

WEST WINDSOR TOWNSHIP ZONING BOARD MEETING  
REGULAR MEETING  
APRIL 6, 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 March 27, 2023.

**ROLL CALL AND DECLARATION OF QUORUM**

Susan Abbey, Chair  
John Church  
Henry Jacobsohn  
Daniel Marks (arrived at 7:04 pm)  
John Roeder  
Michael Garzio, Alt. #1  
Eugene Fridkin, Alt. #2

**ABSENT:** Curtis Hoberman Vice-Chair  
Carl VanDyke

**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**

March 2, 2023 Minutes  
Mr. Roeder made a motion to adopt the minutes of March 2, 2023; seconded by Mr. Jacobsohn. Voice Vote--Motion Carried.

**CHAIR'S COMMENTS & CORRESPONDENCE**

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

7:04 PM – Daniel Marks entered the meeting.

**APPLICATION:**

**ZB22-05**      **Paul Meers & Stacey Fox**  
d-1; d-4 & C Bulk Variance  
29 Berrien Avenue  
Block 74, Lot 40 & 41

Property Zoned: R-1A District

Applicant in residential Berrien City who resides on a .30-acre lot wishes to replace an existing carport with a guest house. Guest house will have two stories for their large family and aging mother. Two identical one-bedroom units will each have a full bathroom. They will not have permanent kitchen appliances installed. Each unit 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, use and side yard will be sought.

The applicant is seeking a d(1) Use Variance. The R-1A Zoning District limits development to one single-family detached dwelling unit on the Property. The applicant proposes to add a detached structure.

The applicant is seeking a d(4) Floor Area Ratio Variance. The maximum permitted in the R-1A zone is 13%. The FAR would increase to 16.4%.

The applicant is seeking a c(1) Bulk Variance. The size yard setback required in the R-1A zone is a minimum of 20 feet. The proposed structure would have an 11 foot side yard setback primarily where the existing carport is currently located.

It was announced at the March 2, 2023 meeting the proof of publication and service were in order and the Board had jurisdiction.

John Kaplan, Attorney representing the applicant, gave an overview of the project.

Attorney Saint-Laurent swore-in the applicant, Stacey Fox.

Ms. Fox gave a description of the current property, why her family needs this, and how the proposed guest house will improve their family life and so they do not have to move. She explained how this unconventional separate dwelling would function in relation to the main house, by just adding bedrooms and bathrooms. The drywell and its location in the rear of the yard was discussed.

Chairwoman Abbey stated that the total square footage of the proposed structures would be a lot more than the other homes in the neighborhood. Ms. Fox's lot is almost the size of a double lot.

Mr. Church asked Ms. Fox if she consulted an engineer about expanding the house in the rear instead of creating a separate dwelling. This would eliminate the need for a d-variance. Ms. Fox cited reasons why she did not want an addition.

Chairwoman Abbey stated she is looking for the extraordinary and exceptional situation to grant the property a variance, and not because for a personal reason. This would put three structures on one property. Hypothetically, a guest house could be rented out and used as an apartment in the future; the property is not zoned for this.

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

Mr. Surtees explained the current zoning code does not allow the building of separate dwelling anywhere in the Township, but there are properties that pre-date the zoning code.

Mr. Roeder recalled a case in Berrien City along Meadow Road where the applicant came in for an expansion of a house on Alexander Road. The applicant purchased an adjacent lot on Borosko place and built a garage with an apartment above it which included a kitchen, bathroom, and bedroom. There was deed restriction placed where the apartment had to be removed when the owner moved or was deceased.

The Township's Zoning Board Planner, David Novak, PP of Burgis Associates, reviewed his report dated January 16, 2023. Also submitted was a report prepared by Zoning Board Attorney Schmierer (not present) dated January 6, 2023.

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

BOB BRANCHEK, 31 Berrien Avenue: Mr. Branchek said he would like the applicant to explore the suggestions given by the Board members. He would also like to know the guest house would not be rented out, if it was, this would require more parking. He said he was okay with a one-story, but was not impressed with the 2-story structure.

After her presentation and not being able to cite the extraordinary and exceptional reason for the variance request, Ms. Fox asked for the hearing to be continued to the June 1, 2023 regular meeting of the Zoning Board. This will give her the opportunity to consult with an Engineer if she chooses to see if there could be an alternate configuration for the placement of the guest house adjacent to her existing home. The Board granted her request.

Chairwoman Abbey made a motion to continue the hearing to June 1, 2023; seconded by Mr. Church.

Roll Call:

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

Nay: None

Abstain: None

Absent: VanDyke, Hoberman

Not Voting: None

Mr. Garzio made a motion to adjourn the meeting at 8:40 pm. Seconded by Mr. Church. Voice Vote—All Aye.

Respectfully submitted,

Cynthia Dziura, RMC/CMR  
Recording Secretary