

PRINCETON ZONING BOARD OF ADJUSTMENT
Minutes of SPECIAL Meeting
Wednesday, September 25, 2013– 7:30pm
Main Meeting Room
400 Witherspoon Street, Princeton, NJ 08540

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

ALSO PRESENT: Karen Cayci, Attorney; Derek Bridger, Zoning Officer;
Jack West, Land Use Engineer; and Debra Rogers, Secretary

ABSENT: Richard Kahn

There were five (5) members of the public present.

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

1. APPLICATION:

- a) **527 STOCKTON LLC**
527 Stockton Street
Block 9301, Lot 10, R-2
Minor Site Plan, Use Variance and C Variances
Princeton Battlefield – Stony Brook Settlement Historic District
King’s Highway (Upper Road, Lincoln Highway) Historic District
File No. Z13 13-001PUV

Present for the hearing were Tim Rosenblum and Daniel Brenna, applicants; Robert Ridolfi, Attorney; Francis Goeke, Engineer; Drew Lange, Architect; Elizabeth Dolan, Traffic Engineer; and Jerry Lenaz, Professional Planner.

Attorney Cayci said 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, Princeton Zoning Officer.

Mr. Bridger discussed the Engineering/Zoning memo. He said the applicants have applied for a use variance for a multi-family use, an increase in density variance and numerous bulk variances which include lot area, lot width, side-yard setback, setback to height and impervious surface coverage. He said the property is also located within the Princeton Battlefield Stony Brook Settlement Historic District and has frontage along the King’s Highway. He said 1927 the structure was used as a school and was later used as a storage facility for art work. He noted that the property has been vacant for a few years and has fallen into disrepair. He said the lot is

surrounded by residential developments. He said the applicants would like to convert the building into 3 townhouses that will have entrances in the rear of the structure and the parking will be located at the rear of the property and there will also be a trash enclosure as well. He said staff has asked that if the application is approved, the applicants should reconstruct the driveway not just resurface it. He also noted that there is a fence along the rear property line that will shield the headlights from the cars parking, however, the Board may want to reverse the parking and have the cars pulled in towards the building and not towards the adjacent properties. He said they have requested that additional shade trees should be provided. He said the Land Use Engineer, Jack West, has stated that the impervious surface coverage will be reduced and no storm-water management remediation would be required under the current ordinance. He said that Jack West has also requested that the applicant provide a sanitary sewer easement and that they curb the parking area.

Mr. Bridger also reviewed the Planning report from Lee Solow. He said Mr. Solow noted in his report that the Board must find special reasons to grant the variance; and that the variance can be granted without substantial detriments. He said the report states that cluster developments are permitted on lots with 6 acres or more. He said that the application promotes conservation of historic sites and it promotes population densities. He said that the adaptive re-use of the building preserves the historical integrity of the site. He said the Board should determine if the application is consistent with the goals of the Master Plan.

Attorney Cayci marked Mr. Solow's report as Exhibit Z-1.

Member Floyd asked if the townhouses would be "for sale" or "rental units".

Mr. Bridger said that the applicant will be addressing that in their presentation.

Attorney Cayci swore in Christine Lewandoski, Princeton Historic Preservation Officer.

Ms. Lewandoski said discussed the Historic Preservation Commission report. She said the property is located in the Princeton Battlefield Stony Brook Settlement Historic District with frontage along the Kings Highway Historic District. She said the HPC (Historic Preservation Commission) reviewed this application on August 12, 2013 and the HPC classified it as a Minor Site Plan with Variances. She said based on the proposal, the HPC applied the standards in the ordinance and classified it as a lower impact improvement. She also said that the HPC endorsed all of the recommendations in the Eng/Zoning report and the Fire Officials report. She said the HPC recommends approval of the variances being requested. She said they appointed a subcommittee to approve the lighting and landscaping plan – she asked that if the Board is inclined to approve the application, she suggested placing a condition on the approval that the HPC subcommittee will review and approve the landscaping plan. She said the applicant has stated that they will be cleaning the bricks on the building "with gentle means" and they have removed the 6 spotlights on the front lawn because the HPC found it to be inappropriate. She said the HPC has suggested that the frontage area should be curbed. She said the applicant came back to the HPC on September 9, 2013 with revised plans – they changed the window trim and added the front French doors. She said the HPC did not think that more screening was needed to

