

PRINCETON ZONING BOARD OF ADJUSTMENT
Minutes of the Regular Meeting
WEDNESDAY, November 12, 2014 7:30 P.M.
Municipal Complex – Main Meeting Room
Princeton, New Jersey

PRESENT: Louisa Clayton Steven Cohen, Michael Floyd, Richard Kahn, Doreen Blanc-Rockstrom, Barrie Royce and Harlan Tenenbaum

ALSO PRESENT: Karen Cayci, Attorney, Derek Bridger, Zoning Officer, Christine Lewandoski, Historic Preservation Officer and Jack West, P.E., Land Use Engineer.

ABSENT: None.

There were six members of the public present.

1. OPENING STATEMENT

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

2. MINUTES:

- a) September 17, 2014– motion was made by Mr. Floyd to accept the minutes, seconded by Mr. Cohen and carried with a voice vote of four ayes among those members eligible to vote. No one opposed. No one abstained.

3. RESOLUTION OF MEMORIALIZATION

- a) KUCERA, CYRIL (1/22/14)
130 Westcott Road; Block 2.01, Lot 18, R-1 Zone
C2 – Prevailing front yard setback - new single-family dwelling
Z1414-076V

A motion was made by Michael Floyd and seconded by Harlan Tenenbaum to adopt the resolution of CYRIL KUCERA, as it has been written and amended.

ROLL CALL: Aye Steven Cohen
 Aye Michael Floyd
 Aye Richard Kahn
 Aye Barrie Royce
 Aye Doreen Rockstrom
 Aye Harlan Tenenbaum

- b) JUNIOR LEAGUE OF GREATER PRINCETON
159 Library Place; Block 11.01, Lot 1, R1 Zone
D – Temp Use Variance for Designer Showcase
Z1414-095U

A motion was made by Steven Cohen and seconded by Louisa Clayton to adopt the resolution of JUNIOR LEAGUE OF GREATER PRINCETON, as it has been written.

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

4. APPLICATIONS:

- a) HISTORICAL SOCIETY OF PRINCETON
354 Quaker Road, Block 10201, Lot 11, R-HF-W (F-2) Zone
Princeton Battlefield & Stony Brook Settlement HISTORIC DISTRICT
D - Updike Farmstead - 2 year extension office use
Z1414-092U

Present for the application John Dumont, Esquire, Dumont & Watson, and PC and Erin Dougherty, Executive Director of the Historical Society of Princeton.

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.

Mr. Bridger, presented a joint memorandum dated September 29, 2014 prepared by Mr. Bridger and Christine M. Lewandowski, P.P., AICP, Princeton Historic Preservation Officer. Mr. Bridger said that an application was made for an extension of a temporary “D” use variance, and related minor site plan and preservation plan in accordance with the Princeton Township Land Use Code requirements.

Mr. Bridger said that the property is located in the Princeton Battlefield Stony Brook Settlement Historic District, and the applicant appeared before the Princeton Historic Preservation Commission on October 13, 2014 to present their proposal. Mr. Bridger said that the Historical Society of Princeton is the owner of 354 Quaker Road (also known as the Updike Farmstead), and it is a non-profit organization (Section 10212, Lot II) the property, which is located in the former Township R-HF-W zone, subzone F-2 and the Princeton Battlefield-Stony Brook Settlement Overlay Historic District. The Property is subject to the use and bulk regulations set forth in Section 10B-272.12 of the former Princeton Township Land Use Ordinance. The proposed office use is not permitted in the zoning district.

Mr. Bridger reviewed the history of prior approvals issued for the Property. He explained that the Historical Society is in the process of developing the Updike Farm for use by the Historical Society of Princeton for its offices and for historical programming activities. Mr. Bridger noted that in 2007 the applicant received approval for minor site and Preservation plan for a parking area, handicap accessible pathways, a handicapped ramp, basement access and fencing across the frontage and various renovations to the Farmhouse. A new septic system was installed along with a new water line. The Historical Society subsequently determined the need for a greater presence at the site in order to guard against vandalism and any maintenance or related security issues. To that end, in 2011, the applicant applied for and received temporary use variance from the Zoning Board for a three year period to allow operation of an unrelated office use on the second floor of the Farmhouse. The proposed office would be occupied by an individual who operates unrelated business activities with a limited staff of four employees.

