

**PRINCETON ZONING BOARD OF ADJUSTMENT**  
**Minutes of the Regular Meeting**  
**WEDNESDAY, May 27, 2015 7:30 P.M.**  
**Municipal Complex – Main Meeting Room**  
**Princeton, New Jersey**

**1. OPENING STATEMENT**

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

**2. ROLL CALL**

**PRESENT:** Louisa Clayton, Steven Cohen, Wendy Farrington, Michael Floyd, Richard Kahn (arrived at 7:32pm), Doreen Blanc-Rockstrom, Barrie Royce and Harlan Tenenbaum (arrived at 7:33pm).

**ABSENT:** None

**ALSO PRESENT:** Karen Cayci, Attorney and Derek Bridger, Zoning Officer, and Claudia Ceballos, Board Secretary.

There were fifteen (15) members of the public present.

**3. MINUTES**

a) February 25, 2015 – Motion was made by Member Floyd to accept the minutes, seconded by Member Rockstrom and carried with a voice vote of six ayes. No one opposed. No one abstained.

**4. APPLICATIONS**

b) SCOTT, Michael P. and Ruth M.  
73-75 Leigh Avenue, Block 6904, Lot 30, R9 Zone  
C1/C2 lot area, front yard setback and front yard parking setback  
New single-family dwelling  
Z1515-180V

Present for the application Christopher Costa, Esquire and Marina Rubina, Architect.

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

Attorney Cayci swore in Mr. Bridger, Zoning Officer.

Mr. Bridger, Zoning Officer, presented his memorandum dated May 12, 2015. Mr. Bridger said that an application is made for a hardship variance N.J.S. 40:55D-70 c (1) pursuant to Section 10B-20 of the Princeton Township Land Use Ordinance to permit the development of single

family dwelling on a non-conforming lot. A C(2) variance is requested to permit front yard setback and parking setbacks less than required.

Mr. Bridger note that the 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, Mr. Bridger also noted that the existing single-family use is permitted as of right.

Mr. Bridger said that the lot is non-complying with respect to the lot area, the required lot area is 6,500 sf. and the existing is 4,000 sf.

Mr. Bridger said that the lot is vacant and that there is a parking area of broken macadam.

Mr. Bridger said that the applicant is seeking C1 variance relief for the undersized lot

Mr. Bridger said the applicant is requesting C2 variance relief from the required 25ft. front yard setback and the required 25 ft. front parking setback. The applicant has calculated the prevailing setback along this section of Leigh Avenue to be 6’7 “. The applicant is requesting variance relief from the required 25 ‘front and parking setback to permit a 6’7” setback for both.

Mr. Bridger reviewed with the Board the standards for granting such C1 and/or C2 variances.

Attorney Cayci swore in Marina Rubina, Architect.

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

Ms. Rubina presented the following exhibits:

- A-1: Zoning Map.
- A-2: Map showing Borough-Township line and relationship to subject property.
- A-3: Section of Princeton Tax Map showing lots in neighborhood not meeting minimum lot area
- A-4: Showing 25 ft. setback line drawn on Tax Map.
- A-5: Depiction of requested setback for front yard setback.
- A-6: Prevailing setback calculation for properties on Leigh Avenue.
- A-7: Depiction of requested setback for front yard setback parking with blue-hatched area showing standard parking space of 9’ x 19’.
- A-8-12: Photos of subject property and surrounding residences.
- A-13-17: Photos showing parking on Leigh Avenue in the front yard setback

Ms. Rubina noted that many properties in the R9 zone do not meet the minimum lot area and that this lot is actually bigger than the immediately adjacent lots, all of which are noncompliant with respect to area.

Ms. Rubina said that it would not be possible for the applicants to purchase additional land to cure

the lot area deficiency since the immediately adjacent lots would then be made further noncompliant.