block the headlights of the cars as they parked because the lot has a great deal of brush at the rear but it can be evaluated further when the applicant comes back to the landscape subcommittee.

Attorney Cayci marked the HPC report as **Exhibit Z-2**.

Chairman Royce asked the applicant to proceed with its testimony.

Attorney Cayci swore in Jack West.

Mr. West recommended that the applicant provide a site triangle on the neighboring property.

Attorney Cayci marked the Engineering Report as **Exhibit Z-3**.

Mr. Ridolfi said he is the attorney for the applicant and he thanked the Board for scheduling a special meeting to hear this application. He said the applicant and their team of professionals worked very hard to perfect their plans prior to coming to the Zoning Board. He said the applicants are willing and able to comply with the Engineering, Zoning, Planning and HPC recommendations. He said he has a team of professionals to testify.

Attorney Cayci swore in Daniel R Brenna, applicant.

Mr. Brenna said he is an owner of 527 Stockton LLC. He said he is a real estate developer working primarily on old historic buildings. He said he is currently working on one in Trenton. He said with regards to the structure at 527 Stockton Street, it has had many lives; it has been a school; an administrative building; and has been used for art storage. He said it is a 2 story brick building that need a tremendous amount of work because it has been unattended to for about 30 years. He said they have implemented all the suggestions and advice of the HPC and as a result the design is much better. He introduced **Exhibit A-1** – Rendering of the Front Façade. He said the front façade will change as per the recommendation of the HPC to add French doors to the middle townhouse. He also noted that they will be removing all dead trees and shrubs. He then introduced **Exhibit A-2** Interior Rendering. He said they would like to convert the existing structure to 3 units because there is a center core to the building with 2 wings. He said it seemed more natural for the building to be 3 units rather than having a mc mansion on a hill. He submitted **Exhibit A-3** – Overall Site Plan. He discussed the existing conditions of the structure. He said they are proposing to remove the center stairs and install French doors as per the HPC recommendation. He said the will be parking in the rear and entering the building in the rear. He said they also narrowed the opening of the driveway by the road. He showed the area where the garbage and recycling area would be and noted that the front-yard parking area (8 spaces) would only be for overflow parking.

Chairman Royce inquired about the lighting that will be located in the parking area.

Mr. Brenna stated that it will be down light bollard lights which will be shielded and will have a timer to turn them off at 11:00 p.m. He said there will also be a light by each entrance door.

Member Segal asked if there was asbestos in the existing building.

Mr. Brenna said no there is not.

Member Blanc-Rockstrom asked if the applicants ever considered splitting the building into 3 free-standing units.

Mr. Brenna said no that has not been a consideration. They would like to keep the building intact. He said it's a historic overlay zone and an important structure in Princeton. He said they have tried to maintain the shell as much as possible.

Member Floyd noted that the applicant said he did not want to have "a mcmanion on hill" but he asked the applicant if there was anything to preclude them from constructing a single-family residence.

Mr. Brenna said no, he guesses not.

Attorney Cayci swore in Drew Lange, Architect.

Mr. Lange said he is a licensed Architect in New Jersey, New York and Louisiana. He said he specializes in residential historic related and adaptive reuse. He said he personally visited the site and has reviewed all of the material and review memos. He said that throughout the process, the emphasis has been on the front façade. He said the central point of the building has been improved with French doors by the recommendation of the HPC. He said with regards to Mr. Floyds question, in his opinion, converting this structure to a single-family residence would have an excess amount a space for someone. He said the building is also naturally configured for 3 units. He said they have made every effort to preserve the building and its character. He said the masonry will be cleaned and new windows will be installed. He also noted that the interior will be sprinklered and updated for modern use.

