

WEST WINDSOR TOWNSHIP ZONING BOARD MEETING  
REGULAR MEETING  
December 5, 2024

The Regular meeting of the Zoning Board was called to order at approximately 7:02 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 November 21, 2024.

**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**

Martina Baillie, Esq., Conflict Attorney, Muller & Baillie, P.C

David Novak, PP, Planner, Burgis & Associates

Sam Surtees, Land Use Manager and Zoning Officer

Paula Alexeev, 2025 Zoning Board Recording Secretary

**MINUTES**

October 3, 2024 Minutes

Mr. VanDyke made a motion to adopt the October 3, 2024 minutes, with amendments cited by Chairwoman Abbey and Mr. VanDyke; seconded by Mr. Church. Voice Vote -- All Aye.

**RESOLUTION:**

**ZB24-04** **Jacob Dick**

d-4 (FAR) & C-1 Bulk Variances

110 Harris Road

Block 80, Lot 23

Mr. VanDyke made a motion to approve Zoning Board Resolution ZB24-04, as amended; seconded by Vice-Chairman Hoberman. Voice Vote -- All Aye.

**CHAIR'S COMMENTS & CORRESPONDENCE**

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

Chairwoman Abbey opened the meeting for non-agenda comments from the public. There were no comments from the public.

Mr. Roeder noted that this was Recording Secretary Cindy Dziura's last meeting after 5 years of service. The Zoning Board members thanked her. Mr. Surtees introduced the new Recording Secretary, Paula Alexeev.

**APPLICATION:**

**ZB24-05**      **AMITAV C. MOHAPATRA & SANGEETA P. PATIL**  
d-4 (FAR) Variance  
5 Corio Court  
Block 9, Lot 55.08  
Property Zoned: R-3A District  
MLUL: 3/1/25

Applicant proposes to finish a portion of the basement of their still-under-construction single-family home. The as-permitted two-story house measures 3,472 square feet and is located on a 10,443 square foot (0.24 acres) lot. The proposed improvements to the basement will add 349 square feet to the home's floor area. Because the as-improved home would exceed the permitted maximum floor area ratio of 0.35 by 166 square feet, the applicants seek variance relief from the FAR requirement under the Land Use Law.

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

Kevin Moore, Attorney, with Stevens & Lee, P.C., representing the applicant, gave an overview of the project.

The following were present to testify on behalf of the applicant. The Professionals were sworn-in by Attorney Baillie and the professionals were qualified as expert witnesses. The Zoning Board members asked several questions, including additional use of basement space as living space, and the layout of the gym and a bathroom.

Steven F. DeRochi, PE, Architect, SDR Architecture, LLC  
Kendra Lelie, PP, Planner, Kyle & McManus Associates

The Township Professionals were sworn-in by Attorney Baillie. The following documents pertaining to the application were submitted:

Memorandum dated November 19, 2024 from Attorney Baillie  
Report dated November 14, 2024 from Zoning Board Planner David Novak

Following the hearing, Chairwoman Abbey opened the meeting for public comment on the application. There was no public present.

Chairwoman Abbey commented/cited conditions as follows:

- The finished basement can accommodate the additional FAR and/or MIC. Yes, it does not expand the dwelling footprint; it is located in the existing basement space.
- It does not affect traffic circulation or parking on the site.
- They are not adding a bedroom.
- The house is new so the mechanicals are new and it can accommodate the plumbing and sewer—it will be sufficient.
- The FAR is 1.59% added, which is de minimis.
- There is no difference to the exterior of the building.
- It does not have any substantial negative impact.
- In this development with some multi-family homes, intensity is part of the zoning so adding it is not a big deal.
- Generally, it will create no negative impact.

Conditions for approval:

- There will be no more construction in the basement.
- With this approval, there will not be a bedroom or any additional living space added in the basement in the future.
- The gym cannot be converted into a bedroom.

Mr. Roeder made a motion to approve application ZB24-05 with conditions as cited by Chairwoman Abbey; seconded by Mr. Marks.

Roll Call:

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

Nay: None

Abstain: None

Absent: None

Not Voting: Fridkin, Garzio

The next meeting is tentatively scheduled for February 6, 2025.

With no further business, Chairwoman Abbey made a motion to adjourn the meeting at 7:54 pm.

Respectfully submitted,

Cynthia Dziura, RMC/CMR  
Recording Secretary