

PRINCETON ZONING BOARD OF ADJUSTMENT

Minutes of the Special Meeting
February 17, 2016 7:30 P.M.
Municipal Complex – Main Meeting Room
Princeton, New Jersey

1. OPENING STATEMENT

The meeting commenced at 7:31 p.m. with Chairman Royce reading the Open Public Meetings Act statement.

2. ROLL CALL

PRESENT: Louisa Clayton, Steven Cohen, Eve Coulson, Doreen Blanc-Rockstrom, Barrie Royce, Bairy Suri, Harlan Tenenbaum

ABSENT: Wendy Farrington and Michael Floyd

ALSO PRESENT: Karen Cayci, Attorney; Derek Bridger, Zoning Officer; John M. West, P.E., Land Use Engineer; Lee O. Solow, Director of Planning; Claudia Ceballos, Board Secretary.

There were eleven (53) members of the public present.

3. APPLICATIONS

b) 35 Hillside, LLC/Owner & Applicant

35 Hillside Road, Block: 7207, Lot: 7, R6 Zone

C1/C2 – Lot width for a new single family dwelling

Z1616-316 V

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 Attorney Christopher Tarr, Ryan Kennedy of Mr. Tarr's office; and Daniel Barsky, all sworn in by Attorney Cayci.

Mr. Derek Bridger, Zoning Officer, was sworn in by Attorney Cayci.

Mr. Bridger provided an overview of the application using his memorandum dated January 27, 2016. Mr. Bridger said that the applicant seeks a hardship variance c (1) pursuant to Section 10B-20 of the former Princeton Township Land Use Ordinance to permit the development of single-family dwelling on a non-conforming lot in exception to the required lot width.

Mr. Bridger said that the property is in the R6 Zone and the existing single-family use is permitted as of right.

Mr. Bridger noted that the required lot width is 85 ft. and the existing is 80 ft.

Mr. Bridger said that the existing house will be demolished and a new structure will be constructed.

Daniel Barsky presented a power point presentation marked Exhibit A1. These slides showed the zoning map, tax map and the property and adjacent properties.

Mr. Barsky noted that most of the lots in the zone do not comply with the required lot width.

Mr. Barsky said that the proposed new house will comply with all bulk regulations.

Chairman Royce opened the meeting for public comment and the following comments were provided:

Jere Tannenbaum of 430 Ewing Street, was sworn in and said that she is concerned with this new house, she mentioned two other residences demolished and replaced on Hillside Road and that the new homes are not consistent with the character and aesthetics of the neighborhood. Ms. Tannenbaum urged the Board to take action.

Chairman asked residents in the public to address their concerns regarding tear downs and size of the homes to Council.

Ken Orlofsky, of Princeton, sworn in and said that the construction of new large homes is affecting the aesthetics and environment of the neighborhood. He said they are living in a construction zone.

Susan Jeffries, Princeton, sworn in. She expressed her opposition to the application. She inquired about the Board's jurisdiction. She asked that the Board denies this application.

Chairman clarified that the applicant is requesting permission to build in a smaller lot and that all the other requirements will be compliant.

Mr. Tarr confirmed that the applicant will comply with all bulk regulations with respect to the proposed residence other than lot width.

Board Members discussed the application and a motion was made by Mr. Cohen and seconded by Mr. Tenenbaum to grant a C (1) variance from the requirements of Section 10B-246 of the former Princeton Township Land Use Ordinance to allow a lot width 80 ft. 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

FOR: Clayton, Cohen, Coulson, Rockstrom, Royce, Suri, Tenenbaum

AGAINST: None

RECUSED: None

ABSENT: Farrington and Floyd

a) Application of Princeton Maclean LLC

30 Maclean Street

Major Site Plan with D and C variances

To allow Masonic Temple to change use to Residential Apartments

Block 17.03, Lot 73, R4 Zone (Boro)

Z1515-237UVP

Chairman noted that the Board accepted jurisdiction at their last meeting.

Attorney Cayci confirmed that he Board took jurisdiction at their last meeting and noted that the applicant re-noticed by certified mail.

