West Windsor Township

Department of Community Development – Division of Land Use

ZONING BOARD OF ADJUSTMENT
CHECKLIST
Bulk Variances ("C" type)
Use & Non-Use Variances ("D" type)

APPLICATION NAME: Ramesh Janga

SUBJECT PROPERTY STREET ADDRESS/LOCATION: 1781 Old Trenton Road

Application No.: ZB - ZB22-03 Block: 33 Lot: 40

Zoning District: RR/C Variance Requested (*check all that apply, see Page 3 for definitions):*

C-1 X C-2 _____
D-1 _____ D-2 _____ D-3 _____ D-4 X
D-5 _____ D-6 _____

Applications shall be submitted to the Township Land Use Division during "Open Window Week" (The week of the second Wednesday of each month).

An application shall not be considered complete until ALL the documents and information listed below have been submitted and the applicant receives a letter from the Township Land Use Office deeming such application complete (letter deeming application complete or incomplete to be sent within 45 days from receipt of these submission requirements listed below).

PLEASE SUBMIT ONE (1) ORIGINAL COPY OF THE INFORMATION REQUESTED BELOW:

Submission Requirements:

Provided	Not Applicable	Waiver*	
X			1. Completed original "Application to West Windsor Zoning Board of Adjustment".
X			2. Completed "c" Bulk Variance Application *(if applying for "c" Variance).*
X			3. Completed "d" Variance Application *(if applying for "d" Variance)*
X			4. Fees: Checks made payable to West Windsor Township.
X			A. Application Fee, $100.00 for "c" Variance, $1,000.00 for "d" Variance
X			B. Escrow Fee – per variance request, $250.00 for "c" Variance, $3,500.00 for "d" Variance **Submit one (1) check for Application Fee(s) and one (1) check for Escrow Fee(s).**
X			5. One (1) original copy of folded and collated maps, plans and documentation showing the following:
X			A. Key map with legible street plan showing location of subject property with north arrow.
X			B. Accurate location of all property lines.
X			C. Zoning classification of land.
X			D. Tax map Block and Lot numbers.
X			E. Location of existing and /or proposed houses, additions, driveways, pools, other buildings and structures with accurate distances from the property lines drawn to scale.
X			F. For adjoining properties, distance from structures to nearest property line of subject property. Names of owners on all adjoining property.
X			G. Location of existing and/or proposed septic systems and wells on property.

West Windsor Township Zoning Board of Adjustment Checklist

Provided	Not Applicable	Waiver*		
X			H.	Acreage of property.
X			I.	Location of all *easements, public right of way, greenbelt areas (as shown in the Conservation Element of the West Windsor Township Master Plan).*
X			J.	Identify any trees that will be removed by species and size (caliper).
X			K.	Existing and proposed floor plans indicating overall dimensions and square footage for each floor. All existing and proposed architectural elevations. Indicate height of structure as defined in section 200-4 (Building Height) of the West Windsor Township Land Use Ordinance.
X			6.	Certification in writing from the Tax Collector that all taxes are paid in full for the current quarter.
X			7.	Photos of property and existing structure (four sides).
X			8.	Completed Agreement to Pay for Professional Review and Inspections.
X			9.	Completed W-9 form.
X			10.	Completed Residential Conformity Checklist.
X			11.	Aerial photograph of subject property including lots within 200 feet of subject property. (Aerials can be acquired on-line at google.com).
		X	12.	NJDEP Letter of Interpretation/presence or absence of wetlands.
X			13.	For D-4, D-5 and D-6 Variances, please submit tax map showing size of lots, square footage of dwellings and as to the extent known, height of dwellings and submit photos of all such dwellings identified on lots on both sides of the street of the subject property for at least five hundred (500) feet on either side of the subject property.

Waiver Statement #12 - Based on NJDEP mapping and field observations here are no NJDEP regulated areas on, or within proximity to the property that would impact the proposed development.

The following items are necessary for the Public Hearing and should be submitted to the Land Use Office by close of business of the day of the hearing (these items do not affect the completeness of the application):

			A.	Certified list of property owners within 200 ft. of subject property.
			B.	Original notice to property owners.
			C.	Affidavit of publication from *The Princeton Packet.*
			D.	Certified mail receipts showing postal date stamp from letters sent to property owners and any green receipt cards from the post office.
			E.	Original of Affidavit of Proof of Service.

*If waiver is requested, please attach written statement explaining why waiver should be granted.

* *Once the initial copy of the application(s), plans and documentation has been submitted, the Land Use Office will review the package for accuracy. A letter will be then be sent to the applicant requesting any changes if necessary and indicating the total number of copies of documentation needed. When the requested copies are received by the Land Use Office, the application will be deemed complete and the application will be scheduled for the next available meeting of the Zoning Board of Adjustment.
(The Zoning Board of Adjustment meets the first Thursday of each month at 7:30 p.m. at the West Windsor Township Municipal Building, 271 Clarksville Road, West Windsor, NJ 08550).

West Windsor Township

Department of Community Development – Division of Land Use

APPLICATION TO WEST WINDSOR ZONING BOARD OF ADJUSTMENT

FOR OFFICIAL USE ONLY

Application Control Number: ZB22-03

Date Application Filed: _____

SECTION 1 - INFORMATION REGARDING THE APPLICANT

A] The Applicant's full legal name is Ramesh Janga

B] The Applicant's mailing address is 601 Ravens Crest Drive
Plainsboro, NJ 08536

C] The Applicant's telephone number is (201) 705-9693

D] The Applicant's fax number is _____

E] The Applicant is a: CORPORATION _____
PARTNERSHIP _____ INDIVIDUAL (S) X
_____ OTHER (please specify) _____

F] If the Applicant is a corporation or a partnership, please attach a list of the names and addresses of persons having a 10% interest or more in the corporation or partnership.