Ms. Rubina said that nearly all the homes on Leigh Avenue are noncompliant with respect to the required 25 ft. setback for front yard and for front yard parking. Ms. Rubina said that applicant seeks to comply with the average setback, rather than the required setback.

Ms. Rubina advised that the applicants were obligated under their purchase agreement to immediately apply for a zoning variances and were not yet in a position to authorize fully designed plans.

Ms. Rubina noted that the applicants seek approval for two parking spaces and that the applicants intends to construct a dwelling with an open porch and that there will be no building over the porch.

The application was opened to public comment and the following members of the public offered comment:

Attorney Cayci swore in Mr. Joseph Weiss of 70 Leigh Avenue.

Mr. Joseph Weiss said that he is not opposed to development of the site but feels that the applicants have not provided sufficient information regarding their proposal.

Mr. Weiss said that the lot is an infill site in a tightly packed neighborhood. He mentioned that the current owner of this lot also owns a house across the street which is rented to a tenant who parks on this lot.

Mr. Weiss noted that parking is very tight in the Leigh Avenue neighborhood.

Mr. Weiss said that this lot has a southern exposure and that he believes that the closer the proposed house is brought to the street, the greater the chance that the neighbors' sunlight will be blocked.

Mr. Weiss said he is concerned with streetscape, elevations and design of the new dwelling.

Attorney Cayci swore in Ms. Paloma Moscardo of 77 Leigh Avenue.

Paloma Moscardo, said that she lives next door to the lot and that she agreed with Mr. Weiss' comments.

Attorney Cayci swore in Ms. Robin Reed of 71 Leigh Avenue.

Robin Reed said that she also agreed with Mr. Weiss' comments.

Attorney Cayci swore in Dosier Hammond of 87 Leigh Avenue.

Dosier Hammond expressed concern regarding the rear yard setback and how it would be affected by the requested variances.

Attorney Cayci swore in Holly Nelson of 70 Leigh Avenue.

Holly Nelson said that the former Township zoning standards, unlike the former Borough standards, do not provide for a prevailing setback. She expressed concern that the prevailing setback concept should not be applied.

The Board members noted that previous applicants have typically provided information with respect to elevations and floor plans and that additional information from the applicants would be helpful in addressing the requested variances for front yard setback and front yard parking setback.

Christopher Costa, Esq. said that the applicants are contract purchasers and that the purchase is contingent upon their ability to build their desired house.

Mr. Costa confirmed that the applicants seek a c (1) variance for the noncompliant lot area as well as a c (2) variance to permit a front yard setback and front yard setback parking to be consistent with the average setback of neighboring residences.

Mr. Costa noted that the lot is significantly undersized and that applicants are unable to cure the size of the deficiency as the immediately adjacent lots are smaller than the subject lot and could not provide additional acreage without becoming further noncompliant.

Mr. Costa noted that the proposed new residence will be of similar size to other homes on Leigh Avenue and he does not believe there will be any greater blocking of neighbors' sunlight.

Mr. Costa said that although the applicants believe their requested variances for front yard setback and front yard parking setback would result in a more visually appealing development, it is possible for them to comply with the required 25 ft. setback, which would create a smaller rear yard area.

Mr. Costa requested that the Board address the requested c (1) variance that evening and that the remainder of the application be carried to the June 24, 2015 Board meeting to allow him to confer with his clients regarding the c (2) variances.

A motion was made by Member Cohen and seconded by Member Kahn to approve the application of Michael P. and Ruth M. Scott, for a C (1) variance from the requirements of Section 10B-253, 255 and 10B-246 of the former Township Land Use Ordinance regarding lot area to permit construction of a new single-family home on the property with conditions.

