

COMMUNITY PLANNING
LAND DEVELOPMENT AND DESIGN
LANDSCAPE ARCHITECTURE

B U R G I S
ASSOCIATES, INC.

Principals:
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Edward Snieckus, Jr. PP, LLA, ASLA
David Novak PP, AICP

MEMORANDUM

To: The Township Council of West Windsor
From: David Novak PP, AICP
Subject: Proposed B-3 Ordinance Amendments
Summary of Changes
Date: March 22, 2022
BA#: 3576.12

Introduction

The following memorandum provides an overview of the proposed zoning amendments to the B-3 Business District, which presently encompasses the Nassau Park and Nassau Pavilion shopping centers.

As discussed herein, the draft ordinance proposes to amend Section 200-203C. of the Township's zoning regulations in order to increase the permitted floor area ratio (FAR) of the B-3 District from 10% to 16%. As a result, the amendment would permit a maximum of 1,132,352 of floor area within the district.

For reference, the Nassau Park and Nassau Pavilion shopping centers presently have an approved FAR of 15.73% which equates to 1,112,995 square feet of floor area. The proposed FAR amendment would allow those centers to rent out approximately 16,614 square feet of existing "mothballed" (i.e. vacant) tenant space as well as to construct approximately 2,784 square feet of new floor area.

Exiting Zoning and Development

The B-3 Business District is located in the northwesterly corner of the Township, along either side of Nassau Park Boulevard to the north of the US Route 1 corridor. The district permits planned commercial developments consisting of retail goods and services, restaurants and lounges, banks, hotels, theaters, indoor health clubs, farmers markets, recreation facilities, public uses, and offices. It is presently developed with both the Nassau Park and Nassau Pavilion shopping centers. See Map 01 and Map 02 for a locational map and aerial map of the district, respectively.

As per Section 200-203C. of the Township's zoning regulations, the B-3 District permits a maximum floor area ratio (FAR) of 10%. By way of background, the Township defines "floor area" as:

The sum of the gross horizontal areas of the several floors of a building or group of buildings on a lot, measured from the exterior faces of exterior walls or from the center line of party walls separating two buildings. Floor area shall not include roof overhangs less than three feet or any floors or portions thereof contained on terraces or balconies projecting beyond the exterior face of the building, areas occupied permanently by mechanical equipment,) any space where the floor-to-ceiling height shall be less than seven feet, provided that such space shall be used only for storage, building maintenance and operation activities, and roofed or enclosed areas devoted exclusively to off-street parking and loading spaces in excess of the number required by ordinance. Basements which satisfy applicable construction code definitions of habitable space, whether finished or unfinished, are included in floor area calculations for residential purposes.

Section 200-203F. further permits a bonus FAR of 15% in the B-3 District for the provision of low- and moderate-income housing. As outlined in Section 200-203F.(2), low- and moderate-income housing is permitted to be provided through on-site construction, a regional contribution agreement (RCA), a fee to the Township, off-site construction, or an on- or off-site land donation.

Accordingly, the Nassau Park and Nassau Pavilion shopping centers were previously granted this bonus FAR by the Township Planning Board on October 22, 2003 by providing low- and moderate-income housing through a RCA agreement. The Planning Board subsequently approved a FAR increase to 15.62% on the basis of the centers' purchase of recreational preservation development credits. In 2013, the Zoning Board of Adjustment granted variance relief for a FAR of 15.78% for the construction of an addition to the Wegman's Food Market. Presently, the district has a total FAR of 15.73% which equates to 1,112,955 square feet of floor area.

More recently, the shopping centers received approval from the Planning Board for the construction of three new buildings: two of which will be located between the existing PetSmart and HomeGood stores, and one which will be located to the southwest of the space formerly occupied by Kohl's. Altogether, these new buildings comprise a total of 17,000 square feet

To compensate for these new buildings and remain beneath their allotted FAR (thus avoiding the need for variance relief from the Zoning Board of Adjustment), the shopping centers have "mothballed" 16,614 square feet of floor area in existing buildings. The location of these mothballed spaces are provided in Map 03. They are kept vacant and are maintained solely for aesthetical purposes only.

