

WEST WINDSOR DEVELOPMENT REVIEW BOARD

Draft Minutes
September 13, 2011

Present: Glenn Seward, Shannon Harrington, Hal Pyke, Genevieve Lemire, Barbara Truex, Joel & Jan Schreiber, Art Keating, Wesley & Joyce Alexander, Dennis Alexander, Mandy & D.J. Alexander, Martha Harrison

- 1) Call to Order – DRB Chair Glenn Seward called the meeting to order at 7:00 PM and noted that the DRB has just returned from a site visit to the Alexander property in connection with application #2455.
- 2) Changes or Additions to the agenda – None
- 3) Public Hearing: Glenn opened the hearing on application #2455 by Dennis Alexander for a 23' variance of the setback requirement to replace the existing 12' x 60' mobile home with a 14' x 60' mobile home at 1589 Rush Meadow Road (parcel #4-16) for health and safety reasons. Replacing the existing mobile home with a larger mobile home will result in an increase in the degree of nonconformance, which requires conditional use review by the Development Review Board. The existing mobile home is an accessory dwelling unit on the same small lot as the single family home at 1651 Rush Meadow Road. The application is subject to review under Sections 2.3-3, 3.9, 4.1, 4.14, 5.3, and 6.8 of the West Windsor Zoning Regulations. Glenn asked about conflicts of interest or ex parte communication. The DRB members said there has not been any. Glenn reviewed the definition of an interested party and noted that an interested party has to have participated in the proceeding to appeal the decision. Glenn asked those who would like standing as interested parties to leave their contact information with Martha. Glenn swore in those planning to offer testimony. Dennis said he looked into replacing the existing trailer with another of the same size but found out that the 12' x 60' size stopped being made as a standard size in 1979. Dennis said he found three 12' x 60' trailers for sale that are in worse condition than the one they already have. Dennis said he did find numerous 14' x 60' trailers because that is the "factory norm" now. Dennis said he tried to get financing to get a custom built 12' x 60' trailer for \$43,820 but, as a self-employed contractor in a down economy, he could not get a loan unless he had contracts for the next two years. Dennis said D.J. and Mandy Alexander were approved for a \$19,000 loan through Windham Housing and they have found six or eight 14' x 60' trailers that could be installed for less than that. Dennis said they are requesting a variance to replace the existing 1968 trailer because there's a mold problem in it, which is a health concern for the little ones. Glenn noted the letter from Windham Housing Trust, submitted with the application, documenting the mold problem. In response to a question from Shannon, Dennis said the property surrounding his is owned by his parents, Wesley and Joyce Alexander. Glenn noted that Section 3.2-3 of the zoning regulations includes a purpose statement which says, "The purpose of the Rural Residential area is to maintain a clean, healthy environment," which Glenn feels has some bearing here. Hal said Section 3.2-3 allows for an accessory dwelling unit, which this is. Hal noted that the main issue is the setback. Glenn agreed that the setbacks in this district are 30' for the front, and 50' for the side and rear. Dennis said the variance is needed for the rear setback. Genevieve noted that the 14' x 60' mobile home will not be any closer to the rear property line than the 12' x 60' home. With regard to Section 3.9(B), Glenn noted that item #4 states that a nonconforming structure "may, subject to conditional use review under Section 5.3, undergo alteration or expansion which would increase the degree of nonconformance solely for the purpose of meeting mandated state or federal environmental, safety, health or energy regulations." Regarding Section 4.1, Glenn noted that this is an accessory dwelling unit. Hal said the existing trailer is 720 square feet. Joel asked if the square footage includes decks and porches. Hal said yes. Joel noted that, including the two porches, the existing size is more than 720 square feet. Dennis said the two porches are 72 square feet each. Hal said the new zoning regulations (not yet adopted) will allow an accessory dwelling unit to be 40% of the size of the single-family

house. Joel said even though the footprint will change, the square footage will be approximately the same. Glenn said the new mobile home will increase the degree of nonconformance, which is one of the things the DRB has to look at. Dennis said he is actually going to lose 32 square feet if he replaces the 12' x 60' trailer and the two porches with a 14' x 60' trailer. Barbara noted that the existing regulations require an accessory dwelling to be 30% of the size of the single-family home, or less. Shannon agreed but noted that the applicant is requesting a variance. Glenn said Section 4.14 requires mobile homes to be constructed on permanent foundations. Glenn said he is assuming there are sonotubes or pilings underneath. Glenn read the conditional use criteria from Section 5.3. Glenn said he thinks it's safe to assume that the capacity of community facilities and services will not be impacted. Glenn asked if the character of the neighborhood will be affected. Hal said he thinks the character of the neighborhood will be positively impacted. Glenn said traffic on roads in the vicinity will not be impacted. Glenn said the DRB has to consider the bylaws now in effect with regard to setbacks and square footage. Shannon asked about wastewater. Dennis said the septic system has never failed and it was updated in 1988. D.J. said it will have the same number of bedrooms and bathrooms. Glenn asked Dennis if this will restrict access to renewable energy resources. Dennis said no. Glenn read Section 5.3(D) and noted that the use will not interfere with access to, use, or enjoyment of adjacent properties, and will not deny neighboring properties access to light or block significant views. Glenn asked neighboring property owner, Wesley Alexander, if he is okay with all of this. Wesley said yes. Glenn read 5.3(D)(3) and noted that the mobile home is set back from the road sufficiently to allow for construction and maintenance of public infrastructure. Shannon asked Wesley if he owns all the land behind Dennis. Wesley said yes. Shannon asked Wesley if he has any problem with the application. Wesley said no. Glenn read the variance criteria in Section 6.8 and noted that the unique physical circumstance is the size of the lot. Shannon noted that the applicant did not create the lot and therefore did not create the hardship. Shannon said because the foundation is there, that's where the replacement home has to go. The DRB agreed that the variance requested would not alter the character of the neighborhood, impair the use of adjacent property, reduce access to renewable energy resources or be detrimental to the public welfare. The DRB also agreed that the requested variance is the minimum that will afford relief. **Glenn made a motion to close the hearing. Barbara seconded the motion, which passed unanimously. Glenn moved to deliberate in public session. Genevieve seconded the motion, which passed unanimously. Glenn moved to approve application #2455 by Dennis Alexander. Hal seconded the motion, which passed unanimously.** Martha said the decision is not official until it is written and signed and then there is a 30-day appeal period.

- 4) Minutes – June 1st: **Genevieve made a motion to approve the minutes of June 1, 2011. Hal seconded the motion, which passed unanimously. June 14th: Glenn made a motion to approve the minutes of June 14, 2011. Shannon seconded the motion, which passed unanimously. July 27th: Shannon made a motion to approve the minutes of July 27, 2011. Glenn seconded the motion, which passed with Genevieve and Barbara abstaining.**
- 5) Executive Session – **Glenn made a motion to go into Executive Session to discuss pending litigation with the Coakleys. Hal seconded the motion, which passed unanimously. After discussion, Glenn made a motion to come out of Executive Session, noted that no action was taken, and moved to adjourn. Hal seconded the motion, which passed unanimously.**
- 6) Adjourn - The meeting adjourned at 7:40 PM.

Respectfully submitted,

Martha Harrison