G] The relationship of the Applicant to the property in question is: OWNER X
LEASEE _____ PURCHASE UNDER CONTRACT _____
OTHER (please specify) _____

H] If the Applicant is not the owner of the property in question, the Applicant must obtain and submit a copy of this application signed by the owner in the space provided in Section 7B.

(**Note:** If the applicant is a corporation seeking relief under N.J.S.A. 40:55D-70 et seq., then the Applicant must be represented by a New Jersey Attorney).

SECTION 2 - INFORMATION REGARDING THE PROPERTY

A] The street address of the property is 1781 Old Trenton Road

B] The tax map Block Number (s) 33; the Lot Number (s) is 40

C] The zone in which the property is located is RR/C

D] The dimensions of the property are 150' x 217.8'

E] The size of the property is 32,670 square feet/acre(s).

F] Road frontage of the property is 150

G] The property is located:

1. within 200 feet of another Municipality N/A
2. adjacent to an existing or proposed County road Yes
3. adjacent to a State highway N/A

(If any of the above apply, please make sure that all proper jurisdictional authorities ARE properly noticed and served - If there is any doubt on who should be notified, please contact the Planning/Zoning Office).

H] Have there been any previous Zoning Board of Adjustment or Planning Board hearings involving this property: YES X NO ____

I] If the answer to "H" is YES, attach a copy of the written decision (s) adopted by the applicable Board.

ZB02-07 attached

SECTION 3 - INFORMATION ABOUT REQUESTED RELIEF

A] NATURE OF APPLICATION

1. Type of Variances:

"A" Variance

_____ Appeal of Zoning Officer

_____ Appeal of Alleged Error

"B" Variance

_____ Interpretation of Development Ordinance (Subdivision, Site Plan, Zoning)

"C" Variance

__X__ Bulk Variance (dimensional)

"D" Variance

__X (FAR)__ Variance including, but not limited to a use or structure not permitted in a Zoning District; Floor Area Ratio, Density

2. a] Subdivision _____
   b] Subdivision Application to follow _____

3. a] Site Plan _____
   b] Site Plan Application to follow _____

4. Waiver of lot street frontage requirement _____

5. Exception to the official map _____

B] Please attach one copy of the following forms depending on the type of application being made:

1. (a) Appeal of Zoning Officer
   (b) Appeal of Alleged Error

2. (a) Interpretation of Development Ordinance
   (b) Interpretation of Zoning

3. Bulk Variance (dimensional)

4. Variance including, but not limited to a use or structure not permitted in a zoning district; Floor Area Ratio, or Density

SECTION 4 - INFORMATION ABOUT EXPERTS

The following information, although not required, is respectfully requested to enable the Board to facilitate the processing of this application.

A] Applicant's Attorney:
Name _____
Address _____
Phone _____ Fax _____ E-Mail _____

B] Applicant's Engineer:
Name Evan D. Hill, PE, CME / EDH Engineering Services, LLC
Address 446 Burke Road, Jackson, NJ 08527
Phone (732) 904-9085 Fax _____ E-Mail edhengineering@gmail.com

C] Applicant's Architect:
Name Francisco A. Grimaldi, AIA / FG Architecture Studio, LLC
Address 349 West Grand Street, Elizabeth, NJ 07202
Phone (908) 605-0520 Fax _____ E-Mail _____

D] Applicant's Planner:
Name TBD
Address _____
Phone _____ Fax _____ E-Mail _____

E] Other Experts:
Name _____
Address _____
Phone _____ Fax _____ E-Mail _____

****

SECTION 5 SUBMISSION OF APPLICATION:

Please submit one (1) copy of the following material to the Planning/Zoning Office during "Open Window" week, which is the week of the second Wednesday of each month:

A] X Application – signed (copy of agreement with owner if being purchased)

B] X One (1) set of drawings (to scale) showing all adjoining properties affected and all features involved (i.e. dimensions of present and proposed buildings, location of all structures and distances between various structures and property lines, parking layout, etc.)

C] X One (1) set of applications as required by Section 3 (B) (Request for A, B, C or D Variance) [Once your application is received by the Planning and Zoning office you will receive a certified letter from the Director of Community Development outlining what, if any, changes are required. Application and escrow fee amounts and number of copies of applications and plans needed to be deemed complete will be outlined in said letter].

SECTION 6 - COMPLETE APPLICATION

Once an application has been deemed complete, the following items need to be addressed at least 10 days prior to your meeting date.

A] _____"Notice" of all property owners within 200 feet via "Certified Mail – Return Receipt Requested"

B] _____Copy of notice to the official newspaper of the West Windsor Township Zoning Board of Adjustment (contact the Planning & Zoning Office for the name of the official newspaper)

C] _____Notification of State or County if proposed application borders State/County Road, or is within 200 feet of such roadway

D] _____Notification of adjoining County or Municipality if proposed application is located within 200 feet of the proposed application.

A complete application requires the following submissions to the Planning/Zoning Office **at least 3 days** prior to the scheduled meeting date.

A] _____Return receipts from Certified letters

B] _____Notarized Proof of Service

C] _____Proof of Publication (To be provided by the newspaper to which the notification was sent)

D] _____Person other than the owner makes a letter or power of attorney, in case appeal is made by person other than owner

****

SECTION 7 - VERIFICATION AND AUTHORIZATION

A] Applicant's Verification:

I hereby certify that the above statements made by me and the statements and information contained in the papers submitted in connection with this application are true. I am aware that if any of the foregoing statements are false, I am subject to punishment.

