

WEST WINDSOR TOWNSHIP ZONING BOARD MEETING  
REGULAR MEETING  
July 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 June 29, 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**

Ed Schmierer, Esq., Attorney, Mason, Griffin & Pierson

David Novak, PP, Planner, Burgis Associates

Sam Surtees, Land Use Manager and Zoning Officer

**MINUTES**

April 6, 2023 Minutes

Mr. Roeder made a motion to adopt the April 6, 2023 minutes, as amended; seconded by Mr. Jacobsohn.

Roll Call:

Aye: Roeder, Marks, Jacobsohn, Church, Abbey

Nay: None

Abstain: VanDyke, Hoberman

Absent: None

Not Voting: Fridkin, Garzio

June 1, 2023 Minutes

Mr. Roeder made a motion to adopt the June 1, 2023 minutes, as amended; seconded by Mr. VanDyke.

Roll Call:

Aye: VanDyke, Roeder, Marks, Jacobsohn, Church, Hoberman excluding the Fox application, Abbey

Nay: None

Abstain: None

Absent: None

Not Voting: Fridkin, Garzio

**RESOLUTION**

ZB22-03 Ramesh Janga

Request for one (1) year extension of approval  
1781 Old Trenton Road, Block 33, Lot 40

Chairwoman Abbey asked that this resolution be rewritten to include the specific reasons why request for the extension was approved by the Zoning Board. These approvals include: 1) the home is being built on a vacant lot with no public water or sewer hook-ups available necessitating well and septic designs and approval from the Township and the County, 2) Mr. Janga has been working with officials consistently throughout the past year, and 3) there have been delays in permitting due to COVID.

**CHAIR'S COMMENTS & CORRESPONDENCE**

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

**APPLICATION a:**

ZB23-02

**Pramod Surendran**

d-4 (FAR) Variance  
31 Pierson Avenue  
Block 91, Lot 16  
Property Zoned: R-20 District  
MLUL: 8/22/23  
(continued from 6/1/23)

Applicant is requesting to add living space to their current Cape Cod-Style home. They wish to increase the FAR 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.

Mr. Surtees announced that last month the applicant told him that he would not be here tonight, but that his architect would be presenting his revised plans tonight. Mr. Surtees did not receive further notification as to why the architect was not here. Attorney Schmierer advised the Board to wait to the end of the meeting to see if the architect shows up.

7:16 PM – At this time, Vice-Chairman Hoberman recused himself from application ZB22-05 and left the meeting.

**APPLICATION b:**

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  
MLUL: 7/6/23  
(continued from April 5, 2023 and June 1, 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. The upper-level office/guest room will have 360 sf. The lower level is a garage with a workbench and slop sink. It will accommodate one mid-size vehicle. There is a slanted roof for solar panels. It will be a simple solid wood cabin-style building. Variances for FAR and 9.8' side yard setback will be sought. The total FAR increase will be 2.7%. The side yard setback will remain the same.

Robert Simon (new) Attorney representing the applicant, reviewed what is being requested.

The following reports were submitted by the Zoning Board Professionals:

David Novak, PP, Planner, report dated June 27, 2023 (revised)

Ed Schmierer, Attorney, dated June 27, 2023

A summary of changes was also submitted.

Ms. Fox was previously sworn-in. She presented and described four color renderings of the guest house. A conceptual rendering of the floor plan was distributed, which included the square footage of each level. She explained that the garage would also be used as a crafting/work area. There will be no business conducted here and she would not create items for sale to the public. A property survey was also submitted.

The Zoning Board discussed some existing accessory structure properties in West Windsor that had been approved for a bedroom, office, and bathroom, specifically 967 Alexander Road (ZB12-05; Jim and Mitto Gallagher).

Chairwoman Abbey stated that with the changes that have been made, this is no longer a dwelling unit; it doesn't have a kitchen anymore. It is strictly additional living area.

Planner Novak explained the definition of dwelling unit which includes living, sleeping, cooking, and complete sanitary facilities for the occupants. Without the cooking facility, it does not constitute a dwelling unit.

Attorney Simon stated that nowhere in the ordinance does it prohibit a detached living area from being constructed. The unit is for this single family's own use.

Ms. Fox stated that when the time comes, the new plan will have her mother occupy the existing home office in the main house which will be converted into a bedroom. She is relocating the existing home office inside her main house to the upper level over the garage.

Mr. Church asked if a detached dwelling unit was ever approved elsewhere in the Township. Mr. Surtees responded there were two lots that were combined that went from Alexander Road to Borosco Place (967 Alexander Road). A garage was built with a living area above it which included a bathroom, bedroom and living room. It was deed restricted, not rented out, and only used certain times of year when family members visited.

Chairwoman Abbey stated the applicant has done everything that the Zoning Board has requested from previous meetings. The property cannot accommodate an addition to the existing home, so this is an addition of living area above the garage and not a dwelling unit. This is the problem that makes it unique to the home. The property is very deep, so having something in the back is not infringing on neighbors behind the property.