Present for the application Christopher DeGrezia, Esq.; Aubrey Haines, member of the applicant limited liability company; Joshua Zinder, Architect; Matthew Connors, P.E.; Georges Jacquemart, P.E., Traffic Engineer; Diane Strauss, Professional Planner.

Mr. Lee O. Solow, Director of Planning was sworn in by Attorney Cayci.

Mr. Solow provided an overview of the application using his memoranda dated December 23, 2015 and February 2, 2016 a memo prepared by Derek Bridger, Zoning Officer, and John M. West, P.E, P.P., Land Use Engineer, dated November 5, 2015, revised November 23, 2015 and further revised December 3, 2015; a December 18, 2015 memo from SPRAB (Site Plan Review Advisory Board) and memo dated July 31, 2015 provided by Daniel Dobromilsky, municipal landscape architect.

Mr. Solow said that the application is for a preliminary and final major and site plan use variance and bulk variance. Mr. Solow used Sheet C-5 of the applicant's plans to review the zone requirements and the required variances for the proposed project.

Mr. Solow said that the 3 story masonry building was used as a Masonic Temple (conforming permitted use) the applicant is proposing to convert it to 10 residential units and adding an enclosed stair tower to the north, landscape areas on both sides of the stair tower, 10 proposed parking spaces, and dumpster enclosure.

Mr. Solow said the three story building will be converted to a four story building by respacing the floors within the existing building envelope, the building will not be any higher. Applicant proposes two efficiency apartments, three 1-bedroom apartments and five 2-bedroom apartments, two of which will be deed restricted COAH units.

Mr. Solow said that the proposal would require the following variances:

Floor Area Ratio-The applicant is requesting a (d) 4 variance. The proposed FAR is 125% whereas the maximum permitted is 45%.

Use Variance – Density- The applicant is requesting a (d) 5 variance. Mr. Solow explained that the R4 zoning provisions calculate density based on the number of habitable rooms in a unit and assigns a lot area per unit. The proposed multi-family dwelling habitable units and required lot area is broken down as follows:

Unit 1- One habitable room-	2,600 sf lot area required
Unit 2-Efficiency-	N/A
Unit 3-Two habitable rooms-	2,600 sf. lot area required
Unit 4-Two habitable rooms-	2,600 sf. lot area required
Unit 5-Efficiency-	N/A
Unit 6- One habitable room-	2,600 sf. lot area required
Unit 7- Two habitable rooms-	2,600 sf. lot area required
Unit 8- Two habitable rooms-	2,600 sf. lot area required
Unit 9- Two habitable rooms-	2,600 sf. lot area required
Unit 10-Two habitable rooms-	2,600 sf. lot area required
Lot area required per habitable rooms-	20,800 sf. lot area required

The existing lot area is 7,473 sf. and variance relief is required.

Number of Stories - the maximum number of stories in multiple dwellings is 3 and the applicant is internally expanding the existing three-story building to four stories.

Building Coverage – the maximum building coverage is 30%. The existing coverage is 27.4% and the proposed is 34.5%.

Number of Units in Building- the maximum of three units per building and the applicant seeks 10 units.

Useable Open Space - There is no existing useable open space at the site currently and none is proposed. Based on the 13 habitable rooms in the project 2,600sf. of useable open space is required.

Required Number of Parking Spaces - multiple dwellings are required to have 1.5 spaces per unit or 15 spaces. The proposed plan calls for 9 parking spaces and one ADA compliant space.

Parking Stall Size – a parking stall size shall be 9’X19’, the proposed parking stall size is 8.5’ X 18’.

Light Spillage - lighting at the 2 entrances and the parking lot lighting exceeds level of illumination.

Front Yard Setback- The proposed setback is approximately 4.25 ft and the required setback is 20 ft.

Mr. Solow noted that this property is located in the R4 zone of the former Borough, the surrounding land uses are a mix of one, two and multi-family dwellings. There are several larger multi-family projects in the immediate vicinity and that the property could be developed as of right for two to three single-family homes

Mr. Solow said that the staff is concerned with the density of the project and that the insufficient parking may cause negative impacts on the surrounding neighborhood. Mr. Solow noted that while the subject property is located in a more densely populated neighborhood, the proposed density of the project will be 58.3 units per acre which greatly exceeds the neighborhood density of other multi-family developments.