_____
Applicant's Signature

B] Owner's Authorization:

I hereby certify that I reside at 601 Ravens Crest Drive, Plainsboro, NJ 08536 in the County of Middlesex and State of New Jersey and that I am the owner of all that certain lot, piece or parcel of land known as Block (s) 33 Lot (s) 40 on the Tax Map of West Windsor, which is the subject of the above application, and that said application is hereby authorized by me .

Ramesh Janga
Owner's Name (PRINTED)

_____
Owner's Signature

Owner's Telephone and Fax number (201) 705-9693

SECTION 8 ADDITIONAL ITEMS:

Applicants, please take note of the following additional procedural requirements:

A] All certified lists of property owners with 200 feet of the proposed application must be requested in writing from the Planning/Zoning Office. A fee of $10.00 or $.25 per lot, whichever is greater, is required for this service.

B] Any use or "D" variance application requires the recordation of the hearing by a certified court reporter in accordance with a Resolution passed by the Zoning Board of Adjustment on November 8, 1978. The cost of such reporter must be borne by the applicant.

C] Any corporate applicant seeking relief from the Zoning Board of Adjustment must be represented by a New Jersey Attorney.

D] Attached is a sample notice form for all properties located within 200 feet of the proposed application.

E] Attached is a Proof of Service form to be filled out by all applicants.

West Windsor Township

Department of Community Development – Division of Land Use

REQUEST FOR BULK VARIANCE
N.J.S.A. 40:55d-70c

– ATTACH TO PLANNING OR ZONING BOARD APPLICATION

CONTROL NO. ZB22-03

Property Location 1781 Old Trenton Road Zoning District RR/C

Map 38.01 Block 33 Lot 40

District requirements		Proposed
Lot Area	3.33 ac	0.75 ac (existing non-conforming lot)
Lot Frontage	100	150
Lot Width	200	100 (existing non-conforming lot)
Lot Depth	250	217.8 (existing non-conforming lot)
Front Yard	50	99.2
Side Yard	30 (each)	42.3
Rear Yard	30	81.6
Other	MIC 10%	15.6% (VARIANCE REQUIRED) *

– Complete A – D, (Attach support documents as required)

A. - In the space below, state the nature of the constraints imposed by the physical characteristics of the land under consideration (i.e. exceptional narrowness, shallowness or topographic conditions).

Existing undersized, non-conforming lot of record Proposed single family dwelling is a permitted use in the RR/C zoning district. Bulk Variance for Maximum Impervious Coverage required due to exceptional lot width, depth and area. FAR variance relief being sought due to undersized lot of record.

B – In the space below, state any other extraordinary or exceptional situation or condition of the land involved which would constrain development in accordance with Zoning Regulations.

Existing undersized lot of record. The proposed single family dwelling is a permitted use in the zone and require C Variance for maximum impervious coverage ~~associated with a typical-sized~~ single family dwelling on an undersized lot.

C - Explain how not granting this variance request would impose peculiar and exceptional practical difficulties or exceptional or undue hardship upon you.

Project has been designed to meet all applicable setback requirements for the zone; however, the existing undersized lot of record requires variance relief from the lot area zoning requirements. ~~Proposed residential dwelling requires variance relief due to the existing non-conforming~~ undersized lot of record to accommodate an average sized single family dwelling (2,700 SF). Not granting variance relief would result in not being able to develop the property as ~~intended by the master plan and zone~~ plan with a permitted use.

D - Explain how the granting of this variance will not detrimentally affect the public good or substantially impair the intent and purpose of the Zone Plan and Zoning Ordinance.

Granting the variance relief sought for a permitted use in the zone is consistent with the master plan and Zone Plan. The proposed single family dwelling ~~meets the setback requirements~~ of the zone.

Development of this parcel with a single family dwelling does not detrimentally affect the ~~surrounding uses and would continue to provide adequate light, air and open space and~~ continue to promote the establishment of appropriate population densities.

West Windsor Township

Department of Community Development – Division of Land Use

REQUEST FOR VARIANCE INCLUDING, BUT NOT LIMITED TO A USE OR STRUCTURE NOT PERMITTED IN A ZONING DISTRICT, N.J.S.A. 40:55d-70d
(For "d" Use and Non Use Variance)

--ATTACH TO ZONING BOARD APPLICATION **CONTROL NO.** ZB22-03

Property Location 1781 Old Tavern Road Zoning District RR/C

Map 38.01 Block 33 Lot 40

--COMPLETE A - E, (Attach support documents as required)

A - Describe below the specifics of the variance request.

D-4 Variance relief being sought for Floor Area Ratio due to existing undersized, non-conforming lot of record. Proposed single family dwelling is a permitted use in the RR/C

B - Describe below the special reasons which exist that support the granting of the variance request.

The proposed use is a permitted use and the property is particularly suitable for the proposed use and thus serving the general welfare. The proposed residential dwelling's FAR is consistent with the size of single family dwellings within the neighborhood and is appropriate for the undersized lot since no setback variances are required.

C - Describe how the public interest will be served by the granting of the variance request.

