

WEST WINDSOR TOWNSHIP ZONING BOARD MEETING
REGULAR MEETING
June 1, 2023

The Regular meeting of the Zoning Board was called to order at 7:00 pm by Chairwoman Abbey in Meeting Room A in the Municipal Building.

STATEMENT OF ADEQUATE NOTICE

Chairwoman Abbey announced that pursuant to the Sunshine Law, a notice of this meeting's date, time, location, and agenda was mailed to the news media, posted on the township bulletin board, and filed with the Municipal Clerk on May 24, 2023.

ROLL CALL AND DECLARATION OF QUORUM

Susan Abbey, Chair

ABSENT: None

Curtis Hoberman Vice-Chair

John Church

Henry Jacobsohn

Daniel Marks

John Roeder

Carl VanDyke

Michael Garzio, Alt. #1

Eugene Fridkin, Alt. #2

TOWNSHIP CONSULTANT STAFF PRESENT

Priscilla Saint-Laurent, Attorney, Mason, Griffin & Pierson

David Novak, PP, Planner, Burgis Associates

Sam Surtees, Land Use Manager and Zoning Officer

MINUTES

Mr. Roeder stated that a conversation was omitted regarding a home on Alexander Road and was pertinent to the Stacey Fox application. The April 6, 2023 Minutes were tabled until the next meeting.

CHAIR'S COMMENTS & CORRESPONDENCE

There was no correspondence to review and the Chair had no comments. There were no comments from the public.

APPLICATION:

ZB22-03

Ramesh Janga

d-4 (FAR); c Bulk Variances (2)

1781 Old Trenton Road

Block 33, Lot 40

Property Zoned: RR/C District

MLUL: N/A

Applicant is requesting a one (1) year extension of approval that was approved on April 7, 2022 and memorialized by resolution on May 5, 2022.

Attorney Saint-Laurent swore-in the applicant, Ramesh Jenga. Mr. Jenga stated why his application should be extended. He said his permit application is pending with the Township since December, they needed a well permit, and they lost several months due to covid restrictions. The house is being built on vacant lot with no public water or sewer to hook into, which will require lengthy county and township permitting.

Mr. Roeder made a motion to approve the one-year extension to application ZB22-03; seconded by Mr. Church.

Roll Call:

Aye: VanDyke, Roeder, Marks, Jacobsohn, Church, Hoberman, Abbey

Nay: None

Abstain: None

Absent: None

Not Voting: Fridkin, Garzio

Chairwoman Abbey announced that the order of the agenda was being switched because Ms. Fox's architect was not yet present.

APPLICATION:

ZB23-02 **Pramod Surendran**
d-4 (FAR) Variance
31 Pierson Avenue
Block 91, Lot 16
Property Zoned: R-20 District
MLUL: 8/22/23

Applicant is proposing to increase the FAR of their Cape Cod style home to 20.2% where only 13% is permitted. The plan includes addition of a living room and kitchen to the rear of the house and adding a second story comprised of 4 bedrooms, 3 baths, and an office.

Attorney Saint-Laurent confirmed that the proof of publication and service are in order and the Board has jurisdiction.

The following reports were submitted by the Township's Zoning Board Professionals:

Edwin W. Schmierer, Attorney, dated April 27, 2022 (not present)

David Novak, PP, Planner, Burgis Associates, dated May 18, 2022

Pramod Surendran was sworn-in by Attorney Saint-Laurent. Mr. Surendran gave an overview of the project and what he was requesting. He said that flood damage occurred to the home last year and they have not lived there since.

Henry Jacobsohn stated that Mr. Surendran stated that presently there are 2 bedrooms downstairs and 2 bedrooms upstairs in the house. Mr. Surendran said you must walk through the first bedroom to get to the second bedroom upstairs; it is basically an office. Mr. Surendran said they are trying to work with the existing structure.

Attorney Saint-Laurent swore-in Sam Surtees, Land Use Manager and Zoning Officer and David Novak, Zoning Board Planner.

Mr. Novak referred to his memo that showed properties in the neighborhood that exceeded the FAR. There are 3 properties that exceed the R-20 FAR requirement, and 1 property that exceeded the applicant's proposed FAR. The proposed home would be the largest in the neighborhood. Mr. Surendran testified that this is necessary because he is adding to the existing home; it is not being built from scratch. Chairwoman Abbey stated that most of the homes in the neighborhood are 3-4 bedrooms with 2 baths, and he is requesting 5 bedrooms, a yoga room, a study, a playroom, and a massive great room.

Mr. Van Dyke suggested to Mr. Surendran that he should return to the Board with plans that would meet the needs of his family and better conform with the neighborhood. Chairwoman Abbey said he is asking for an FAR of over 4,000 sq. ft, which is significantly larger than the rest of the neighborhood; more than twice as large.

Mr. Surtees stated that if the applicant chose, they could knock down the existing house and build a 2,600 sq. ft. house, 35 feet high, and not have to return to the Board. If Mr. Surendran wants the Board to vote tonight and his application is turned down, if he wanted to return to the Board with a new application, it will have to be drastically different than the application proposed tonight.

Chairwoman Abbey told Mr. Surendran what his options were. 1) Have the application voted on and likely be turned down, or 2) The application could be adjourned and carried to another meeting returning with a new plan to be closer to a 2,600 sq. ft. house, or 3) Demolish and build a 2,600 sq. ft. house without having to return to the Board. Mr. Van Dyke suggested he bring his architect to the next meeting.

7:44 PM -- Mr. Surendran asked for a 10-minute break to consult with his family. The meeting reconvened at 7:50 pm.

Mr. Surendran's options were explained again in more detail. Mr. Surendran elected to continue the application and return to the Zoning Board on July 6, 2023 with no further noticing required.