Mr. Solow mentioned the Waxwood project, a conversion of a former school/nursing home into residential units was approved in 2002 at a density of 23.7 units per acre; the density of Merwick and Stanworth is 13 dwelling units per acre and the Avalon Bay 38.9 dwelling units per acre.

Mr. Solow said that some project provided 1.35 parking spaces per unit as opposed to the one space per unit. Mr. Solow also mentioned that residents of the proposed project would not be eligible for overnight on street parking permits.

Mr. DeGrazia said that this is a very unique building, this is an adaptive reuse. Mr. DeGrazia said that the applicant is trying to find a way to integrate it into the neighborhood, the building is not being expanded, and it is going to be used more efficiently. Mr. DeGrazia said that one of the themes developed after meeting with the neighbors, it is to preserve the historic façade, and he said that neighbors rejected a high end duplex, applicant is trying to create cost effective housing. The proposed development is substantial less intense than the existing use.

Attorney Cayci swore in Christopher DeGrazia; Aubrey Haines, member of the applicant limited liability company; Joshua Zinder, Architect; Matthew Connors, P.E.; Georges Jacquemart, P.E., Traffic Engineer; Diane Strauss, Professional Planner.

Aubrey Haines he is a managing partner of the investor in the project. Mr. Haines said that he met with various neighbors and he believes that most neighbors would prefer that the building exterior be preserved and that the site be developed for apartments. Mr. Haines said that the proposed apartments will be cost-effective and will provide a lot of value to the community. He noted that he does not believe the project can be effectively developed to include two affordable housing units without a total number of ten apartments.

Joshua Zinder presented his credential as a licensed architect in the State of New Jersey and has prepared the architectural plans for the proposed project. Mr. Zinder is also a member of the LLC.

The Board accepted his credentials and the presented the following:

Exhibit A-1- Power Point slide presentation consisting of sixteen slides as follows:

Slide 1: Aerial view; Slide 2: Photos of John Street elevations; Slide 3: Photos of Maclean Street elevations; Slide 4: Photos of Maclean Street and parking area; Slide 5: Photos of existing signage and cornerstone on existing building; Slide 6: Proposed Site Plan; Slide 7: Proposed Historic Marker to describe history of the property; Slide 8: Floor plans for proposed 1st floor; Slide 9: Depiction of proposed bicycle storage and window well area; Slide 10: Floor plan for proposed 2nd floor; Slide 11: Floor plan for proposed 3rd floor; Slide 12: Floor plan for proposed 4th floor; Slide 13: Plan for proposed Roof; Slide 14: Schematic Cross-Section showing existing and proposed conditions; Slide 15: Breakout of units in comparison to existing volume; Slide 16: Color Options for Exterior Building and Stair Tower.

Mr. Zinder said that the applicant intends to preserve the exterior of the building while readapting the interior for development as apartments. Mr. Zinder advised that the applicant intends to return to the Masonic Temple organization the existing original signage and cornerstone on the property but will install a duplicate of both on the exterior of the renovated building. Mr. Zinder said that the applicant will comply with the municipal zoning standards governing light spillage and no longer requires a variance.

Mr. Zinder noted that the stair tower will be constructed behind the existing building to provide access to the second and third floors. The stair tower will have glass walls and will be illuminated at night with timer/motion sensor lights, it will contain a mailroom and bike storage area on the first floor and will have a lockable door at street level.

Mr. Zinder said that the HVAC equipment will be located on the roof and concealed.

Mr. Zinder said that applicant proposes a color scheme of terracotta and white as shown on the exhibits. All units will have their own washer and dryer.

Mr. Zinder said that the project will not provide renewable energy as the roof will be unable to support solar panels and therefore the variance for side yard setback had been withdrawn.

Mr. Zinder testified that the anticipated rental rates for the apartments will be in the range of \$2.50 per square foot (\$1500-2500 per month) and that he believes the apartments fill a community need for smaller more affordable apartments. He confirmed that the leases will specify that only one parking space will be allowed per unit.