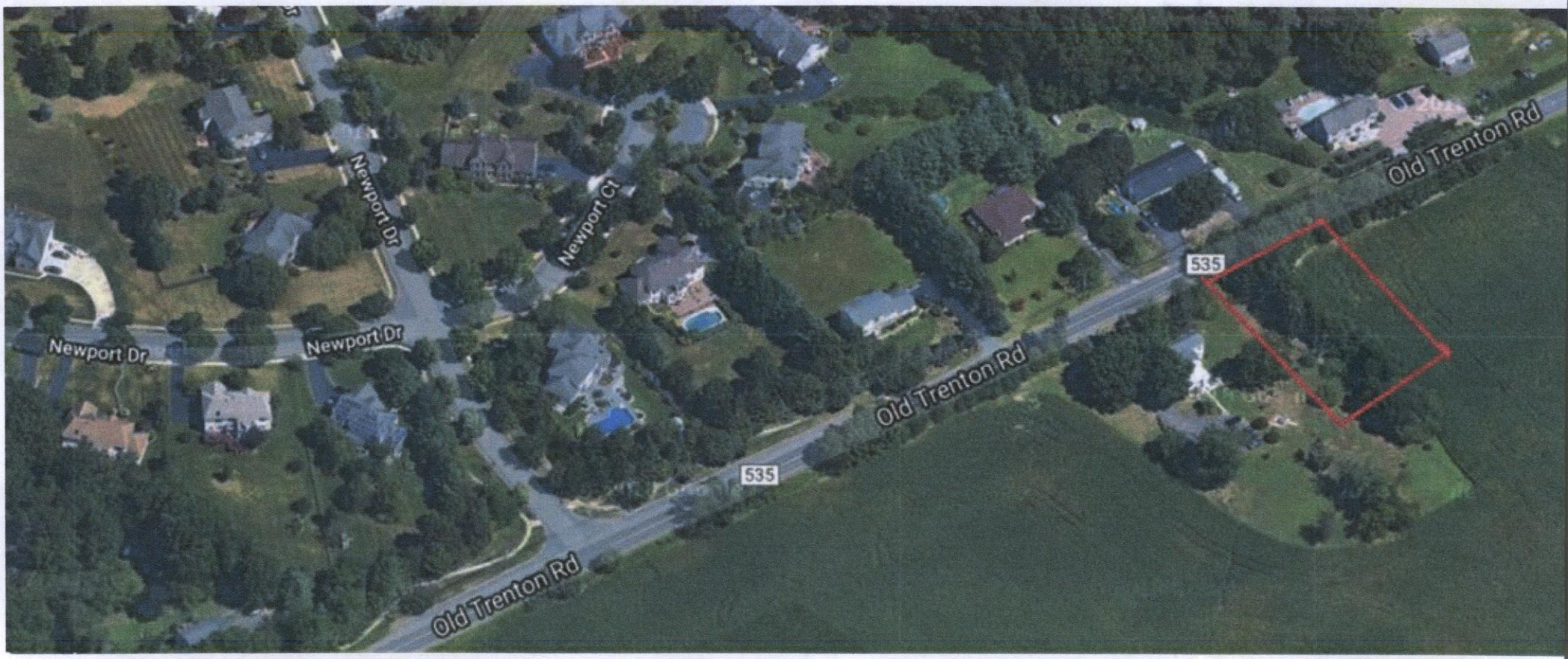
The proposed use is a permitted use and the granting of the D-4 Variance will allow the property to developed with a permitted use without resulting in a substantial change in the character of the community, master plan or zoning ordinance. Granting of the D-4 Variance relief will not result in a substantial detriment to the public good and will not substantially impair the intent and purpose of the zone plan and zoning ordinance.

D - Describe what circumstances exist or what measures will be taken to ensure that, if the variance is granted, the surrounding property owners will experience no adverse impact or undue burden.

The project has been designed to comply with all property line setback requirements for the zone. The grading design does not adversely impact stormwater runoff onto adjacent properties and is consistent with the design requirements required by the ordinance. The septic system design is consistent with current NJAC 7:9A design requirements and does not require any waiver relief from the regulations.

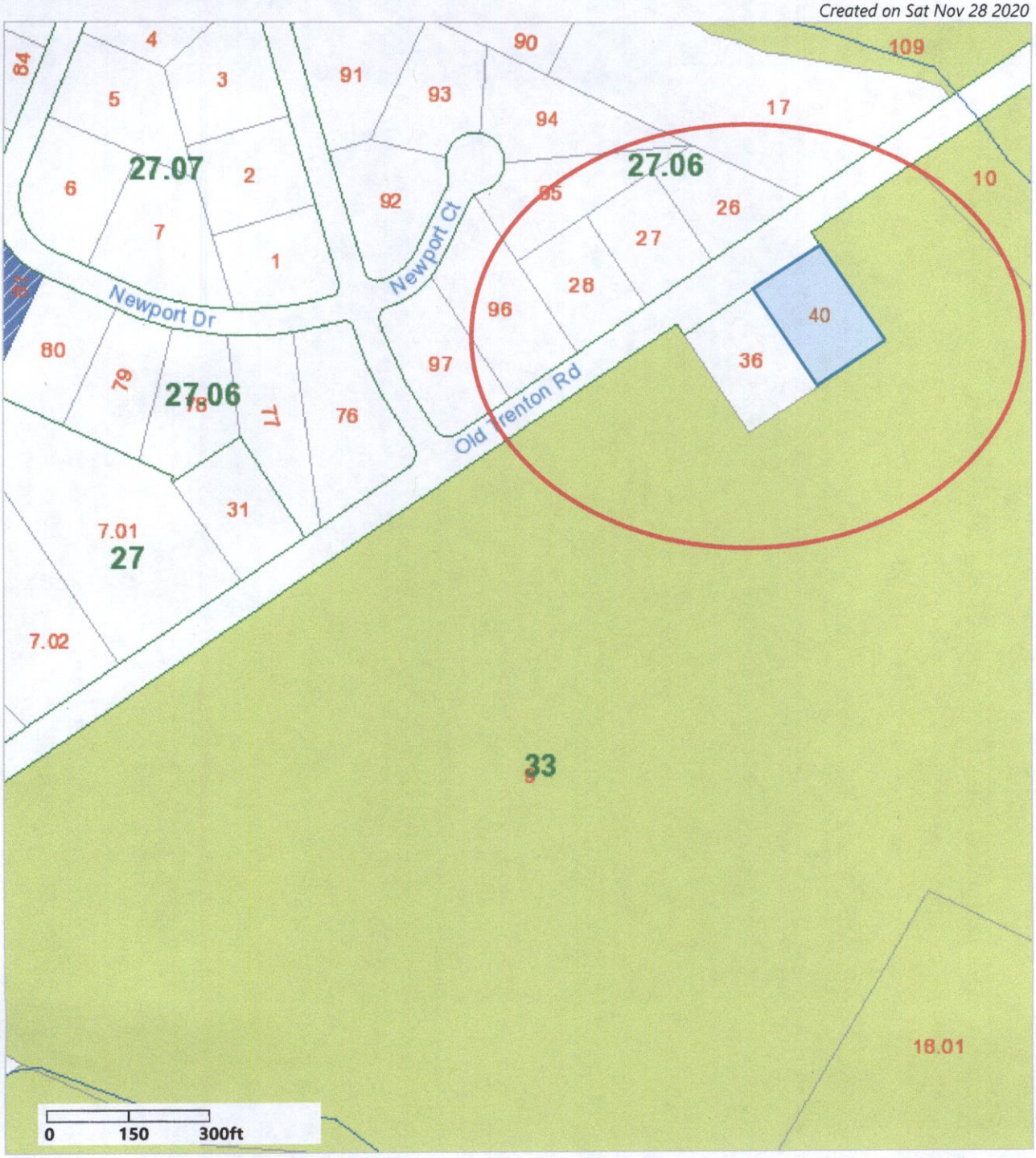
E - Describe how the granting of the variance request will not result in substantial detriment to the public good nor substantially impair the intent and purpose of the Zone Plan and Zoning Ordinance.