Member Cohen inquired about the rooftop projections and plumbing vents.

Mr. Lange said the heating and air conditioning vents will be placed out of site, perhaps at the rear and or side of the building and said part of it will be vented to the roof.

Chairman Royce asked if the heating and air conditioning units will meet the town noise ordinance so they are not bothersome to the neighbors.

Mr. Lange said yes, they will meet the noise ordinance.

Member Clayton asked why all the windows were not being updated with the same style, consistency.

Mr. Lange responded by saying that the windows in the front will be custom made wood windows to try and keep the historic look.

Member Segal asked if the 3 units would be sold separately and if so, how would the property be maintained.

Mr. Ridolfi said yes, they would be sold as 3 separate units and there would be a management plan put into place for the units.

Attorney Cayci swore in Francis Goeke, Site Engineer.

Mr. Goeke said he has been a licensed Engineer in the state of New Jersey for over 40 years. He said he prepared the site plan, is familiar with the site and has reviewed all of the staff memos. He submitted **Exhibit A-4** titled Plan of Survey – existing conditions. He said this site is located on the north side of Route 206. He said most of the trees will remain on the site, but they will have to remove 3 trees at the rear of the property and they will be replaced somewhere else on the lot. He said the building is serviced for sewers but there is no easement in place. He said the applicants will provide an easement for the sewer. He submitted **Exhibit A-5** titled Colored Site Plan with improvements. He said the applicants are proposing 3 units, patios and sidewalks on the lot. He said some of the macadam will be removed but it will remain as is on the service driveway to the parking spaces. He noted that the paved “cut out” area in the front will be for overflow parking. He said there will also be a green area for the garbage cans, recycling bucket and mailbox.

Mr. West noted that staff has asked that the “green area” is curbed.

Mr. Goeke said the NJDOT will have to determine the width of the driveway and the curbing. He said the rear lighting will be screened – each doorway will have a teardrop shaped light and it will be shielded so it doesn’t spill out light to neighboring property. He also noted that the 6 spotlights in the front of the building have been removed from the plans. He said they have reduced the impervious surface coverage and have no plans to change the grade and as a result there is no storm-water detention required. He said the air conditioning units will be located on the east-side of the building can be screened with vegetation. He said the rear fencing has been replaced and the applicants are working with the PSOC to determine if the sanitary sewer easement should be 10 feet wide or 20 feet wide. He said the applicant can comply with all of the recommendations in all of the reports.

Member Cohen asked how much of the screening will be left on the north-side of the property after all of the clearing has been done.

Mr. Ridolfi said the applicants feel the grade of the lot and the fence at the rear should shield the visual impacts from the headlights of the cars as they park, however they will discuss this with the landscape subcommittee.

Member Floyd asked if the trash pick-up would be municipal pick-up or private.

Mr. West said it would be municipal unless the owners elected to have private back-door pickup and if that was the case the municipality would not pay for that.

Attorney Cayci swore in Elizabeth Dolan, Traffic Engineer.

Ms. Dolan said she is a licensed engineer in New Jersey, New York, Pennsylvania and Delaware. And she specializes in traffic. She said she was familiar with the site, the staff memos and she is going to address the traffic issues. She said the applicants have initiated work with the NJDOT and there will be modifications done to the driveway that may require a minor access permit from the NJDOT. She said there will be no significant traffic impacts and they did not want visitors parking on the street so there is a designated area for overflow parking.

Chairman Royce said it looks difficult for someone to turn into the property from the west.

Member Cohen asked if the NJDOT makes changes will the town Engineer also review the changes.

Mr. West said yes, and if for some reason the town does not agree with NJDOT the applicant will have to come back to the Board.