Proposed Zoning Amendments

The Nassau Park and Nassau Pavilion shopping centers have submitted a request to amend the FAR standards of the B-3 District in order to allow for the utilization of their mothballed vacant tenant spaces. Accordingly, the draft ordinance proposes the following changes:

1. Increased FAR Standard

The draft ordinance proposes to amend Section 200-203C. in order to increase the permitted FAR of the B-3 District from 10% to 16%. This amendment would permit a maximum of 1,132,353 square feet of floor area within the district.

As previously noted, the district presently has a FAR of 15.73% which equates to 1,112,955 square feet. The inclusion of the mothballed areas, which consist of 16,614 square feet, would increase the FAR within the district to approximately 15.96% or 1,129,569 square feet. Thus, the proposed FAR would allow for the utilization of these mothballed spaces as well as an additional 2,784 square feet of new floor area. These FARs and square footages are summarized in the table below.

Table 1: Summary of FAR

Condition	FAR (%)	Square Feet
Permitted FAR (§ 200-203C.)	10.00	707,721
Existing/Approved FAR	15.73	1,112,955
FAR with Mothballed Space	15.96	1,129,569
Proposed FAR	16.00	1,132,353

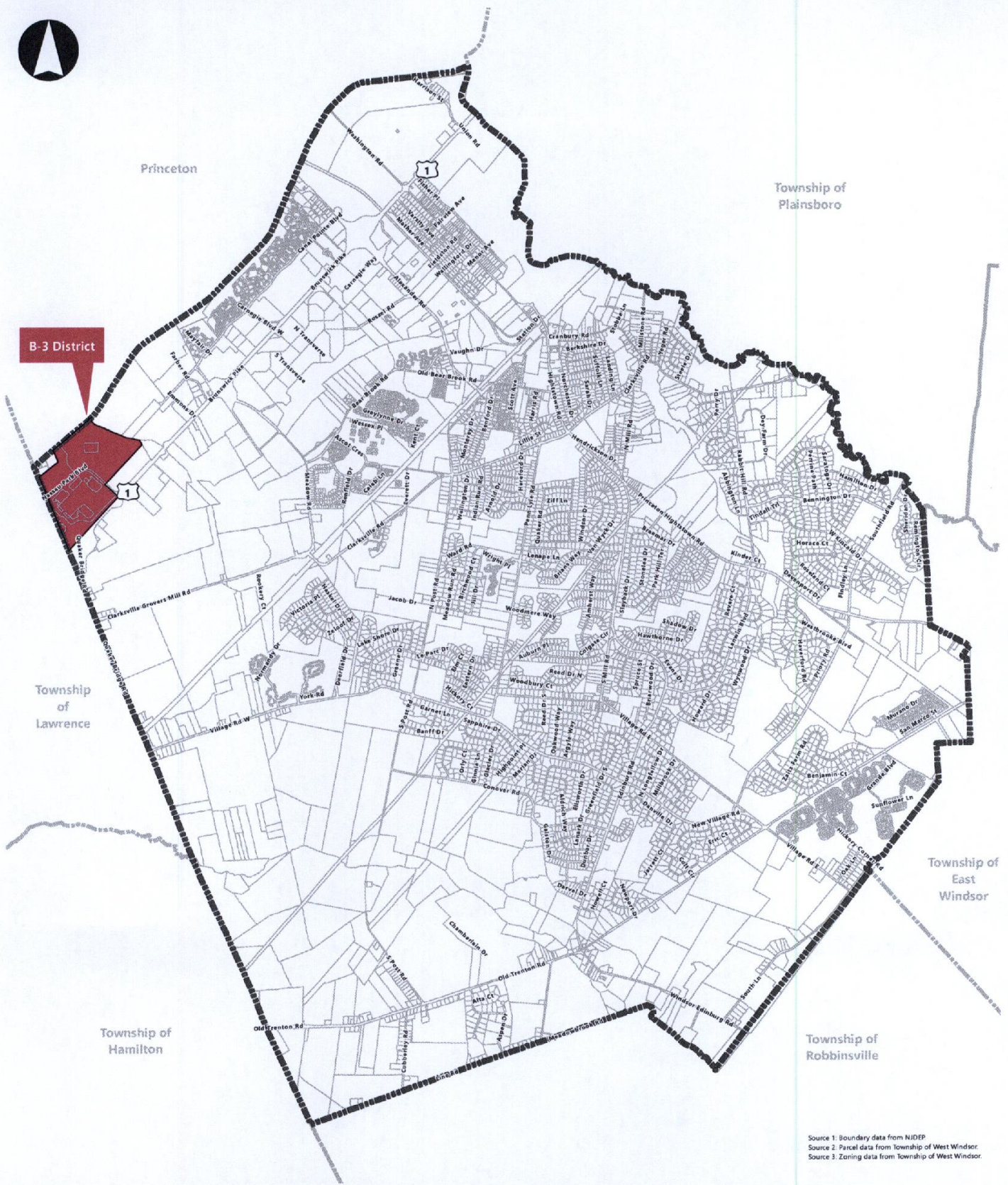
In conjunction with the preparation of this proposed zoning amendment, an analysis of the existing and potential parking requirements of the B-3 District was conducted. Both the Nassau Park and Nassau Pavilion shopping centers rely upon the Township's collective/mixed use parking standard of 5.5 parking spaces per 1,000 square feet of buildable floor area. Presently, the shopping centers require a collective 6,121 parking spaces whereas 5,543 spaces are located on site, which represents a deficiency of 578 parking spaces.

