A-5, Proposed Exterior elevations, prepared by Joseph Gallagher.

Mr. Gallagher explained that the new proposed addition will be aesthetically more pleasing than the existing addition and will promote conservation of the historic district as the new addition will be more consistent with the historic style of the main house. He testified that the proposed addition will provide greater functionality for the owners and will allow a more open and usable kitchen, an expanded breakfast area, a mudroom and a roofed over porch in the rear. The addition’s exterior will be painted wood clapboard siding to match the existing main house with features to match the character of the existing main house and the neighborhood.

Mr. Gallagher said that the proposed addition will generate less than 400 square feet of impervious coverage and accordingly, will not trigger the municipal storm water management requirements.

The application was opened to public comment but no members of the public provided comment.

The Board asked for clarification in regards to the air conditioning units.

Mr. Gallagher confirmed that the existing air condition units will remain in place and that the applicant will install a screening fence of approximately four feet in front the units. (Exhibits A0 and A5).

Mr. Bridger noted that the air conditioning units are a prior non-complying condition and requested that the Board approved their location now so that there are no issues later on. The Board agreed with Mr. Bridger's request.

A motion was made by Steven Cohen seconded by Harlan Tenenbaum, to approve the application of FOSTER, DEBRA AND CHARLES for C (1) variances from the requirements of Section 17A-228, 231 and 232 of the former Princeton Borough Land Use Ordinance for lot coverage, floor area ratio, smaller side yard setback, combined side yard setback, and height-setback ratio and for the existing air-conditioning units, and a D (4) variance from the requirements of Section 17A-232 for floor area ratio to permit the construction of an addition to the existing residence with conditions about lighting and landscaping.

ROLL CALL: Aye Steven Cohen
 Aye Michael Floyd
 Aye Barrie Royce
 Aye Sara Segal
 Aye Doreen Blanc-Rockstrom
 Aye Harlan Tenenbaum

- c) WOLFE, WILLIAM AND ELIZABETH
31 Birch Avenue Block 6902, Lot 17, R9 Zone
C2- site yard setback
Z1414-079V

Present for the application Dirk M. Simpson, Esq., attorney for the applicant and William Wolfe, Architect.

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

Mr. Bridger provided an overview of the application. Mr. Bridger advised that an application is made for C2 variance relief pursuant to Section 10B-20 of the former Princeton Township Land Use Ordinance from the required side yard setback to permit the approval of 36 sf. expansion (already constructed) to an existing deck.

Mr. Bridger said that the subject property is located in the R9 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. The existing single-family use is permitted as of right. He noted that the subject lot is non-complying with respect to the following bulk requirements: the lot area requirement is 6,500sf. the existing-2,500sf.; the lot width requirement is 40 ft. the existing is 25ft.; the lot frontage requirement is 30 ft. and the existing is 25ft. Mr. Bridger advised that the subject property is non-complying with the following bulk requirements: the front yard setback requirement is 25 feet and the existing is 15 ft. The side yard setback right side requirement is 5 ft. and the existing is 2.27 ft.; the side yard setback left side requirement is 5 ft. and the existing is 2.35 ft. Mr. Bridger, explained that the applicant is seeking variance relief from the required five foot side yard setback to permit an already constructed 36 sf. expansion of an existing deck. The requested variance

relief would permit a side yard setback of 2.3 ft. He advised that the applicant had already constructed the deck expansion along with a small enclosure below the deck to cover a basement entry and that the expansion followed the existing setback of the house. Mr. Bridger further said that the other existing bulk nonconformities are not affected by the deck expansion and that he considers them prior nonconforming conditions which do not require a variance.

Dirk M. Simpson, Esq. appeared on behalf of the owner, 31 Birch Avenue LLC.

Attorney Cayci swore in William Wolfe, Architect.

William Wolfe referenced the following exhibits which were placed into evidence:

Exhibit A-1: Photos of Deck; Exhibit A-2: Color view of application plan.

Mr. Wolfe said that he previously owned 31 Birch Avenue and had recently sold the property to the current owner. Mr. Wolfe said that prior to the deck expansion, there had been an existing deck with stairs at the rear of the property. Prior to selling the property, Mr. Wolfe had extended the existing deck by approximately six feet over an existing Bilco door with an enclosure below the deck expansion in order to provide more useable space including storage for trash receptacles and to provide a more visually appealing exterior. He noted that the Bilco door is still accessible behind the deck enclosure. No new lighting was added in connection with the deck expansion. Mr. Wolfe said that this property is undersized with respect to lot area and lot width but is a typical size for Birch Avenue.

Mr. Wolfe informed that he had obtained building permits for major work at the property but did not realize that a variance was required for the deck expansion, particularly because it is located in the rear of the property and the deck expansion followed the existing setback of the residence.

The application was opened to public comment but no members of the public commented.

A motion was made by Sara Segal and seconded by Michael Floyd, to approve the application of WOLFE, WILLIAM AND ELIZABETH for hereby grant to the applicant William Wolfe a C (2) variance from the requirements of Section 10B-253 and 255 of the former Princeton Township Land Use Code Section to permit location of an expanded deck and enclosure at the rear of the Property with a side yard setback of 2.3 feet with conditions about lighting and landscaping.