Mr. DeGrazia said that this regulation would be part of the lease, they can park 1 car on the parking lot, and he confirmed parking will be controlled. Mr. DeGrazia said that the open space is so much better than what exist there now but it triggers a variance because is based on habitable rooms. By shifting of the use a lot area variance is needed, the criteria is based on the number of rooms. He said to remove all the negative impacts

Mr. Zinder reviewed the SPRAB comments memo (December 18, 2015) and confirmed the applicant's responses to SPRAB numbered comments as follows:

1. SPRAB recommends that the Zoning Board consider very seriously the magnitude of the proposed change in density represented by the requested variances for the number of SF per habitable room and for the FAR. The proposed site plan has a lot area that is 1/3 that required by

the number of habitable rooms even with the efficiency units not counted, and an FAR that is nearly three times what is permitted. SPRAB questions whether the consequences of this crowding to the neighborhood and community is justified by the provision of more affordable housing. Aside from the two affordable units, SPRAB members were concerned that the rents quoted for the other eight apartments are not nearly “affordable”, and thus do not justify the quantity of variances.

2. If the Zoning Board believes the density is justified, then SPRAB recommends approval of the bulk variances 3.4, 3.5, 3.6, 3.8 and 3.9.

3. As this neighborhood is very short of on-street parking, the applicant should address the deficiency of parking in Item 3.7, possibly by sourcing dedicated parking nearby.

The applicant believes it has adequately established that project meets standards for granting the requested variances

4. The applicant stated that no elevator is proposed or required. The applicant should consider shrinking the addition.

The applicant does not believe that an elevator is necessary and does not agree with the comment

5. SPRAB asks the applicant to consider reducing the number of apartments and absorbing the stairs into the existing shell. By eliminating the addition, the useable open space and the number of parking spaces could be increased.

The applicant is unwilling to reduce the number of units

6. The elevations should be corrected to properly identify the materials proposed. If the addition is maintained in the proposal, multiple color options are recommended to be presented to the Zoning Board.

The applicant leaves the color selection to the Board

7. Three window wells shown on the ground floor plan (A1-1) and the (north) alley elevation (A3-1) would be hazardous and would trigger another variance.

The applicant agreed to remove them.

8. The landscape plan does not appear to allow any dimension for the construction of window wells along the John Street façade. Nor is any drainage indicated. Details should be developed.

The applicant will comply with the comment

9. The window well nearest the stair is dangerously close to the bottom of the stair. SPRAB recommends that the applicant consider turning the last two or three risers of the stair 90 degrees to face John Street, with a guard/handrail at the end of the landing adjacent to the window well.

The applicant believes the configuration of the window well and the stairs is consistent with those in Palmer Square and will not comply with the comment

10. The details for attaching the stainless steel guardrail, handrail and cables for the stair edge should be shown. No thickness is shown for the sloped masonry stair stringers on the John Street and Maclean Street elevations. The applicant should consider eliminating the masonry stringer to avoid trapping moisture and debris.

The applicant will comply with the comment;

11. The site plan indicates replacing the existing chain link fence with black painted aluminum fencing (site detail). Details also indicate black painted aluminum for guardrails in the rear. This conflicts with the architect's drawings showing stainless steel cable rail and should be corrected.

The applicant will replace the existing chain link fence with a picket fence

12. SPRAB asks the applicant to include more information in the drawings about the Masonic Temple plaque that will be replaced and the corner stone providing the history of the site.

13. The applicant is asked to provide a detail section of the grade change between the parking and the sidewalk and at the edge of the driveway where the municipal engineer has suggested a retaining wall.

14. SPRAB asks the applicant to consider substituting more durable materials for the board on board fencing proposed for the trash enclosure. Possible suggestions include steel framing, two-inch nominal treated wood or cedar planking, and an aluminum system.

The applicant will comply with comment 12, 13 and 14.

Mr. Zinder confirmed that the applicant will comply with all staff comments/recommendations regarding the site plan.

Matthew Connors, P.E. said that he is a licensed professional engineer of the State of New Jersey and was retained to serve as project engineer for the within application. The Board accepted Mr. Connors' credentials.

