

WEST WINDSOR TOWNSHIP ZONING BOARD MEETING
REGULAR MEETING
September 7, 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 August 21, 2023.

ROLL CALL AND DECLARATION OF QUORUM

Susan Abbey, Chair
Curtis Hoberman Vice-Chair
John Church
Henry Jacobsohn
Daniel Marks
Carl VanDyke
Michael Garzio, Alt. #1

ABSENT: Eugene Fridkin, Alt. #2
John Roeder

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

August 3, 2023 Minutes

Chairwoman Abbey asked that it be included in the minutes that the applicant agreed to proceed with the hearing with only 5 members present. Mr. Church cited one typographical error.

Mr. Church made a motion to adopt the August 3, 2023 minutes, as amended; seconded by Mr. Jacobsohn. Voice Vote-- Motion Carried

RESOLUTION

ZB23-03 **Daniel Tello-Flores & Christine Sfraga**
d-4 (FAR) & C Bulk Variances
210 Fisher Place, Block 42, Lot 6

Chairwoman Abbey made a motion to adopt Resolution ZB23-03, as amended to include that the applicant agreed to proceed with the hearing with only 5 members present; seconded by Mr. Jacobsohn. Voice Vote--Motion Carried. Abstention by Vice-Chairman Hoberman.

CHAIR'S COMMENTS & CORRESPONDENCE

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

APPLICATION:

ZB23-05

Brian Young

d-4 (FAR) Variance

969 Alexander Road

Block 63, Lot 154

Property Zoned: R-1A District

MLUL: 11/28/23

Applicant seeks to convert the existing cathedral space in their existing single-family home which would allow for expansion without having to construct an addition. The variance requested is for an increase of 212 square feet, with an increase of only 59 square feet to the floor area ratio. The total FAR would increase from 26.41% to 27.17%, which exceeds the maximum allowed of 13%. (The existing property is extremely undersized.) Parking would not be impacted, as the addition of the fourth bedroom would require 2.5 parking spaces, and the lot currently has 3 on-site parking spaces.

Attorney Schmierer swore-in Mr. Young, Planner Novak and Mr. Surtees. He then stated that the proof of publication is in order and the Board has jurisdiction to hear the application.

Mr. Young stated that he would like to enlarge his present home and give his children their own rooms. They purchased their home 7 years ago, and need more space. They would like an extra bedroom/workspace.

There will be an egress window on the second level subject to approval by the construction fire sub-code official.

Tyler Sincoskie, RA, with Primiano Architects was sworn-in by Attorney Schmierer. He gave testimony citing what the applicant was requesting. He said the property is undersized and a variance would be needed for the requirements of the zone. The applicants do not want to change the exterior of the home, so they propose to lose the bedroom's double-height cathedral ceiling to make a fourth bedroom. The only exterior change is enlarging the third-floor attic window so it can be used as an exit if a fire occurs. They are adding extra space without changing the footprint. Adding a bedroom changes the parking requirements, but they believe the current 3 parking spots accommodate that requirement. Mr. Novak discussed the FAR of the property.

Mr. Sincoskie stated that he agreed with the following reports that were submitted.

Ed Schmierer, Zoning Board Attorney, dated August 4, 2023

David Novak, PP, Zoning Board Planner, report dated August 15, 2023

Chairwoman Abbey opened the meeting for public comment on the application. There were no comments. Mr. VanDyke made a motion to close the public hearing; seconded by Mr. Garzio. Voice Vote--Motion Carried.

Chairwoman Abbey stated the following circumstances/conditions:

- There are no problems and the expansion is within existing floor space up in the attic. It is not an addition and it is not increasing the MIC. The amount of increase is 1% which is de minimis.
- They meet the 2.5 parking spaces requirement.
- There are no external changes other than a window on the third floor.
- The lot is smaller than the original small lots. This is not as deep as the other houses along the street, so their FAR is going to be higher.
- This can accommodate the problems.
- Negative criteria: None. There is no substantial detriment to public good.
- It does not impair the intent and purpose of the zone—it fits in very well with the zone. The house continues to look in the style of the existing neighborhood.
- There is no negative impact on neighboring properties because it is within the footprint of the house.
- It does not disrupt the zoning plan. It does not disrupt the look of the neighborhood.

Vice-Chairman Hoberman made a motion to approve application ZB23-05 for d-4 variance; seconded by Chairwoman Abbey.

Roll Call:

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

Nay: None

Abstain: None

Absent: Fridkin, Roeder

Not Voting: None

The next meeting is scheduled for October 5, 2023.

With no further business, Chairwoman Abbey adjourned the meeting at 7:33 pm.

Respectfully submitted,

Cynthia Dziura, RMC/CMR
Recording Secretary