The proposed use is a permitted use and the granting of the D-4 Variance will not result in a substantial change to the character of the community, or substantially impair the intent and purpose of the master plan or zoning ordinance. The size of the proposed residential dwelling is consistent with residential dwellings in the community and is not excessive for the proposed use. Strict application of the FAR requirement on the existing undersized lot results in a home smaller than that found within the this area of town and would not meet the needs of a typical family.


Newport Dr
Newport Ct
Newport Dr
Newport Dr
Old Trenton Rd
535
Old Trenton Rd
535
Old Trenton Rd

Mercer Property Information Portal-500ft house

Created on Sat Nov 28 2020



COMPARISON
WITH NEIGHBORS PROPERTY
1781 VS. 1777 OLD TRENTON ROAD

	SUBJECT	NEIGHBOR
		Year Built: 1910
LOT SIZE*		
ACREAGE	.75*	.76*
SQ. FOOTAGE	32,670*	33,000*
MIC		
PERCENT	15.6 %	> 18 % **
SQ. FOOTAGE	5108	>5924 **
FAR		
PERCENT	8.3 %	6.5%
SQ. FOOTAGE	2749	2,140*

* GRANDFATHERED
** Excludes Detached Gurage 960 Sqft

#1

#2

1777 OLD TRENTON RD

BLK: 33 LOT: 36
KRUG JEFFREY J & LISA D
1777 OLD TRENTON RD
WEST WINDSOR NJ 08550

QUAL: PROP LOC: 1777 OLD TRENTON RD WEST WINDSOR TWP ASSESS YEAR: 2020

Class: 2	--Curr. Values--		--Sales History--		Book/Page
Zoning: RR/C	Land:	176,800	11/21/1990	155,000	02548/935
TAX Map: 3801	Impr:	192,700			
VCS: R1-7	Net:	369,500			

BUILDING DESCRIPTION

Building Class 17

ONE FAMILY 2SF 2G

2 STORY / OLD STYLE
Cond: 3

Built: 1910

Fndatn: STONE

Roof: GABLE / SLATE

ExtFin: ALUM/VINYL

Heat: GAS
HOTWTR BB 2140

Air: NONE 2140

IntFin: PLASTER

FlrFin: MIXED

Plumb: 3FIX BATH 2

OTHER ITEMS

FRESTND FP 1

BEDROOMS 4
BATHROOMS 2.0

CONDITION

INT.: AVEAGE
EXT.: AVEAGE
LAYOUT: AVEAGE

INFOBY: OWNER

FLOOR AREAS

1st Story	1,256
Upper Stories	884
Half Stories	0
Attic Area	0
Basement Area	884
Sq. Foot Living	2,140