ROLL CALL: Aye Steven Cohen
 Aye Michael Floyd
 Aye Barrie Royce
 Aye Sara Segal
 Aye Doreen Blanc-Rockstrom

- d) GRANT HOMES TUCKER, LLC
232 Edgerstoune Road, Block 8203, Lot 18, R2 Zone
C1 – lot area and lot width (new house)
Z1414-088V

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

Present for the application Mark Solomon Esquire and Frank Falcone, PLS.

Mr. Bridger provided an overview of the application. Mr. Bridger said that the property is located in the R2 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. The property is noncompliant with respect to lot area and lot width. The lot area required in the zone is 65,340 square feet while the existing lot area of the Property is 30,000 square feet. The lot width required in the zone is 175 feet and the existing lot width of the property is 150 feet. He explained that the property contains a single-family dwelling which is permitted as of right. Mr. Bridger said that the applicant proposes demolition of the existing dwelling and construction of a new home. The former Township Land Use Code requires the applicant to obtain a variance for construction of a new home because the lot does not comply with the bulk requirements. The applicant has represented that the new single family dwelling will meet all applicable setbacks and bulk requirements with the exception of lot area and lot width. Mr. Bridger advised that should the new dwelling be determined to be noncompliant, the applicant will be required to seek appropriate variance relief. He noted that applicants seek approval for the proposed improvement as a C (1) variance.

Leslie W. Koepplin and Linda Koepplin are the owners of 232 Edgerstoune Road, Block 8203, Lot 18, which is located in the R-2 zoning district. The applicant is Grant Homes Tucker LLC.

Mr. Solomon advised the Board that the applicant is the contract purchaser of the property and had previously attempted to sell the property to adjoining owners or purchase additional land to mitigate the bulk conditions. He provided copies of the following letters which were marked collectively as Exhibit A-1 and which he represented were sent by his office via certified and first class mail to the addressees:

Exhibit A-1: Letter dated August 8, 2014 sent to Richard Goldman, Esq., DrinkerBiddle, 105 College Road East, Princeton, NJ on behalf of the Hun School; Letter dated August 8, 2014 sent to Nejat and Isil Guzelsu, 244 Edgerstoune Road, Princeton, NJ; Letter dated August 8, 2014 sent to Peter E. and Maura A. Black, 220 Edgerstoune Road, Princeton, NJ.

Mr. Solomon advised that none of the aforementioned property owners expressed interest in purchasing the Property or selling a portion of their land to the applicant.

Attorney Cayci swore in Mr. Frank Falcone, PLS, PP.

Mr. Falcone has been a licensed surveyor and planner in the State of New Jersey since 1987 and has previously been accepted as an expert witness by the Board. The Board agreed to

accept Mr. Falcone as an expert witness regarding this application. Mr. Falcone presented the following exhibits:

- Exhibit A-2: Rendered Neighborhood Site Plan
- Exhibit A-3: Sheet 82 of the Tax Map of Princeton

Mr. Falcone said that the subject property is noncompliant with respect to lot area and lot width as it is 30,000 square feet in size and 150 feet wide while the zone requirements are 65,340 square feet and 175 feet respectively. He said that approximately 84% of the surrounding properties are undersized and approximately 54% of the surrounding lots do not meet the zone requirements for lot width. Mr. Falcone said that the proposed new residence will improve the drainage pattern by insuring that the roof leaders drain into the storm water drains on Edgerstoune Road.

Mr. Falcone said that possibly two or three trees out of twenty four, located closest to the existing residence, will be need to be removed.

The following members of the public provided comment on the application:

Attorney Cayci swore in Karen Gordon of 251 Edgerstoune Road

Karen Gordon, 251 Edgerstoune Road, said that she concerns regarding the proposed new residence. Ms. Gordon asked what the proposed height and mass of the new house will be. She also said that past residential construction has caused construction material and dirt to be swept onto her property and other properties on Edgerstoune Road and also to clog the storm drains causing system back-up. Ms. Gordon also said that she is concerned that the trees in front of the existing residence be retained as they provide an important visual perspective. In response, the Board advised that it does not have site plan jurisdiction regarding the size of the new house, provided that it meets the bulk standards of the zone.

In response to Ms. Gordon's comments from the public, Mr. Falcone confirmed that applicant will comply with all requirements imposed by the Mercer County Soil Conservation District and the Engineering Department.

A motion was made by Steven Cohen seconded by Harlan Tenenbaum, to approve the C (1) variances from the requirements of Section 10B-246 of the former Township Land Use Ordinance regarding lot area and lot width to permit demolition of an existing single family residence and construction of a new single-family home on the property, subject to the applicant's compliance with the following: all applicable municipal tree ordinances regulating tree removal, compliance with all municipal storm water runoff regulation requirements, compliance with all applicable soil conservation requirements and with conditions regarding lighting and landscaping.

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

5. ADJOURNMENT

There being no further business the meeting was adjourned at 9:07 PM.

Respectfully Submitted,

Claudia Ceballos
Secretary

Approved: November 12, 2014.