Ms. Dolan said the site plan has been designed to improve the driveway and allocate ample parking for the owners. She said she does not see any recommendations that will be problematic for the applicants. She said the driveway will be improved and safer than what exists today.

Attorney Cayci swore in Jerald Lenaz, Professional Planner.

Mr. Lenaz said he has been a Professional Planner specializing in land use for over 35 years. He said he is familiar with the site and all of the memo's and has also become familiar with the neighborhood. He said there are 2 "use" variances that are being requested; a d1 variance for the use and a d5 variance for the density. He said all the bulk variance requests relate to the dimensions, setbacks lot size and impervious coverage requirements. He said with regards to the use variance, the lot is very unique as the building was erected in 1927. He said the residential cluster provision allows townhomes and townhome use. He said the existing structure has deteriorated over the last 30 years and if left in its current state it will continue to deteriorate over the years. The current proposal will eliminate an eyesore for the neighborhood. He said another special reason to consider is that there are other non-residential uses in the neighborhood. He said the Edgerstoune area has the Hun School and the Hun School housing buildings. He said an adaptive re-use would up-grade the lot and make it more in harmony with other frontages along the road. He noted that this structure will not get bigger or taller. He said with respect to the density – it's an additional 2 units. He said the impacts will be minimal in terms of traffic, drainage, etc. He said if this application is granted it will advance 3 purposes of zoning; promoting established population density; promoting a desirable visual environment; and promoting the conversion of historic sites and districts. He said the applicants will be preserving the character of the historic property. He said this proposal is aligned will all the planning goals of the town. He said with respect to the bulk variances, which may or may not come into play, depending on whether or not the NJDOT takes a potion of land, the lot size may be a consideration. He said there is no land available to acquire from the south and west neighbors. He said there is a possibility of getting land from the property to the north. He said it would be a hardship for the applicant to have the variances denied. He referred to the negative criteria the

benefits outweigh any detriments that may arise. He said the character of the neighborhood will be preserved and an eyesore will be removed from the public view. He said they are not increasing the bulk of the building and the building will be brought back to a residential character which is better than an institutional character. He said the lot is isolated from the Winant Road neighborhood and stands on its own. He said the Winant/Edgerstoune areas also have some undersized lots and some lots are over the allowable coverage. He said that the wooded area to the rear of this lot will provide screening, traffic impacts are minimal at best, and the impervious surface coverage has been reduced. He said this proposal from the applicants will enhance the historic nature of the neighborhood. He stated that in conclusion when the benefits and impacts are balanced, the variances can be granted without a substantial detriment to the public good and there will be no substantial impairment to the zone plan or zoning ordinance.

Chairman Royce asked if the Board members have any questions or the applicant or its representatives. Hearing none, he asked if there were any members of the public who wanted to comment on the application.

Attorney Cayci swore in David Beers, 120 Winant Road.

Mr. Beers said the structure is a lovely building and if they were building it new there would be a lot of issues. Instead he said they want to add people to live there. He said he rejects the notion that it would improve the public good. He said the primary factor is that the developers return on their capital is a lot higher with 3 units than it would be with a single-family structure. He said the goal of zoning is to have single-family residences and he hopes that the Zoning Board would reject this application. He said if the Board does not reject this plan, then he would like to have an opportunity to review the plans with his attorney.

Chairman Royce said the plans have been available in the Zoning office and he could have reviewed the plans.

Mr. Beers said he did not receive a notice of the meeting.

Attorney Cayci explained that the applicants have provided proof of their noticing and under the state statute they are required to send the notice out. She continued by saying that the recipient must pick up the notice from the post-office if they are not at home to sign for the notice.

Attorney Cayci swore in Timothy Tayler, 188 Winant Road.

