

WEST WINDSOR DEVELOPMENT REVIEW BOARD

Draft Minutes

July 15, 2014

Present: Shannon Harrington, Genevieve Lemire(GL), Courtney McKaig, Jane Hoisington(JH), Tom Kenyon(TK)(tree warden)Glenn Seward(Town), John McNamara(JM)(applicant); Judy Brettel(JB)

1. Call to Order – DRB Chair Shannon Harrington called the meeting to order at 7:00 PM and noted that the DRB has just returned from a site visit to the McNamara property in connection with the public hearing on the agenda for tonight.
2. Changes to the agenda – None
3. The board and parties for application #2562 preceded the public hearing with a site visit.
4. Public Hearing – Shannon opened the public hearing on application #2562 by John and Elizabeth McNamara and the Town of West Windsor for Conditional Use approval for construction of a 76' x 2' x 2.5' stone wall within the right of way and stream setback at 618 Banister Road (parcel #4-19.1). The proposed development is subject to review under Sections 2.3-3, 3.14, 4.2, 4.8 and 5.3 of the West Windsor Zoning Regulations.
5. Shannon asked if there are any conflicts of interest or if there has been any ex parte communication. None stated. Shannon reviewed the definition of an interested person and swore in John McNamara, Tom Kenyon, and Glenn Seward.
John offered the following information: He understood he needed Selectboard Approval. See letter dated 6/16/14 signed by Glenn Seward and John McNarmara allowing him to build the wall within the ROW; He stated that he understood that the wall construction was at his expense, the traffic must flow, etc. per letter. He continued to say that Mike S. wanted to replace the culvert, then Tancreti would build the stone wall. He presented his plan prepared by Tancreti. He stated that he believes he is required to get a Permit because of extension, requiring DRB review. Tom Kenyon appreciated JM efforts to clarify his tree removal request. GL asks JM to confirm if wall would be 13 ft up drive, 60 ft up road? JM confirmed. (Extension creates clarity) Glenn said the 'Stream guy'. Todd Menees Rivers Program Engineer was supportive of the application and culvert replacement. He did a measurement bank full width, determined it to be 5 feet in diameter. The Town will pursue a permit with the State to replace culvert once hydraulic review is complete. GS stated that a reminder been sent. He wants to confirm with Todd if evaluation doesn't come in a timely fashion. Todd may overcompensate with a larger culvert. Mike believes can complete his project in a day. JM stated that Tancreti can come right in behind him, and will likely can complete JM project in a few days. JM stated he received Email from Todd M on June 30 2014 regarding wet work to be complete through town permit before JM work to be done.
6. DRB reviewed the application per the notice. Section 2.3-3: Subject to RR Zone, 30, 50, 50 setbacks for structures. Section 3.14: requires 50' natural buffer required from top of stream bank. A Conditional Use review is required as project is not and essential service or approved stream crossing. Section 4.2: accessory structures and uses: A wall is an accessory structure. Stone wall is a fence. DRB was how unclear how this was to be considered..Stone wall is considered a non structural accessory use confirmed by Glenn. TK stated that the wall is not a delineation of the town's ROW. Section 4.8: Project involves construction of a stone wall. Section 5.3. Conditional Use: JM submitted a written narrative for this Section (to be provided as Findings) and read some of his responses.
 1. Capacity of existing or planned community facilities: JM restated the agreement with the town, to be filed. The board agreed or had no comment.
 2. Character of the neighborhood: JM stated there will be n change in character to neighborhood. He said the neighbors were agreement with town, as they were noticed of hearing. The board agreed.
 3. Traffic on roads or highway: JM said no change to traffic. The board agreed and felt

his agreement with the SB covered this. 4. By Laws in effect. JM had no comment. TK stated he was not aware of any to be affected. Board felt agreement supported this also. 5. Utilization of Energy sources: JM said his project will have no effect on that. The board agreed it will have no undue adverse effect on the utilization of renewable energy resources.

7. Inquiry Re: Applicability of Zoning Regulations- Brettell. Judy B stated she received a letter from the Zoning Administrator stating they needed a permit for a deck to the back of the little house. JB offered that the intention was not to be a deck, but a landing step. They did not consider it a deck, but a safe form of egress from the home. GL asked of the Dimensions? JB was not sure, 5 feet or less. Shannon read from Section 1.7: Residential entries exemptions and uncovered walkways excluding decks and porches. JB:It has a landing and a rail, appears to look like a deck, yet little more than stairs. It started out one way, but got a little bigger. The tenants can pile wood under it. The board discussed and told JB that we agreed with ZA request. She said she would fill out the paper work and get a permit.
8. The Minutes of August 13, 2013 were tabled until more members are present from that meeting and available to review/approve.
Shannon requested motion to close the Public Hearing proceedings. So moved by Genevieve ; JH seconded the motion, which passed unanimously.
After discussion, the DRB came out of deliberative session by unanimous consent.
9. Other Business – None
Motion to Adjourn . JH moved to adjourn at 8:00 PM. GL seconded the motion, which passed unanimously.

Respectfully submitted,

Shannon Harrington
(notes taken by Courtney McCaig)