ROLL CALL:           Aye    Louisa Clayton  
                          Aye    Steven Cohen  
                          Aye    Wendy Farrington  
                          Aye    Michael Floyd  
                          Aye    Richard Kahn

Aye Barrie Royce  
Aye Doreen Blanc-Rockstrom  
Aye Harlan Tenenbaum

a) RACICH, Joseph and Barbara  
72 Arreton Road, Block 2501, Lot 20.01, RB Zone  
Donald G. Herring Estate –Old Arreton Road Historic District  
C2 & Historic Preservation Plan –  
Expansion of existing garage in exception to the required front yard setback  
Z1515-173V

Present for the application Joseph and Barbara Racich.

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

Mr. Bridger, Zoning Officer, presented his memorandum dated March 27, 2015. Mr. Bridger said that an application is made for a C2 variance to permit the expansion of a two-car existing detached garage in exception to the required front yard setback.

Mr. Bridger said that the property is located in the RB Zone and is subject to the use and bulk regulations in accordance with Sections 10B 253, 254 & 246 of the former Princeton Township Land Use Ordinance.

Mr. Bridger noted that the existing single-family use is permitted as of right.

Mr. Bridger said that the lot is non-complying with respect to the lot area, the required lot area is 130,680 sf and the existing is 70,694 sf.

Mr. Bridger said that the required front yard setback required is 40 ft. and the existing is 14.9 ft.

Mr. Bridger said that the applicant is seeking C2 variance relief and Historic Preservation plan approval to expand the existing garage.

Mr. Bridger said that the proposal calls for the garage to be extended 7 feet in length and to replace the flat roof with a loft area and gable roof. The loft area features a half bath. A full bath is not permitted. If the board is inclined to grant the variance a condition should be considered reducing the size of the bathroom so that a shower cannot be added in the future. The existing garage and the proposed expansion are all located within the required 40 foot front yard setback.

The applicant has requested consideration pursuant to the c(2) variance.

Mr. Bridger reviewed with the Board the standards for granting C2 variances.

Mr. Bridger also read into the record a memorandum from Julie Capozzoli, Chair of the Princeton Historic Preservation Commission, dated May 15, 2015 ( the “HPC memorandum”) reviewing the

historical background of the property and the proposed improvements. The Property is located in the locally designated Donald G. Herring Estate- Old Arretton Road Historic District and is listed on the New Jersey and National Registers of Historic Places as the Donald Grant Herring Estate.

Mr. Bridger said that The HPC memorandum indicates that the existing one story wood frame garage is 24 feet by 20 feet with a flat roof and currently functions as a two car, two door garage. With the proposed garage enlargement, the existing garage will be increased from 480 sf. to 1107 sf.

Mr. Bridger said that the HPC found that board and batten siding is proposed for the garage addition which will match the existing garage and residence along with emerald green new window frames to match existing.

Mr. Bridger said that the HPC further found that no new light fixtures are proposed and that the existing exterior light fixture will be repositioned appropriately with the relocated door.

Mr. Bridger said that the HPC noted that all their recommendations and comments as set forth in the Historic Preservation Officer's report dated April 7, 2015 were satisfactorily addressed by the applicant.

Mr. Bridger said that the HPC unanimously recommended approval of the application with the following recommended conditions with compliance to be reviewed administratively through an HPC subcommittee: (1) Replace the shed roof with a cross gable roof not as side as the proposed roof; and (2.) Install 3 casement windows on the second floor of the garage instead of the proposed 5 windows on the second floor, which shall be ganged together.

Mr. Joseph Racich said that he and his wife have done a great deal of restoration work on the residence and that their property is listed on the New Jersey and National Registers of Historic Places as well as being locally designated in an historic district.

Mr. Racich advised that the garage was built approximately 40 years ago by prior owners and requires significant upgrading. He also mentioned that he feels that the flat roof is not architecturally compatible with the gable roof design of the immediate neighborhood historical garages. The garage is currently in a noncompliant location, having only a 15 ft. setback. He said that he wishes to expand the garage which is currently 20 feet in length to add storage space. The proposed garage expansion also includes addition of a second floor loft for meditation, a half bathroom and storage along with a new gable roof and shed roof attachment.