When accounting for the mothballed spaces as well as the additionally permitted 2,784 square feet of new floor area, the centers' parking requirement would increase to approximately 6,228 parking spaces. This would increase the parking deficiency on-site by 107 parking spaces.

The existing and potential parking requirements of the site were discussed with the Township's traffic engineer, who did not express concern over the deficiency and noted that the site has an abundance of parking. This is contributed to two main interrelated factors: the continued rise of e-commerce sales and the long-term effects of the COVID-19 pandemic on customer behaviors, both of which have reduced parking demands.

2. Elimination of Section 200-203F

The draft ordinance proposes to eliminate Section 200-203F, which previously permitted a FAR bonus for the provision of low- and moderate-income housing. Due to the proposed amendment of Section 200-203C, this section will no longer be required. As a result, Section 200-203G will be renumbered to Section 200-203F.



Source 1: Boundary data from NJDEP
 Source 2: Parcel data from Township of West Windsor
 Source 3: Zoning data from Township of West Windsor

Dwg Title	Project No.	Date	Drawn By
Map 01: Location of the B-3 District	3576.12	02.24.22	DN

BURGIS ASSOCIATES, INC.
 COMMUNITY PLANNING | LAND DEVELOPMENT AND DESIGN | LANDSCAPE ARCHITECTURE
 25 Westwood Avenue Westwood, New Jersey 07675
 p. 201.666.1811 f. 201.666.2599

Project Title:
Proposed B-3 Ordinance Amendments
 Township of West Windsor | Mercer County, New Jersey

Scale:
 1" = 4,500'