The Historical Society anticipates moving its offices to the Updike Farm from Bainbridge House on Nassau Street by the fall 2015 and for that reason, the second floor of the Farmhouse has been renovated for office use. The first floor has an old farm kitchen which will be preserved as an exhibit with a small catering kitchen which can be used for events. Therefore, the house has not been renovated as a residence and cannot house a caretaker. In order to allow for a smooth transition, the Historical Society seeks to extend the temporary office use variance approval which was issued in 2011 for an additional two year period to October 2016.

Mr. Bridger also reviewed with the Board the standard of proof required for D (I) use variance and the criteria to be met by the applicant.

Mr. Bridger said that the application was approved by the Princeton Historic Commission on October 21, 2014.

Mr. John Dumont said that he is the attorney for the applicant. He said that Historical Society of Princeton is requesting an extension of prior approval to continue the care taker arrangement. He explained that the reason the variance is needed, it is because under the Zoning Regulations the offices for the Historical Society are permitted and care takers are permitted in residences but because of the conversion of the Updike Farm House to offices for the Historical Society, it is not possible to have a care taker living there and the offices that we proposed three years ago allowed the applicant to have someone there five days a week, during the day, there were many days when there was no activity at the farm, for security reasons the Society wanted to make sure that someone was there to look over things and report any conditions around the property. He said the Historical Society is requesting that this approval continues until the Society is completely moved in.

Attorney Cayci swore in Erin Dougherty.

Ms. Dougherty explained that she is the Executive Director of the Historical Society of Princeton. She confirmed that with completion of the farmhouse work and ongoing programming activities, the Society is in need of a daytime presence on the site during days

when no activity is scheduled. The Society has determined that it is not practical for someone to live on site, but a presence is required during the day to alert the Society to any problems.

Ms. Dougherty said that in the last three years, an individual has served as a caretaker during the day while carrying on a limited business on the second floor involving charitable and investment activities. Ms. Dougherty noted that the Society seeks to extend the temporary office use variance approval which was granted in 2011 for another two years by which time the current staff will have transferred to the farm and will occupy the current office space on the second floor.

The Board discussed the application, it was clarified that the care taker wants to conduct an office use for his own business while fulfilling the function of being a care taker for the property. This is not an office use for the Historical Society but for the care taker. Ms. Dougherty said that this is only temporary until the Society moves in.

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

A motion was made by Louisa Clayton seconded by Doreen Blanc-Rockstrom, to approve the application of the applicant Historical Society of Princeton an extension of the temporary use on the second floor of the Updike Farm until October 2016 and historic preservation plan approval subject to the following conditions:

1. The caretaker/temporary office use is limited to a 2 year period, expiring in October 2016.
2. No exterior signs will be permitted indicating the caretaker/temporary office use.

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

- b) LEVY, Jody and Stewart
162 Jefferson Road
Block 7107, Lot 16 Zone R8 (Twp)
C2-variance - garage
Z1414-087V

Present for the application was Jody and Stewart Levy.

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, presented his memorandum dated October 14, 2014. Mr. Bridger said that an application was made by the Levys for a C2 variance relief pursuant to Section 10B-20 of the

former Princeton Township Land Use Ordinance from the required side and rear yard setbacks to permit the relocation of an existing two car garage in exception to the required setbacks.

Mr. Bridger said that the subject property is located in the R8 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 complying with respect to the lot area, lot width and lot depth.

The primary residence and the existing detached two-car garage are complying with all of the applicable bulk requirements.

Mr. Bridger said that the subject property currently has a 584 sf. detached two car garage which is located 20'8" from the house. The garage is setback 8'3" from the side yard setback and 31' from the rear yard setback and complies with the applicable setbacks. The applicants are proposing to relocate the garage to the southwest corner of the lot. The proposed rear yard setback will be 7'6" whereas the required setback is 15 feet. The proposed side yard setback will be 4' whereas the required setback is 8 feet.

Mr. Bridger discussed the criteria for the Board when considering C2 variance.

Attorney Cayci swore in Mrs. Levy.