Mr. Racich further noted that a proposed internal staircase will provide access to the loft area.

Mr. Racich said that the proposed gabled dormer will be barely visible from the street and that the gable roof will not be as high as the residence roof.

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

A motion was made by Member Tenenbaum and seconded by Member Cohen to approve the application of Joseph and Barbara Racich a C (2) variance from the requirements of Section 10B-

246 of the former Princeton Township Land Use Ordinance for front yard setback to permit the expansion of a two-car existing detached garage as set forth in the application with all conditions set forth in the review memorandum dated May 15, 2015 issued by the Historic Preservation Commission.

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

c) ABILHEIRA, Elias & Mariola  
159 Snowden Lane; Block 7505, Lot 11; R5 Zone  
C1 – lot area  
New single-family dwelling  
Z1515-179V

Present for the application Elias Abilheira, Esquire and Frank Falcone, PLS, PP.

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

Mr. Bridger, Zoning Officer, presented his memorandum dated April 15, 2015. Mr. Bridger said that an application is made for a hardship variance N.J.S. 40:55D-70 c (1) pursuant to Section 10B-20 of the Princeton Township Land Use Ordinance to permit the development of single family dwelling on a non-conforming lot.

Mr. Bridger said that the subject property is located in the R5 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.

Mr. Bridger noted that the lot is non-complying with respect to the lot area, the required lot area is 21,780 sf. and the existing is 16,961 sf.

Mr. Bridger said that the single family dwelling will be demolished and a new structure will be constructed.

Mr. Bridger said that the new single family dwelling will be required to meet all of the applicable setbacks and bulk requirements or seek the applicable variance relief.

Mr. Abilheira advised that he previously attempted to sell the property to adjoining owners because it is undersized or to purchase additional property from the adjoining owners. He provided copies of the letters which were marked collectively as Exhibits A-1 and which he

represented were sent by him via first class mail to the following adjoining property owners; Fausta Wertz, Seunghyeon Son and Haewon Park, Marian Crandall Nugent, Zygmunt Andrevski and Gerald and Mary Kaplan. Mr. Abilheira advised that none of the property owners expressed interest in purchasing his property or selling him additional land.

Mr. Abilheira said that the current dwelling on the subject lot is non-compliant with respect to setbacks. He said that he wishes to demolish the current dwelling and construct a new residence.

Mr. Abilheira advised that he was amending his application to include a variance for lot width. Mr. Abilheira said that the lot is undersized and that the width of the lot is also irregular.

Mr. Abilheira noted that he wishes to provide a front yard setback consistent with the neighborhood, which would restrict the available rear yard usage and the ability to add a deck to the rear.

Abilheira seeks a lot width variance and confirmed his willingness to construct the new residence 50 feet from the edge of the street or 40 feet from the property line.

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

Frank J. Falcone, PLS and PP, said that he has been a licensed survey 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: Scaled drawing of subject lot and surrounding properties.  
Exhibit A-2; Princeton Tax Map with highlighted lots.

Mr. Falcone said that the lot is undersized as it is 16,961 square feet while the zone requirement is 21,780 square feet.

Mr. Falcone said that more than half of the surrounding lots are also undersized and of similar size to the subject lot.

Mr. Falcone advised in particular that only one of the lots adjacent to this lot is of sufficient acreage to provide land to the property and that the other adjacent lots are all undersized.

Mr. Falcone explained that the average front yard setback of the surrounding residences is approximately 50-60 feet and that it would be appropriate for the applicant to situate the new dwelling with a similar setback, taking into account an existing 10 foot grass border between the edge of the street and the property line.

Mr. Falcone said the lot is located on a curve in the road, has a trapezoid-like shape and is undersized, providing a comparable setback without a lot width variance would significantly reduce the usable rear yard area.

The following members of the public provided comment:

Attorney Cayci swore in Zygmunt Andrevski of 151 Snowden Lane.