ATTACHED ITEMS

DETACHED ITEMS

FARM SHED 960

ASSESSMENT HISTORY

2020:	369,500
2019:	369,500
2018:	369,500
2017:	369,500

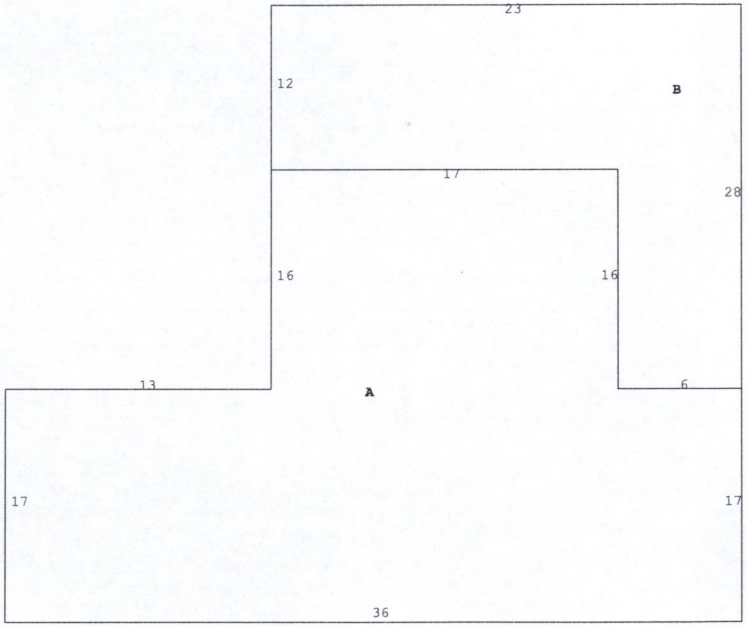
LAND DESCRIPTION

150X220

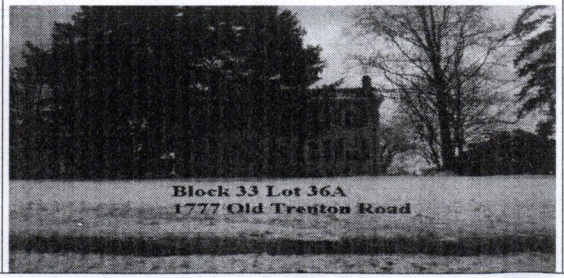
Acres: .75

APPRAISED VALUES (COST APPROCH)

Main Bldg Replacement Cost		168,804
CCF:1.19,NetCond:.850,MktAdj:1.10	*	1.11260
Main Bldg Appraised Value	=	187,812
Total Detached Item Value	+	4,880
Total Improve Value (rounded)	=	192,700
Total Land Value	+	176,800



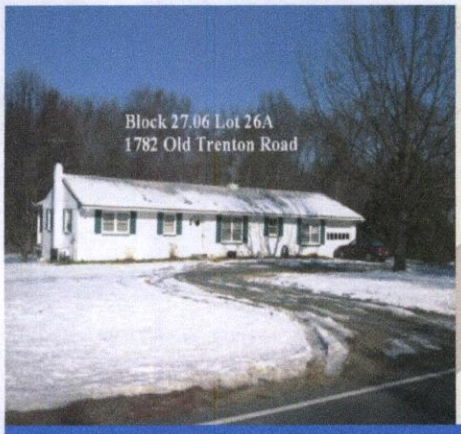
A: 2S-B 884 B: 1S-CR 372

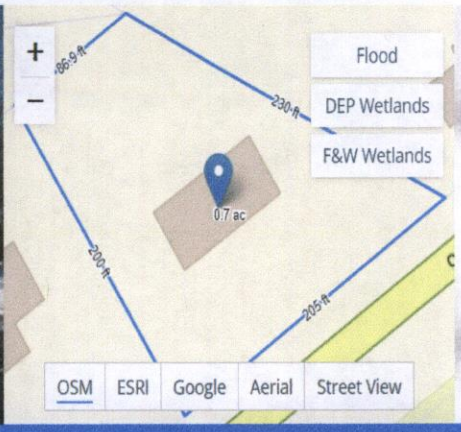


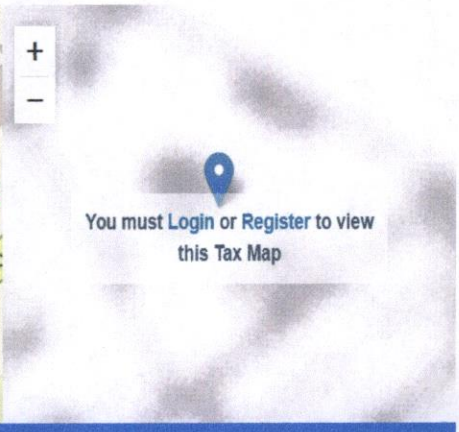
#1

#2

1782 OLD TRENTON RD







1782 OLD TRENTON RD
PRINCETON JCT, NJ 08550

RESIDENTIAL (2)

Overview

Data Refreshed: 01/21/2022

Owner(s)	Bruno C/0 Capitol Asset Group Inc.	**Sale Price**	$195,000	**Owner for**	20 years	**Tax Map**	View
Mail Address	1086 Livingston Avenue	**Sale Date**	08/09/2001	**Absentee**	Yes	**Zoning Map**	View
City State Zip	New Brunswick Nj 08902	**Book/Page**	4107 / 258	**Corporate Owned**	No	**PRC - PAC**	PRC - PAC

Public Record

Location	
County	Mercer
Municipality	West Windsor
Block	27.06
Lot	26
Qual	---

Deed Information	
Deed Date	08/09/2001
Deed Price	$195,000
Deed B/P	4107 / 258
Assessor Code	26
Lender	672

Assessments	
Year	2021
Land	$173,800.00
Building	$152,300.00
Total	$326,100.00
Exempt	$0.00

Tax Data	
Taxes 1/Taxes 2	$9,039.49 / $0
Tax Code	---, ---, ---, ---
Rate 2021	2.856
Ratio 2021	87.89
Calc Tax (2021)	$9,313.42

Lot	
Lot Acres	0.69
Lot Sq. Ft	30056.40
Land Use	Residential (2)
Land Desc	0.69 AC
Zoning	R-2

Building	
Class 4 Code	0
Building Class	17
Building Desc	1s S G1
Building Sq. ft	1512
Year Built	1954

Exempt Property	
Owner	0
Use	0
Description	0
Status	---
Facility Name	---

Additional Info	
Block-Lot-Qual	27.06-26-
Prior B-L-Q	27.06-26-
Additional Lots	---
Tax Map #	3801
APN	13-00027-06-00026