Mr. Connors presented the following:

Exhibit A-2-Power Point slide presentation consisting of the following nine slides:

Slide 1: Sheet C-2, Existing Conditions Survey; Slide 2: Sheet C-3, Site Plan; Slide 3: Site Plan Details; Slide 4: Site Plan Details; Slide 5: Rendering of site with landscaping; Slide 6: sheet C-4, Landscaping and Lighting Plan; Slide 7: Sheet C-5, Additional Lighting and Landscaping Detail; Slide 8: Sheet C-5, Additional Lighting and Landscaping Detail; Slide 9: sheet C-6, Soil Erosion Control Plan.

Mr. Connors said that the site is covered by the existing building and the parking area with less than a 100 sf. of unpaved area. He said that a sidewalk will be provided in the rear of the building to provide access from the parking area to the first floor and stair tower, a driveway apron with two new patio areas at the rear of the building with landscaped planters will be installed. A trash enclosure will be located in the rear of the building, cedar planking will be used for the board on board fencing for the trash enclosure. Mr. Connors said that there would be sufficient room for a garbage truck to maneuver in and out of the parking lot.

Georges Jacquemart, P.E. said that he is a licensed professional engineer in the State of New Jersey with over 40 years' experience as a traffic engineer and planner. The Board accepted his credentials.

Mr. Jacquemart presented the following exhibit:

Exhibit A-3-Power Point slide presentation consisting of: Slide 1: “On-Street Parking Occupancy Counts”; and Slide 2: “Maclean Yard Parking Occupancies”

Mr. Jacquemart said that his office conducted parking counts on Maclean Street and the surrounding neighborhood on several dates at 4 pm, 7pm, 9 pm and 11 pm; and parking counts were taken in the municipal Maclean Street Parking yard on various dates. Mr. Jacquemart noted that residents of the proposed development will not be eligible to receive municipal overnight on-street permits as municipal ordinances require a showing of no on-site parking for permit eligibility.

He also noted that there is a waiting list for overnight parking permits at the Maclean St. parking lot.

Mr. Jacquemart believes that the municipal parking lot is underused particularly at night.

Mr. Jacquemart said that recent census data for the census tract containing Maclean Street indicates a low level of car use, with 60% of residents walking or using a bicycle to commute to work. He recommended that the units be clearly advertised as having only one parking space per apartment.

Mr. Jacquemart said that the prior use of the building generated a much larger parking need.

Diane Strauss, P.P., said that she is a licensed professional planner in the State of New Jersey for over 30 years and is a principal of Strauss & Associates; the Board accepted her credentials.

Ms. Strauss said that the applicant has demonstrated that the site can accommodate the increased FAR and density because the applicant is readapting an existing building and the proposed use for multi-family will complement the existing streetscape and will cause less demand on the site and the surrounding neighborhood than the prior clubhouse use.

Ms. Strauss said that the increase in floor area is properly attributable to the size of the existing building and the applicable zoning ordinances which require the basement area in this particular building to be considered useable floor area and it will promote the general welfare by providing an appropriate site for multi-family housing, will promote market rate affordable rental units, will promote a desirable visual environment by readapting the existing structure, will conserve an historic building and will promote efficient use of the property.

Chairman Royce opened the meeting for public comment and the following provided comment:

Henry Dale of 38 John Street, was sworn in. He said he is opposed to the application, he said the density and the stair tower are not consistent with neighborhood character. He said this neighborhood is under stress due to immigrants that are not included on the census.

Willie Mae Tatloc of 29 Green Street was sworn in. She agrees with Mr. Dale. She is concerned that development is changing the character of the neighborhood and making it too expensive for the original residents to stay in their homes.

Joseph Tatlock of 29 Green Street was sworn in. He expressed his concerns with the traffic.

Yina Moore of 19 Green Street was sworn in. She discussed the Witherspoon Jackson being in the process to be designated as a municipal historic district. Ms. Moore said that she supports the application and requested that the applicant add more affordable units.

Peter Marks of 107 Moore Street was sworn in. He expressed his disagreement with Ms. Moore.

He said that his concerns are the density and that the developer will end up charging higher rents.