Mrs. Levy thanked the Board for listening to their request. Ms. Levy said that their 92 year old home was recently expanded and upgraded. She said that now they are trying to enhance the middle of the backyard about 20 feet from the house with the entrance facing south instead of east. She noted that the structure is good shape and they would like to move it instead of knocking it down. They would like to place it in the southwest corner of the lot which is at the end of the existing driveway. She said that this move will allow to best utilize the land and structure, to provide maximum yard space to create a beautifully landscape backyard with easy access to garage.

Mrs. Levy said that they would like to position the garage consistent with their neighbors on Jefferson, Harris and Moore, which do not comply with the 8 ft. side setback and of the 15 ft. rear setback.

Mrs. Levy presented photos showing different garages which do not comply with the setbacks.

She said that they want to move their structure 4 ft. from the fence (side setback) and back to the easement border (7.5 foot rear setback). Mrs. Levy noted that the distances are measured from the roof line.

Mrs. Levy said that by moving the structure to the proposed location, it would maximize the functionality and value of the property and be consistent with the placement of neighboring

garages, respecting the alley easement and it would have minimal impact to the surrounding neighborhood.

Chairman Royce commented that the driveway appear to be a gravel driveway. Mrs. Levy confirmed that in fact it is a gravel driveway.

Chairman Royce asked if one would have to back out to the street or is there enough room in front of garage to turn around to go out nose first. Mrs. Levy confirmed that there is enough room to turn around and go out of the driveway nose first.

The Chairman inquired regarding lighting. Mrs. Levy said that currently there is a light in the front of garage that is sensor driven.

Member Rockstrom said that she visited the property and there is a beautiful tree and she was concerned that she would hit it when backing out of the driveway. Mrs. Levy said that currently they back out of the driveway.

Mrs. Levy presented a drawing by Jim O'Brien, Architect (Exhibit 1).

Chairman Royce asked as to how is the drainage being addressed. Mrs. Levy said that as of now there is already a drainage pipe that drains in to the alley. When the structure is relocated another pipe will be installed on the other side of the garage and will also drain that into the alley properly so that there are no water issues.

Member Clayton asked for a description of the sewer easement. Mrs. Levy referred to the survey. Member Clayton said that she did not see the width of the easement and she is concerned that the garage is going to be set within the easement. Member Clayton feels that the Board should understand what that easement is before considering any approvals or disapprovals.

Mrs. Levy said the alley is 15 feet wide and the middle of the alley is 7.5 feet and they would not be infringing on the alley with the placement of the garage.

Member Clayton said that if the alley is 15 feet and the property goes to the middle of the alley as shown on the plan then 7.5 feet would be to the edge of the alley but if the sewer easement is 10 feet wide then the proposed garage would be within the sewer easement.

Attorney Cayci swore in Mr. Levy.

Mr. Levy said that right in the middle of the 15 feet there is sewer cover in the alley where all the drainage goes from all the surrounding properties. Member Clayton said that does not show the easement width. Member Clayton said that the sewer easement can be found in the Town's maps.

Mr. Bridger said that the he can check with the Sewer Operating Committee and the applicant can come back or if the Board is inclined to approve conditionally. Member Clayton said that the Board should not approve conditionally, the Board should have full understanding of the sewer easement.

Mr. Levy said that they will contact with the Princeton Sewer Operating Committee and obtain more information regarding the easement.

Member Clayton said there are few garages in the area that do comply with the setbacks.

The meeting was open to the public for comment.

Attorney Cayci swore in Susan Moody of 156 Jefferson Road.

Mrs. Moody said that she fully supports the location of proposed garage, the garage would be located right next to theirs.

Attorney Cayci swore in Stephen O'Connell.

Mr. O'Connell said that he and his wife reside at 166 Jefferson Road and have talked to the Levys about their plan and they fully support their request to move the garage.

Chairman Royce said that this application will be carried to the December 10, 2014 meeting, in order to locate the sewer easement and the description. The Board asked that applicant notices the neighbors by regular mail so that they are aware that the application was carried.

5. ADJOURNMENT

There being no further business the meeting was adjourned at 8:21 PM.

Respectfully Submitted,

Claudia Ceballos

Claudia Ceballos
Secretary

Approved: 1/28/15