#1

#2

2 NEW PORT CR

#1

#2

4 NEWPORT CT

BLK: 27.06 LOT: 96 QUAL: PROP LOC: 4 NEWPORT CT WEST WINDSOR TWP ASSESS YEAR: 2020

FOLKES PATRICK A & R PATRICIA
4 NEWPORT CT
PRINCETON JCT NJ 08550

Class: 2 Zoning: R-2 TAX Map: 3801 VCS: DNKF

--Curr. Values--		--Sales History--		Book/Page
Land:	301,000	10/18/1995	436,621	02988/290
Impr:	581,800	08/31/1994	436,621	
Net:	882,800	08/31/1994	436,621	

Addl Lots: CEDARBROOK FED

BUILDING DESCRIPTION

Building Class 19

ONE FAMILY SFD

2 STORY / COLONIAL
Cond: 1

Built: 1994

Fndatn:	BLK/CONCRT	
	CONC. SLAB	651
Roof:	GABLE / ASPH SHNGL	
ExtFin:	ALUM/VINYL	
	PT. BRICK	1200
Heat:	GAS	
	FORCED AIR	3941
Air:	ALL COMBIN	3941
IntFin:	DRYWALL	
FlrFin:	MIXED	
Plumb:	4FIX BATH	2
	3FIX BATH	2
	2FIX BATH	1

OTHER ITEMS

2STY FP	1
JACUZZI	1
BAY	1200
BEDROOMS	4
CONDITIONOMS	4.5

INT.: EXCELLENT
EXT.: EXCELLENT
LAYOUT: EXCELLENT

INFOBY: OWNER

FLOOR AREAS

1st Story	2,849
Upper Stories	1,585
Half Stories	315
Attic Area	0
Basement Area	2,158
BuiltIn Area	-651
Sq. Foot Living	3,940

ATTACHED ITEMS

CAHT CEIL	320
CAHT CEIL	169
BI GARAGE	336
BI GARAGE	315
CONC PATIO	60

DETACHED ITEMS

POOL VINYL	512

ASSESSMENT HISTORY

2020:	882,800
2019:	882,800
2018:	882,800
2017:	882,800

LAND DESCRIPTION

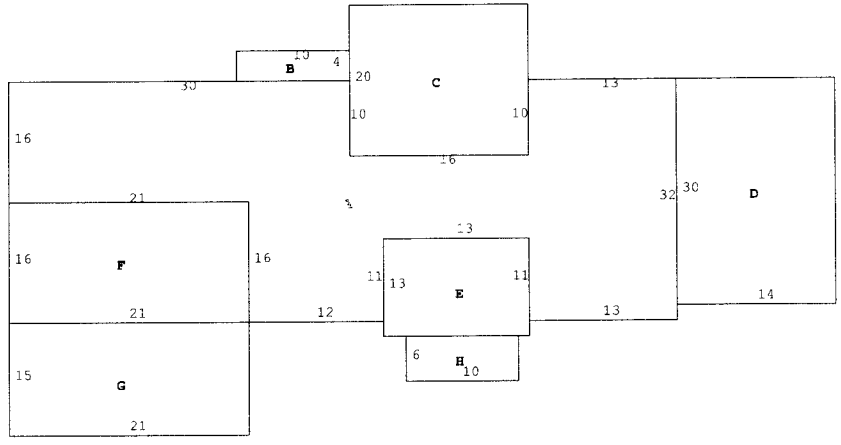
36092 SF.

Acres: .82

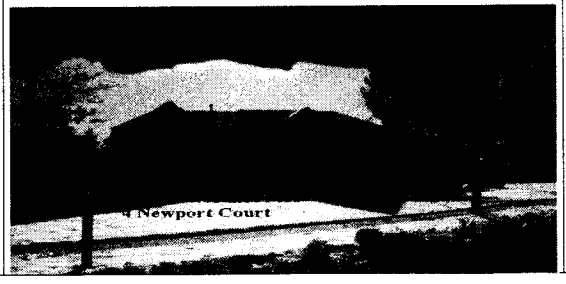
OLD ID: 27.06,96

APPRAISED VALUES (COST APPROCH)

Main Bldg Replacement Cost		505,586
CCF:1.19,NetCond:.905,MktAdj:1.04	*	1.12010
Main Bldg Appraised Value	=	566,306
Total Detached Item Value	+	15,530
Total Improve Value (rounded)	=	581,800
Total Land Value	+	301,000



A: 2S-B 1249 B: 1S-CR 40 C: CC-1S- 320 D: 1S-B 420 E: CC-1S- 169
F: 2S-BIG 336 G: 1.5S-B 315 H: CP 60



#1

#2

5 NEWPORT CT

BLK: 27.06 LOT: 94 QUAL: PROP LOC: 5 NEWPORT CT WEST WINDSOR TWP ASSESS YEAR: 2020

USAB WILLIAM J JR & BHATLA HARVEEN
5 NEWPORT CT
WEST WINDSOR NJ 08550

Class: 2 Zoning: R-2 TAX Map: 3801 VCS: DNKF

--Curr. Values--		--Sales History--		Book/Page
Land:	306,500	08/03/2006	1,115,500	05444/154
Impr:	663,700	06/21/2004	950,000	
Net:	970,200	11/30/2001	720,000	