Zygmunt Andrevski, asked for clarification regarding the proposed building envelope.

Mr. Falcone responded that the proposed dwelling would be two stories and slightly larger than Mr. Andrevski's dwelling.

The applicant requested that the application be carried to the June Zoning Board meeting.

d) CARR, Charles  
373 Ewing Street; Block 7204, Lot 12; R6 Zone  
C1/C2 – lot area and lot width  
Addition  
Z1515-201V

Present for the application Charles Carr.

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

Mr. Bridger, Zoning Officer, presented his memorandum dated April 22, 2015. Mr. Bridger said that an application is made for a hardship variance N.J.S. 40:55D-70 c (1) and c (2) pursuant to Section 10B-20 of the Princeton Township Land Use Ordinance to permit the development of single family dwelling on a non-conforming lot.

Mr. Bridger said that the subject property is located in the R6 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.

Mr. Bridger noted that the existing single-family use is permitted as of right.

Mr. Bridger explained that the property is noncompliant with respect to lot area and lot width. The lot area required in the zone is 10,890 sf. while the existing lot area is 10,672 sf. The lot width required is 85 feet and the existing lot width is 71.72 feet.

Mr. Bridger said that the applicant proposes demolition of a significant portion of the existing dwelling and construction of an addition to the first floor as well as the existing dwelling and construction of a new home.

Mr. Bridger said that the former Township Land Use Code requires the applicant to obtain variances for the proposed construction because the lot does not comply with the bulk requirements.

Mr. Bridger said that 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.

Attorney Cayci swore in Mr. Carr.

Mr. Carr presented the following exhibits:

Exhibit A-1 (collectively): Tax Map showing lot area and width of property and adjacent lots.  
Letter dated April 30, 2015 received by Mr. Carr from Keller Property Management.  
Reduced copy of plan showing proposed addition.  
Photo of existing residence.  
New Construction.  
Photos of adjacent homes.

Mr. Carr said that his property is noncompliant with respect to lot area and lot width, with lot area of approximately .25 acres and a lot width of approximately 70.46 ft.

Mr. Carr noted that the lots to the east and west of his property are the same size and accordingly could not provide additional land without increasing their current nonconformities.

Mr. Carr said that he also contacted the adjacent owner to rear of the property at Block 7204, Lot 1 (330 Harrison Street Condominium Association) to try to purchase additional land but was not able to acquire more land.

Mr. Carr said that the current residence is only 744 square feet and that additional living space is needed for his family.

Mr. Carr confirmed that the new residence will meet all bulk regulations other than lot area and lot width.

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

A motion was made by Member Clayton and seconded by Member Kahn to approve the application of Charles Carr for 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 partial demolition of an existing single family residence and construction of an addition to the first floor and addition of a second floor on the property with conditions.

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

6. **CLOSED SESSION**

10 Madison Avenue  
Litigation update

**RESOLUTION OF THE PRINCETON ZONING BOARD OF ADJUSTMENT**

(TO GO INTO CLOSED SESSION)

**Whereas**, the Zoning Board has determined that it is necessary to review the status of pending litigation known as Weiss at al. v. Names and the Princeton Borough Zoning Board of Adjustment; and

**Whereas**, N.J.S.A. 10:4-12 permits the Board to conduct a meeting from which the public is excluded for the foregoing purpose; and

**Whereas**, the discussion conducted in closed session shall be made available at such time as the issues discussed therein are resolved and its disclosure would not subvert any particular exception for convening a closed session.

**NOW THEREFORE BE IT RESOLVED**, that the Princeton Zoning Board of Adjustment shall go into closed session for the purpose of discussing pending litigation as permitted by N.J.S.A. 10:4-12.

7. **ADJOURNMENT**

There being no further business, the meeting was adjourned at 10:25 PM.

Respectfully Submitted,

Claudia Ceballos  
Secretary

Approved: August 26, 2015.