Dwg. No.:
 map 01

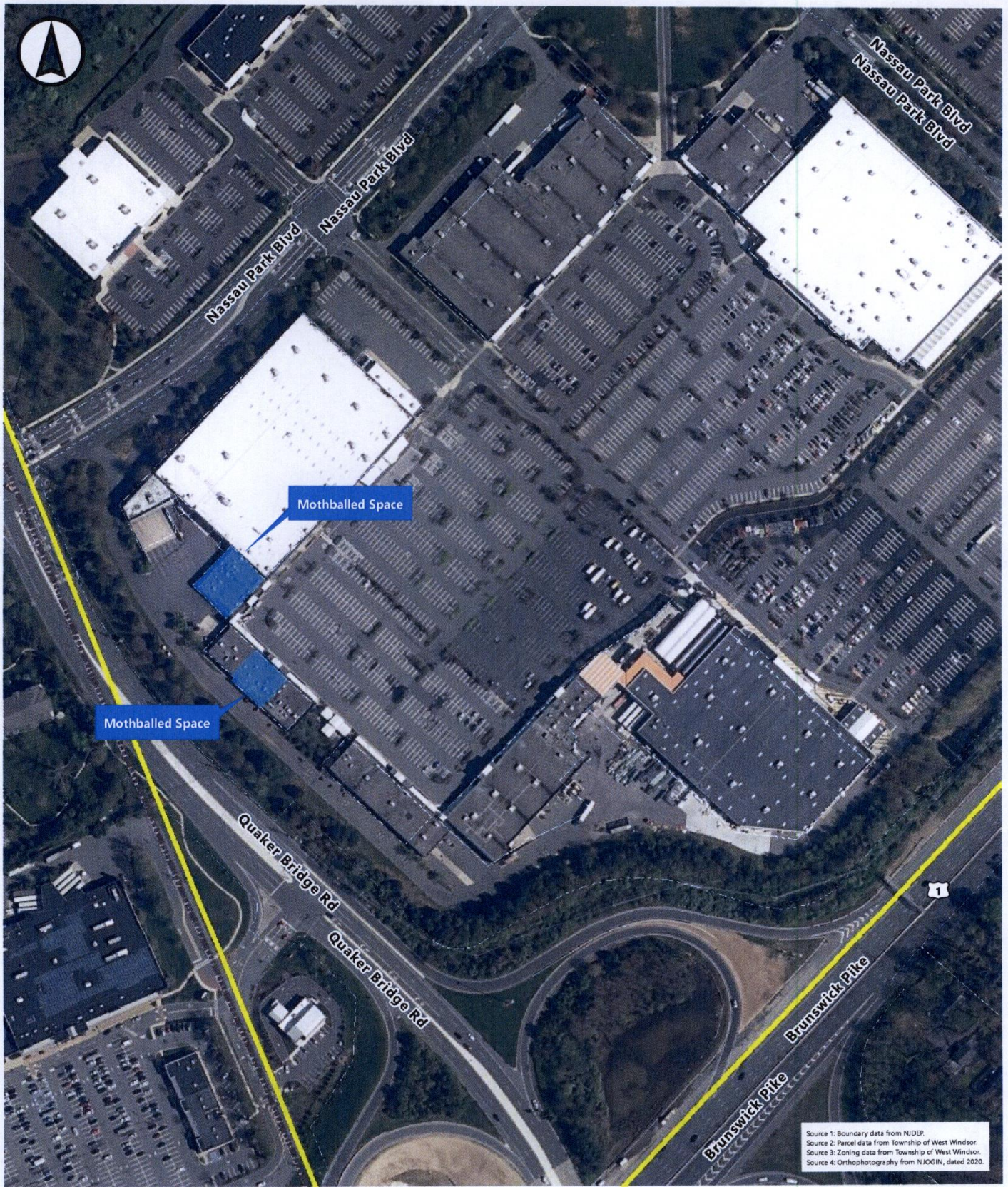


Dwg. Title
Map 02: Aerial of the B-3 District

Project No. 3576.12	Date 02.24.22	Drawn By DN
Scale 1" = 520'	Dwg. No. map 02	

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 25 Westwood Avenue
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Project Title
Proposed B-3 Ordinance Amendments
 Township of West Windsor | Mercer County, New Jersey



Map 03: Mothballed Spaces		Project No. 3576.12	Date 02.25.22	Drawn By DN
BURGIS ASSOCIATES, INC. COMMUNITY PLANNING LAND DEVELOPMENT AND DESIGN LANDSCAPE ARCHITECTURE 25 Westwood Avenue Westwood, New Jersey 07675 p: 201.666.1811 f: 201.666.2599		Project Title: Proposed B-3 Ordinance Amendments Township of West Windsor Mercer County, New Jersey		Scale 1" = 250'
				Drawn No. map 03