

WEST WINDSOR DEVELOPMENT REVIEW BOARD

Draft Minutes

May 8, 2012

Present: Glenn Seward, Shannon Harrington, Hal Pyke, Genevieve Lemire, Barbara Truex, Tom Kenyon, Lorraine Hobbs, Steve Flinn, Martha Harrison

1. Site visit: Hobbs property – At 6:45 PM, the DRB met with Lorraine Hobbs and Steve Flinn at 847 Bible Hill Road for a site visit in connection with their application (#2478) for a variance (see below).
2. Call to Order – DRB Chair Glenn Seward called the meeting to order at 7:05 PM.
3. Changes or Additions – None
4. Public Hearing: Glenn opened the public hearing on application #2478 by Lorraine Hobbs for a 30' variance of the side yard setback to allow the construction of stairs with a 4' x 8' landing and 5' x 8' deck on the back (west) side of the existing garage at 847 Bible Hill Road (parcel #2-131). The application was subject to review under Sections 2.3-2 and 6.8 of the West Windsor Zoning Regulations. DRB members confirmed that there has been no ex parte communication and there are no conflicts of interest. Glenn reviewed the definition of an interested party and noted that no one is present other than the applicants. Glenn swore in interested parties Lorraine Hobbs and Steve Flinn. Steve said the stairs will start halfway across the 24' garage and head toward the house to a 4' x 8' landing and then turn and go up to a 5' x 8' deck landing. Steve added that a double window will be replaced with an entry door. Barbara asked about the purpose of the project. Steve said the purpose is to access the storage area. Glenn noted that the parcel is in the Secondary Growth District, which has a front setback of 30' and side and rear setbacks of 50'. Glenn said it is his understanding that the garage was constructed under a variance. Lorraine said yes. Glenn read the first variance criterion and asked the applicants to address it. Steve said he's not sure what it means. Glenn asked under what circumstances the initial variance for the garage was granted. Martha retrieved the file for parcel #2-131. Glenn read the second variance criterion and asked the applicants if there is any other way to accomplish their objectives without putting stairs on the back of the garage. Steve said no. Glenn asked Steve if he could put stairs inside the garage. Steve said he considered that but it would take up so much space that there wouldn't be room for two vehicles. Steve noted that he stores the pellets for the pellet stove in the garage. Martha said it appears that the initial variance application for the garage was denied, but there's a second application for a garage in the file. Glenn read the third variance criterion. Barbara asked if the garage could have been attached to the house. Steve and Lorraine said no. Barbara said if it had been attached, would it have met the setback requirements. Steve said it would have been close even if it were attached. There was discussion about the limitations presented by the slope of the land in the back of the property. Glenn said the DRB will review and consider the permit history for the parcel in their deliberations. Barbara said the house is on a floating slab so it would have been difficult to attach a garage to the house. Barbara added that the orientation of the house would have been problematic as well. Tom asked when the lot was created and how many acres it has. Steve said it has about 1.25 acres. Glenn said one of the previous applications says that the lot has 1.4 acres and one says that it has 1.8 acres. Tom said the lot must have been created before zoning because it wouldn't be allowed now. Glenn asked for comments on the first variance criterion. Hal said if the garage is a product of a prior variance, then we may be talking about increasing the degree of nonconformity of the garage. Hal said he paced off 30' from the middle of the front of the garage to the side lot line. Hal said the diagram shows the bottom of the proposed stairs starting 20' from the side lot line. Shannon said that depends on where the property line is. Martha said she measured it when she visited the site earlier and it was 20'. Steve said he believes it is 20' from the property line to the garage. Shannon and Genevieve said the sketch submitted with the application shows that the property line is 20' from the bottom of the proposed stairs. Martha said the required setback is 50' so it's academic whether the bottom of

the stairs is 20' or 30' from the property line; a variance is needed either way. Barbara noted that the front and back setbacks are fine. Barbara noted that the applicant can't have the stairs on the side of the garage, between the garage and the house because then he would have to open up the roof. Glenn asked the applicants if they have any comments on Criterion #1. Steve said the only unique circumstance is where the garage is situated. Glenn read the fourth criterion. Hal said there's no way the stairs will alter the character of the neighborhood; they won't even be seen. Steve said the Arvidsons would be the only ones who could see it but we're leaving the trees there so they can't see it. Genevieve asked if the use of the space is for typical residential storage. Steve said he keeps his tools and his hunting equipment in the garage. Genevieve asked if it is storage for a business. Steve said no, it's just personal property. Glenn read the fifth variance criterion. Steve said the proposed project is the one that has the least impact both financially and aesthetically. Steve said he could put the stairs inside but that defeats the purpose of having a garage if you can't get the vehicles in it. Glenn noted that neighboring property owner Phil Arvidson had asked Zoning Administrator Martha Harrison to pass along his questions to the DRB. Genevieve said Phil asked if the intended use of the space over the garage is an apartment or storage for a business, or if it is typical residential storage. Glenn asked if that question has been addressed to everyone's satisfaction. The DRB members said yes. Barbara asked if the decision can specify that, if the variance is granted, the use of the space has to be for the purpose indicated by the applicant. Shannon said yes; the approval can be granted on that condition. Martha said any other use, such as a business or an apartment, would require another permit. Shannon asked if an alternative design for the stairs could have met the setback requirement. Steve said if he places the bottom of the stairs between the house and the garage, it would block the access to the back of the property. Steve also noted that the slope of the land is problematic. Steve indicated that he has considered all the alternative designs. Lorraine said the snow comes off the garage roof hard. **Glenn moved to close the hearing. Genevieve seconded the motion, which passed unanimously. Glenn moved to go into deliberative session. Genevieve seconded the motion, which passed unanimously.** Following deliberations, **Glenn moved to come out of deliberative session. Genevieve seconded the motion, which passed unanimously.**

5. Elect Vice Chair – **Barbara moved to elect Shannon as Vice Chair. Glenn seconded the motion, which passed with Shannon abstaining.**
6. Other Business – April 18th Minutes: **Genevieve moved to approve the minutes of April 18, 2012. Barbara seconded the motion, which passed with Shannon abstaining.**
7. Adjourn – **Glenn moved to adjourn at 7:53 PM. Genevieve seconded the motion, which passed unanimously.**

Respectfully submitted,

Martha Harrison