Ms. Fox also testified she was agreeable to a deed restriction that rental of the structure is not permissible.

There should be no cooking appliances.

The FAR has increased from 13% to 16.4%.

The square footage has increased from 1,788 to 2,131

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

BOB BRANCHEK, 31 Berrien Avenue: Mr. Brancheck says he has no objections. He is glad that the applicant is not putting an addition on the back of their home because it would block all views of trees, and he is glad they are replacing the unsightly shed. This will be a better view from his window.

Mr. Roeder made a motion to close the meeting for public comment; seconded by Mr. VanDyke.

Roll Call:

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

Nay: None

Abstain: None

Absent: Hoberman

Not Voting: Fridkin

Chairwoman Abbey stated the following circumstances/conditions:

- The property can accommodate the additional floor area associated with the increased FAR.
- There are physical features uniquely affecting this piece of property. The addition cannot be put on the rear of the home due to some underground drywell and piping features.
- The Board has determined that this is living area, not a dwelling unit or for a home occupation.
- Applicant has agreed not to rent the space above the garage and will be deed restricted for use only by the owner and occupant of the main house and family members.
- The first floor is truly a garage to be used for a mid-size vehicle and work shop for the owner.
- The lot is 181 ft. deep and can accommodate this garage with space above in the backyard and it is not aligned with the house next door.
- It is not encroaching any further into the side-yard existing setback than the existing carport does.
- There will not be a kitchen or kitchen appliances, sink, or 220 electric service installed. There will be no cooking.
- There will be no closet.

Chairwoman Abbey made a motion to approve application ZB22-05; seconded by Mr. VanDyke.

Roll Call:

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

Nay: None

Abstain: None

Absent: Hoberman

Not Voting: Fridkin

**APPLICATION a:**

**ZB23-02      Pramod Surendran**

Since the architect representing Mr. Surendran did not show up and no notification was made to Mr. Surtees, Application ZB23-02 is being carried to the August 3, 2023 meeting.

8:07 PM – Chairwoman Abbey called a recess.

**APPLICATION c:**

**ZB23-04      Feng Qiao Lu**

C Bulk Variance (MIC)  
1323 Old Trenton Road  
Block 29, Lot 13  
Property Zoned: R-30 District  
MLUL: 9/14/23

Applicant is requesting to construct a 529.8 sf garage/greenhouse addition on the front of an existing single-family dwelling on a 13,982 sf lot. Preserved farmland is located to the east and south of the subject property. The property is located within the R-30 Zoning District which permits a maximum improvement coverage (MIC) of 18%, whereas the current MIC is 25.93% and the proposed would be 28.6%--an increase of 2.67%.

Attorney Schmierer stated that the proof of publication is in order and the Board has jurisdiction

Ms. Feng Lu introduced herself, and then a family friend, Xiaowu You, spoke on her behalf.

The following reports were submitted by the Zoning Board Professionals:

Ed Schmierer, Attorney, dated June 14, 2023

Zoning Board Site Inspection Subcommittee Report dated June 12, 2023

Mr. You and Ms. Lu explained that she wants to build a garage/greenhouse in the front yard which will also be used to park and charge her electric car, for protection in the summer and winter, and for additional storage space, which she needs because her home is so small. The garage will be placed partly where the existing driveway is. She is requesting an MIC increase of 2.7%.

Mr. Surtees stated that the property to the east is the Schumacher/Levy Farm which is preserved and is currently up for sale. There is also preserved property in the rear which is owned by the Tindall family.

There are no flooding issues and no problems with the septic tank.

Chairwoman Abbey stated the property is substantially narrower and smaller in area than surrounding properties. There is no room to put the garage on side of house because it is so narrow and can't be in the rear because of septic tank. Most of the space is in the front of the home, 110 feet.

Chairwoman Abbey opened the meeting for public comment on the application. There were no comments.

Mr. Roeder made a motion close the meeting for public comment; seconded by Mr. Church.

Roll Call:

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

Nay: None

Abstain: None

Absent: Hoberman

Not Voting: Fridkin

Mr. Roeder said this is a very sensible application. Chairwoman Abbey said it fits character of the neighborhood as most of the homes are single story, and it's nice-looking addition in the front of the house.

Chairwoman Abbey stated circumstances/conditions:

- The Board found there are special reasons for this approval.
- The lot is substantially narrower than the surrounding properties.
- There is not room on the side of the house.
- The addition would be within the existing side yard setbacks.
- The garage could not be put in the back of the property because the septic tank is there.
- The existing MIC would only increase 2.7%
- The property is very deep, 226 feet. The house is 110 feet from the street, so there is more than enough room in front.
- The property has permanently preserved farmland on each side, making drainage not an issue.
- The addition fits the character of the neighborhood.

Mr. Roeder made a motion to approve application ZB23-04; seconded by Mr. Church.

Roll Call:

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

Nay: None

Abstain: None

Absent: Hoberman

Not Voting: Fridkin

The next meeting is scheduled for August 3, 2023.

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

Respectfully submitted,  
Cynthia Dziura, RMC/CMR  
Recording Secretary