David Keddre of 24 Moore Street was sworn in. He advised that he supports the application and the proposed use of the building, he supports walkable housing, and people do walk more than they drive in this neighborhood.

Kip Cherry of 24 Dempsey Avenue was sworn in. She supports the application and the proposed use of the building particularly because of the building's historic background. She feels that saving this building is very critical, people do walk to town, and she asked that people keep an open mind, she said this is a unique structure because of its size.

Bill Urian of 171 John Street was sworn in, he also supports the project. He lives within 50 feet of the property, is he going to hear the air conditioners all night, Mr. DeGrezia said that they expect to have no impact. He asked that the number of people living in the units be regulated. He inquired of the cost to rent the units, and applicant said that the rate range is \$1500 to \$2500.

Leighton Newlin of 230 Birch Avenue was sworn in. He advised that he supports the proposed application because it will preserve the building. He also believes that the proposed use for apartments will provide a more quiet use at the site than the prior club house use.

Samuel Bunting of 242 John Street was sworn in. He advised that he is in support of the application.

Marina Rubina of 28 Quarry Street was sworn in, and she said that she believes the applicant should provide two more affordable units.

Michael Floyd of 35 Quarry Street was sworn in and said that the applicant can improve the project by reducing the number of units. Mr. Floyd said that this neighborhood is not an extension of the Central Business.

Alan Carnevale of 178 Birch Street was sworn in, he discussed that this neighborhood is the most densely populated area in the town and that the target market for the units will be college students.

Frances Deen Boyd was sworn in and advised that he supports the preservation of the former Masonic Temple but is concerned with the affordability of the units.

Mr. Cohen said that he is concerned regarding the density, FAR and parking of the proposed project. Mr. Cohen said that a lower density would allow the stairs to be included in the building and creating more outdoor space and a smaller parking requirement.

Ms. Rockstrom said that she is very impressed with the community response and that so much effort has been put in designing. She said she agrees with Mr. Cohen's concerns but it is much better than the alternative.

Ms. Coulson stated that the building would be saved if this application gets approved.

Ms. Suri advised that she was in favor of the project, she said that is really important that the building is being preserved. She said is a very valuable solution.

Ms. Clayton said that she appreciates the proposal to maintain the building as part of the neighborhood, she asked if the windows met the egress requirements and Mr. Zinder confirmed that

the windows do meet the requirements. She said that overall she supports the application.

Mr. Tenenbaum likes the design but concerned with density, parking and FAR. The density really concerns him.

Chairman Royce said that he believes that given the relatively small size of the proposed apartments, limiting parking to one car per apartment is not unreasonable and that lease restrictions can effectively enforce that restriction.

Chairman Royce said that the exterior stairs is not a bad compromise, provides a better fire escape. This is a unique building and this Board is never going to be faced with this situation again; and the building is not getting any taller nor wider.

Mr. Cohen asked if the economics is the justification for this project.

Chairman Royce asked the members to think if they feel that preserving the building is a valuable contribution.

Members further discussed the economic feasibility of the project.

Attorney Cayci encouraged the Board to focus on the criteria met and why the Board feels it is a good project.

Mr. DeGrazia said that in the event that it is determined that the building cannot be preserved, the applicant shall be required to return to the Board for further approvals.

A motion was made by Ms. Clayton and seconded by Ms. Rockstrom a D (4) variance to permit increased floor area ratio of 125%, a D (5) variance to permit increased density of 58.3% where the permitted density is 20.9 dwelling units per acre and c (2) bulk variances from the requirements of Section 17A-258 to permit ten residential units, four stories, building coverage of 31.7%, useable open space of 1449 sf., ten parking spaces with parking stall size of 8.5 ft. x 18 ft., front yard setback of 4.25 ft. to accommodate the proposed window wells on the front façade and preliminary and final major site plan approval to allow the creation of ten residential apartments on the property as set forth in the application with conditions.

ROLL CALL

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

7. ADJOURNMENT

There being no further business, the meeting was adjourned at 12:14 AM.

Respectfully Submitted,

Claudia Ceballos
Secretary

Approved: June 22, 2016.