Mr. Tayler said he did receive a notice and has reviewed the plans yet we ask that the Board reject this application. He said that granting the variance will alter the character of the neighborhood which is primarily single-family. He said he is concerned that the 3 units will have an impact on his family's privacy and sense of security. He said there will be noise, it is fact is not very wooded at the rear of the property, there will be an increase in foot and vehicular traffic and the lot is more appropriate for a single-family use. He said nothing precludes the applicant from developing a single-family use, but the plan is optimized for profit and there is no

compelling reason to grant the variances. He said he also requests more time for his attorney to review the application.

Attorney Cayci swore in Beth Beers, 120 Winant Road.

Mrs. Beers asked why they are proposing 3 units and not one single-family residence. She said when Mr. Floyd asked the same question, the applicant responded that it would be too much work and that is not a compelling reason to grant this variance. She said a lot of homes have been taken down and renovated over the years and the idea that this structure would not fit in the neighborhood because of the size is preposterous. She said her house and her neighbor's house are larger than this structure and there is no reason why this structure cannot be single-family. She said she would like to see this structure renovated with a really good plan and she hopes that the applicants consider the issues that have been brought up. She said when she reviewed the variance it seemed as if they were trying to put a square peg in a round hole. She insisted that the cars headlights would shine on her property. She also noted that the fence that is located at the rear of the property is her fence and the applicants should not be using it to their advantage. She said she has an issue with privacy. She also stated that if the homes do not sell, they will become rental units and the transient people there will have no sense of neighborhood. She discussed a sewer pipe of hers that was damaged during hurricane sandy and suggested that the applicant see if the pipes also run along their property.

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.

Mr. Ridolfi said he would like to address some of the issues that were brought up during the public portion. He said he did in fact notice all of the homeowners within 200 feet and the Boards attorney has proof of that. He said his clients also invited the neighbors to come to an open house to view the plans. He said they set up 2 different dates and times sent out notices via regular mail. He said not one neighbor showed up at either of the open houses. He said the issue at hand is whether or not the Board has been provided with enough information to establish special reasons to grant the variance requests. He said the applicants feel as if they have provided that information. For instance, he said the traffic impact is minimal and the most convincing testimony is that of Jerry Lenaz. He said Mr. Lenaz gave specific reasons why the Board can grant approval of this application. He said he is very pleased to be associated with this development team. He said this lot has no access from Winant Road; its only access is from Route 206 so in essence this lot is away from neighbors. He said there has been more than ample evidence to approve the application especially with the full backing and approval of the HPC. He reminded the Board that the applicant will comply with all of the recommendations in the HPC and staff reports. He implored the Board to approve the application as it has been presented to the Board.

Member Segal said that it seems parking is a big issue for the neighbors. She asked the applicants if they looked into any other options for the parking.

Member Clayton stated that the parking could be moved to the front-yard instead of parking in the back.

Attorney Cayci swore in Tim Rosenblum.

Mr. Rosenblum stated that the access to the units will be in the back and because of the historic nature of the lot; the parking was located at the rear as well. He said they tried to preserve the front view of the structure. He said they can look into the option of having the cars face the building in the rear instead of pulling in and the headlights facing the rear of the property but in order to do that they would need to remove a tree to obtain the proper radius.

Member Segal asked if the parking could be obtained in the front and has no parking in the rear at all.

Mr. Brenna said the lot is very steep and it would be hard to have the parking in the front.

Mr. West said there is room for 8 parking stalls in the front for overflow parking. He said they can possibly use that space and eliminate the parking in the rear.

Mr. Brenna stated that there could be conflicts with the turning radiuses.

Ms. Lewandoski said the standards in the historic preservation ordinance ask for screening and it would be contrary to the ordinance if the parking was in the front and not in the rear.

Member Segal said the current parking in the front is screened now.

Ms. Lewandoski said there are some properties that are at a much higher elevation and there would be no way to screen their view.

Attorney Cayci and the Board held a brief discussion about the school use and whether or not it was abandoned. Mr. Bridger noted that if the property was left for more than a year it would be considered abandoned.

