

West Windsor Township Zoning Board of Adjustment

Minutes – Regular Meeting

March 28, 2019

The regular meeting of the Zoning Board of Adjustment was called to order at 7:00 p.m. on Thursday, March 28, 2019 by Chair Abbey in Meeting Room A of the Municipal Building.

STATEMENT OF ADEQUATE NOTICE

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 as required by law.

ROLL CALL AND DECLARATION OF QUORUM

Present: Susan Abbey
John Church
Michael Garzio
Curtis Hoberman
Daniel Marks
John Roeder
Carl Van Dyke

CHAIR'S COMMENTS & CORRESPONDENCE

No comments were provided.

PUBLIC COMMENT

No comments were provided.

MINUTES

- a) June 28, 2018 - Motion was made by J. Roeder and C. Van Dyke seconded the motion to approve the minutes of June 28, 2018 as amended. The vote was 7-0 in favor of those eligible to vote. Motion carried.
- b) December 6, 2018 - Motion was made by J. Roeder and J Church seconded the motion to approve the minutes of December 6, 2018 as amended. The vote was 6-0 in favor of those eligible to vote. Motion carried.
- c) January 3, 2019 - Motion was made by J. Roeder and S. Abbey seconded the motion to approve the minutes of January 3, 2019 as amended. The vote was 7-0 in favor of those eligible to vote. Motion carried.
- d) January 24, 2019 - Motion was made by J. Roeder and S. Abbey seconded the motion to approve the minutes of January 24, 2019 as amended. The vote was 6-0 in favor of those eligible to vote. Motion carried.

RESOLUTION

ZB18-09 ELLSWORTH REALTY, ASSOC. - BANK OF PRINCETON
d-1 Use Variance
Block 5, Lots 20, 62 & 76
549 Cranbury Road
Property Zoned: RP-7 District

Motion was made by J. Roeder and C. Van Dyke seconded the motion to approve the resolution for ZB18-09 as amended of those eligible to vote. The vote was 6-0 in favor. Motion carried.

APPLICATION

ZB19-03 Christopher Hine & Marissa Kimmel-Hine
"c" Bulk (MIC) Variance
Block 21.20, Lot 64
6 Wynwood Drive
Property Zoned: R-30 District
MLUL: 6/19/2019

Edwin Schmierer, Esq., legal counsel for the Board, stated that proof of notice is in order and the Board has jurisdiction.

Christopher Hine, Applicant and Marissa Kimmel-Hine, Applicant, were sworn in. The proposal is to install a pool with decking around the pool in the rear yard.

Chair Abbey questioned a discrepancy on the square footage counts. J. Church questioned the calculation since the concrete is irregular in shape. Mr. Hine advised that their contractor stated the MIC will be increased to 22.4%. The MIC in the district is 18% and the existing MIC for this property is 18% and they will exceed the zoning requirement with any design. A 14' x 29' trench is proposed in the southwest corner of the site to handle the storm water runoff. Mr. Hine stated that he met with his neighbors and no concerns about the plan were expressed.

Chair Abbey asked if soil tests were done. Mr. Hine responded that percolation tests were not done. Chair Abbey asked if the applicant gets standing water after a storm. Mrs. Hine stated that this does not occur.

C. Van Dyke recommended that percolation tests be subject to review by the Municipal Engineer as a condition of approval. Chair Abbey noted that there is a Township drainage easement in the area and the applicant can hook into this if there is a problem with the percolation tests.

J. Church stated that the trench location is well suited to handle the water flow and recommended further review.

C. Van Dyke questioned the style of fence being considered. Mr. Hines stated that a new fence will be installed if the existing fence is damaged during construction.

Chair Abbey asked what is unique about the property from the other properties that would make this a hardship. Mrs. Hines stated that the property is on a corner lot with a very large front yard. Mr. Schmierer stated this would be a flexible "c" variance. Variance relief can be granted if no impact is determined, in this case the impact would be the storm water and the applicant has actively worked on this with the trench. There is no impact to neighborhood; it does not interrupt the scheme of the neighborhood.

Chair Abbey stated that there are many odd shaped lots in this area. The impervious coverage is important because the water must percolate into the ground and this is being taken care of with the proposed trench.

The meeting was opened to the public. No one wished to address the Board, motion to close the hearing was made by J. Roeder and J. Church seconded the motion. The vote was 7-0 in favor. Motion carried.

C. Van Dyke asked if they are open to a check by the Health Department. Mr. Hine stated that this would be acceptable.

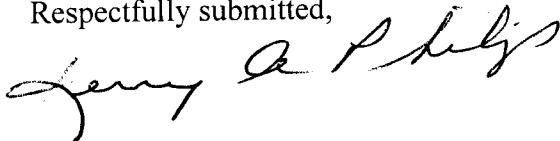
Motion was made by J. Roeder to approve the application with a condition that the applicant verifies that the water has proper infiltration, seconded by J. Church. The vote was 7-0 in favor. Motion carried.

Chair Abbey stated the reasons for the approval. The property is a corner lot which is more restrictive and the applicant is installing the infiltration trench to address the storm water flow.

For: Abbey, Church, Garzio, Marks, Roeder, Van Dyke
Against: None
Abstain: None

Being that there was no other business before the Board, the meeting was adjourned at 8:00 p.m.

Respectfully submitted,



Kerry A. Philip
Recording Secretary