

## WEST WINDSOR DEVELOPMENT REVIEW BOARD

Draft Minutes

March 8, 2011

Present at site visit: Glenn Seward, Shannon Harrington, Genevieve Lemire, Barbara Truex, Martha Harrison, and Joy Axten

Present at Public Hearing: Glenn Seward, Shannon Harrington, Genevieve Lemire, Barbara Truex, Hal Pyke, Martha Harrison, Jim and Joy Axten

- 1) Site visit - Four members of the Development Review Board (Glenn Seward, Shannon Harrington, Genevieve Lemire, and Barbara Truex) and Zoning Administrator Martha Harrison met with applicant Joy Axten for a site visit on her property at 6:30 PM. At the site visit, Joy noted that the height of the shed would be 8 or 9 feet. Following the site visit, those assembled reconvened at the Town Hall, where they were joined by DRB member Hal Pyke, who had visited the site earlier, and applicant Jim Axten.
- 2) Changes or additions to the agenda – None
- 3) Public Hearing - At 7:00 PM, DRB Chair Glenn Seward opened the public hearing on application #2429 by Jim and Joy Axten for a 6 ½' variance of the front yard setback to enable the construction of an 8' x 16' wood shed at 1712 Bible Hill Road (parcel #5-130). The application is subject to review under Section 2.3-2, 4.2, and 6.8 of the West Windsor Zoning Regulations. Glenn asked the members of the DRB if they have engaged in any ex parte communication or if they have any conflicts of interest. All said no. Glenn noted that there were no interested parties present other than the Axtens. Glenn swore in the Axtens and asked if they had any additional information regarding their application. Joy said their neighbor, John Barth, sent them an email offering to help build the shed. The DRB looked at Section 2.3-2, which has the dimensional requirements for the Secondary Growth district. Martha said the front setback is usually 30' from the highway right-of-way but, for accessory structures less than 200 square feet, the setback is reduced to 20'. Assuming that the road is in the center of the 50' right-of-way, Martha said, the shed has to be 45' from the center of the road. Glenn said Section 4.2 deals with the reduced setback and Section 6.8 deals with variance criteria. Glenn read the first variance criterion and the Axten's written response. Hal noted that the lot is steep and, in the winter, is also icy. Glenn asked the Axtens if they are concerned about the shed being damaged by debris from plow trucks. Joy said she is not at all concerned. Glenn read the second variance criterion and the Axten's written response. Shannon noted that, while it's nice to consider aesthetics, aesthetic issues are not included in the variance criteria. Joy said aesthetics are very important to her. Shannon said that the second variance criterion says that "there is no possibility that the property can be developed" in conformance with the regulations, which is a very tough thing. Glenn read the third and fourth variance criteria and the Axten's written responses. Hal said the proposed wood shed would facilitate access to renewable energy resources. Joy said Bible Hill is very pretty and when people walk they're looking down. Glenn read the fifth variance criterion and the Axten's response. Glenn added that the applicants noted that they have notified neighbors John Barth and Roger Parent and both agreed to approve the variance if asked. Barbara asked the Axtens if they plan to leave the squirrel brush between the shed and the road. Joy said yes. Jim said the bank drops steeply right there and there's a little platform. Jim added that, if they moved the shed up or down the road, they'd have to dig into the bank to make it level. One of the reasons they chose the proposed location, Jim said, is because they won't have to disturb the area other than bringing in a little bit of fill to level it off. Joy said they just don't know where else to put it where they can access it. Joy said Randy Perry recommended the proposed location. Joy added that there are many springs on the property. Genevieve asked about the topography on the north side of the house. Joy said there is a very steep bank there. Shannon asked the applicants why they don't think the wood shed could be placed between the existing shed/outbuilding and the house. Jim

said the property drops off there. Joy agreed that it's very steep. Jim said if you're standing on the driveway looking at the existing shed/outbuilding, you're probably up about 10 feet in elevation. Hal said he would guess that it's a 20% grade. Joy noted that there are springs there as well. Barbara said it's difficult to judge the grade with all the snow on the ground. Jim said there is a terrace that runs from the house to the barn but that's where the driveway is. Genevieve said there appears to be a flat area below the driveway. Jim said the only flat part is the driveway and right behind the house. Shannon said the Axtens could put fill on the east side of the driveway to make it flat and put the shed on top of the flat area. Jim said they would like the shed to face east because it's a very windy area and they don't want rain and snow blowing into the open face of the building. Glenn asked if anyone had any other comments or questions. Hearing none, Glenn closed the public hearing.

- 4) Deliberative Session – The DRB discussed the application in deliberative session and came to a majority conclusion, which will be reflected in a written decision sent to the applicants by certified mail.
- 5) Minutes – October 20, 2010: **Barbara made a motion to approve the minutes of October 20, 2010 as written. Glenn seconded the motion, which passed unanimously.**
- 6) Pending Litigation – **Glenn made a motion to go into Executive Session to discuss pending litigation. Barbara seconded the motion, which passed unanimously.**
- 7) Adjourn – Following the discussion of pending litigation, **Glenn made a motion to come out of Executive Session and adjourn at 8:00 PM. Barbara seconded the motion, which passed unanimously.**

Respectfully submitted,

Martha Harrison