Mr. Roeder made a motion to continue ZB23-02 to July 6, 2023; seconded by Mr. Van Dyke.

Roll Call:

Aye: VanDyke, Roeder, Marks, Jacobsohn, Church, Hoberman, Abbey

Nay: None

Abstain: None

Absent: None

Not Voting: Fridkin, Garzio

7:56 PM – At this time, Vice-Chairman Hoberman recused himself from application ZB22-05 and left the meeting.

APPLICATION:

ZB22-05

Paul Meers & Stacey Fox

d-1; d-4 & C Bulk Variance

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29 Berrien Avenue
Block 74, Lot 40 & 41
Property Zoned: R-1A District
MLUL: 6/1/23
(continued from April 6, 2023)

Applicant in residential Berrien City who resides on a .30-acre lot between Alexander Road and Montgomery Street wishes to replace an existing carport. On the same footprint, the homeowners wish to replace it with a garage/workshop with an office space above that can serve as a guest room. The upper level will have a full bathroom, but will not have permanent kitchen appliances installed or a second sink. Each floor will be 342.8 sf for a total of 685.6 sf, and have a slanted roof for solar panels. The roof height will be 18.4 feet on the left and 16.6 feet on the right. It will be a simple solid wood cabin. Variances for FAR and side yard will be sought.

Mr. Van Dyke announced that he viewed the audio/video of April 6, 2023 application ZB22-05 from the Zoning Board meeting and could vote on it.

The following reports were submitted by the Zoning Board Professionals:

- David Novak, PP, Planner, report dated May 22, 2023
- Ed Schmierer, Attorney (who was not present) dated May 23, 2023.

Richard Schkolnick, (new) Attorney representing the applicant, reminded the Board of the project requested. He explained that a deed restriction would be created and recorded at the County Clerk's Office that included that the guest house could not be rented out and that that it could not be made into a second residence. The resolution of approval would also be recorded. There will not be a cooking area and there will be only one sink and that would be in the bathroom.

Ms. Fox presented an informal concept rendering to show the Board. She explained that the guest house with exterior steps going up on the side encroaches further into the setback. Chairwoman Abbey questioned why the exterior steps were moved to the neighbor's side of the structure. Ms. Fox responded because of the mature tree roots and preference.

Mr. Church stated that the site plan and updated floor plan were not provided for the d-1 variance. Ms. Fox said that the site plan was included with the application.

She explained that putting a second-floor addition to the existing home would change the neighbor's view and hide the greenery that they are used to seeing.

Ms. Fox said she hired an architect per the Board's suggestion and proceeded by describing what is included in the pre-fabricated guest house. There is a slop sink downstairs for projects and no appliances will be installed upstairs.

Attorney Saint-Laurent swore-in Marina Rubina, Licensed Architect representing Ms. Fox. Ms. Rubina proceeded with testimony. From an architectural perspective, she stated she did not design the proposed prefabricated building. The

existing house is currently over the FAR and located in the front and side setback. Maintaining the existing footprint is desirable in this neighborhood and Ms. Fox is trying to improve the property using creative solutions. Chairman Abbey stated that the FAR of the existing home is already larger than many of the other neighborhood homes. This home is already larger than houses in this neighborhood.

Ms. Rubina said that theoretically the addition could have been added replacing the patio, but she believes that this is the best part of the property and should be kept as it is. With an addition, Ms. Fox would lose windows, access to their mudroom, it impacts their rear bedroom, and they would lose outdoor living. Building on the rear of the house would impact stormwater, setback and drywell.

Mr. Roeder stated he would like clarification of the D-1 variance and Mr. Church would like to see the site plan. Attorney Schkolnick stated 5 votes are required for the FAR approval. There are no cooking facilities.

Planner Novak recited the definition of a "dwelling unit." Attorney Schkolnick referred to the Township's statutes and Attorney Schmierer's memo. The Board was unclear as to the need of the D-1 variance. Mr. Roeder was concerned with setting a precedent. Mr. Church said the Township needs to update the zoning in Berrien City.

Planner Novak then discussed the FAR and the possibility of installing the exterior stair inside the structure. The bottom floor of 342 sq. ft. would be used as a garage and workshop. There was question as to the actual total FAR of the project which is needed for the Board to make a decision.

Chairwoman Abbey opened the meeting for public comment on the application.

BOB BRANCHEK, 31 Berrien Avenue: Mr. Brancheck stated he lives on the other side of the bamboo. He said he was in agreement with the Board and would like the staircase to go on the inside or any of the other sides. He said the existing carport is ugly. He is not concerned about the deed restriction. He just wants nice neighbors. He didn't like the 2-story structure originally presented.

PAUL MEERS, 29 Berrien Avenue: Mr. Meers asked if basements are considered part of the square footage. Mr. Surtees responded no, unless they are finished.

Chairwoman Abbey stated that the current square footage of the existing house and square footage of each floor of the guest house is needed, proposed height of the structure, site plan, survey, updated floor plan, and if the d-1 variance is necessary. Ms. Fox confirmed that the corner markers on her property were found.

Mr. Schkolnick stated he would like to carry the application to the July 6, 2023 meeting with no further noticing required. Mr. Surtees asked that he have this in writing.

Mr. Roeder made a motion to continue application ZB22-05 to July 6, 2023; seconded by Mr. Church.

Roll Call:

Aye: Garzio, VanDyke, Roeder, Marks, Jacobsohn, Church, Abbey

Nay: None

Abstain: None

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Absent: Hoberman
Not Voting: Fridkin

The next meeting is scheduled for July 6, 2023.

With no further business, Chairwoman Abbey adjourned the meeting at 9:43 pm.

Respectfully submitted,

Cynthia Dziura, RMC/CMR
Recording Secretary