Attorney Cayci spoke to the Board telling them that there were advanced for the positive criteria and she asked the Board to be very specific in their reasoning and to make their decisions very clear.

Member Floyd said there is a lot to like about the application but when looking at the cluster ordinance; the size of this lot has nothing to do with that ordinance. He said this zone is single-family use and this applicant did not provide enough evidence for the Board to grant this use variance. He said he does not agree with the argument that has been presented.

Member Cohen said he thinks the applicants did a very good job with the design of this structure. His concern is how it will fit in the neighborhood. He said the applicants should compromise with the neighbors.

Member Blanc-Rockstrom said she also agrees with the comments that have been made so far. She said she thinks there should be some consideration to working with the neighbors. She suggested that the applicants perhaps look into garage parking instead. She said with the proposal of 3 units, the applicants should be reaching out to the neighbors.

Chairman Royce said that the applicant's proposal to develop this structure with 3 units is not unreasonable because it will preserve the building and it will improve the look of the building. He said what worries him is that when he stood in the rear of the properties, he could see the neighbors houses. He said the applicants need to insure that there is proper screening for the parking areas. He said he is also concerned about the light shining on the neighboring properties. He said the mechanicals will also be a nuisance to the neighbors and he wants to make sure that area is also properly screened.

Member Clayton said that she is very torn. She said she appreciates the rehab that the applicants are making to the building. However, she said, she does feel very much for the neighbors and their concerns. She said if the neighbor's owners choose to have a private hauler with back-door service; it will be quite a nuisance for the neighbors.

Member Baskerville said she thinks this is an excellent adaptation of the building. She also said she is sympathetic to the neighbors concerns and would like to see the rear parking area re-evaluated.

Member Cohen again said he thought the application was done very well, but is concerned about the precedent an approval may set.

Chairman Royce said he does think an approval would set a precedent as this is a unique site.

Attorney Cayci asked if the applicant would like to respond to the comments made by the Board.

Mr. Ridolfi suggested the applicants take the plans back and reconfigure or revise the plans based on the concerns that were expressed. He asked if the Board would consider bifurcating the application and voted on the use now and then the applicant could revise the site plan and come back to the Board for final approval. He said the applicants would like to be good neighbors and no one had approached the applicants until this evening. He said they would like to address the issues with the neighbors. He also suggested that the Board could carry the application to a future meeting.

Attorney Cayci said that the applicants could have presented the application as bifurcated to begin with. She asked if the revised site plan would influence their decision on the use. If so, she said, it may be more appropriate to carry the application to a future date.

Chairman Royce said it would be his choice to carry the matter. He said the revisions are a big piece of this application.

Attorney Cayci said since the applicant is willing to provide a revised site plan, it would be appropriate to carry the matter.

Mr. Ridolfi said they would need time to meet with the neighbors, make revisions, and then go back to the HPC before coming back to this Board.

Mr. Bridger stated that the Board would need to be polled for availability and staff would need to look at the meeting room availability before a date could be given.

Chairman Royce stated that the staff will come up with a new date and notify the applicants. He reminded the applicants they will have to notice again as a meeting date has not been established tonight.

The Board voted unanimously to carry the application and not bifurcate it.

Attorney Cayci reminded Mr. Ridolfi that the Board will need a written extension of time as this application will time out on November 9, 2013.

2. ADJOURNMENT:

Upon motion made by Michael Floyd and seconded by Steven Cohen, a motion was made to adjourn the meeting at 10:30 p.m.

ROLL CALL:

Aye	Penelope Baskerville
Aye	Louisa Clayton
Aye	Michael Floyd
Aye	Steven Cohen
Aye	Sara Segal
Aye	Barrie Royce
Aye	Doreen Blanc-Rockstrom

Respectfully Submitted,



Debra Rogers, Secretary

Date Approved: November 13, 2013