Addl Lots: MERCER FEDERAL

BUILDING DESCRIPTION

Building Class 19

ONE FAMILY SFD

2 STORY / COLONIAL
Cond: 1

Built: 1994

Fndatn: BLK/CONCRT

Roof: GABLE / ASPH SHNGL

ExtFin:	ALUM/VINYL	
	PT. BRICK	1000
Heat:	GAS	
	FORCED AIR	4059
Air:	ALL COMBIN	4059

IntFin: DRYWALL

FlrFin: MIXED

Plumb:	4FIX BATH	2
	2FIX BATH	1

OTHER ITEMS

1.5S FP	1
MOD. KITCH	1
HOT TUB	1
JACUZZI	1
BEDROOMS	5
BATHROOMS	2.5

CONDITION

INT.: EXCELLENT
EXT.: EXCELLENT
LAYOUT: EXCELLENT

INFOBY: OWNER

FLOOR AREAS

1st Story	2,838
Upper Stories	1,641
Half Stories	0
Attic Area	0
Basement Area	2,382
(Fin. Bsmnt)	1,662
BuiltIn Area	-420
Sq. Foot Living	4,059

ATTACHED ITEMS

CONC PATIO	252
WOOD DECK	806
CAHT CEIL	1,040
CAHT CEIL	121
BI GARAGE	420
ATT. GAR.	200
ATT SHED	240

DETACHED ITEMS

ASSESSMENT HISTORY

2020:	970,200
2019:	970,200
2018:	970,200
2017:	970,200

LAND DESCRIPTION

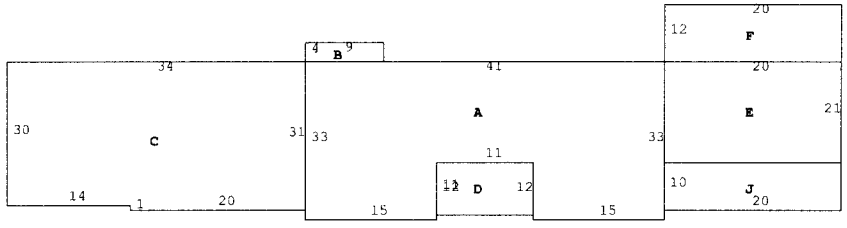
40869 SF.

Acres: .93

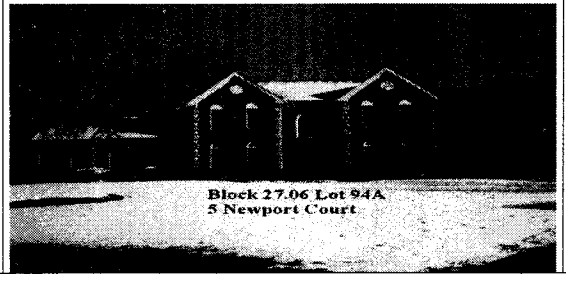
OLD ID: 27.06,94

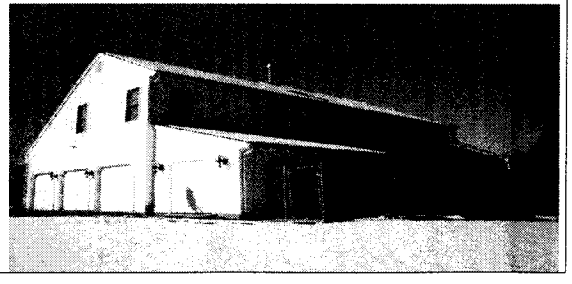
APPRAISED VALUES (COST APPROCH)

Main Bldg Replacement Cost		571,153
CCF:1.19,NetCond:.930,MktAdj:1.05	*	1.16200
Main Bldg Appraised Value	=	663,680
Total Detached Item Value	+	0
Total Improve Value (rounded)	=	663,700
Total Land Value	+	306,500



A: 2S-B 1221 B: 1S-CR 36 C: CC-1S- 1040 D: CC-1S- 121 E: 2S-BIG 420
J: ATG 200 F: ATSH 240





#1

#2

6 NEWPORT CT

BLK: 27.06 LOT: 95
SO STEVEN Y.H & MEI MUI NG
6 NEWPORT CT
PRINCETON JCT NJ 08550

QUAL: PROP LOC: 6 NEWPORT CT
Class: 2 --Curr. Values--
Zoning: R-2 Land: 302,000
TAX Map: 3801 Impr: 643,000
VCS: DNKF Net: 945,000

WEST WINDSOR TWP ASSESS YEAR: 2020
--Sales History-- Book/Page
03/10/1995 520,846 02920/162

Addl Lots: MADISON FEDERA

BUILDING DESCRIPTION

Building Class 19

ONE FAMILY 2SF 3BIG

2 STORY / COLONIAL
Cond: 2

Built: 1996

Fndatn:	BLK/CONCRT	
	CONC. SLAB	714
Roof:	GABLE / ASPH SHNGL	
ExtFin:	ALUM/VINYL	
	PT. BRICK	860
Heat:	GAS	
	FORCED AIR	4341
Air:	ALL COMBIN	4341
IntFin:	DRYWALL	
FlrFin:	MIXED	
Plumb:	4FIX BATH	2
	3FIX BATH	3
	2FIX BATH	1

OTHER ITEMS

1STY FP	1
JACUZZI	1
BEDROOMS	4
BATHROOMS	5.5

CONDITION

INT.: GOOD
EXT.: GOOD
LAYOUT: GOOD

INFOBY: OWNER

FLOOR AREAS

1st Story	3,068
Upper Stories	1,840
Half Stories	294
Attic Area	0
Basement Area	2,354
(Fin. Bsmnt)	1,988
BuiltIn Area	-714
Sq. Foot Living	4,341

ATTACHED ITEMS

BI GARAGE	420
BI GARAGE	294
CAHT CEIL	150
CAHT CEIL	320
OPEN PORCH	80

DETACHED ITEMS

ASSESSMENT HISTORY

2020:	945,000
2019:	945,000
2018:	945,000
2017:	945,000

LAND DESCRIPTION

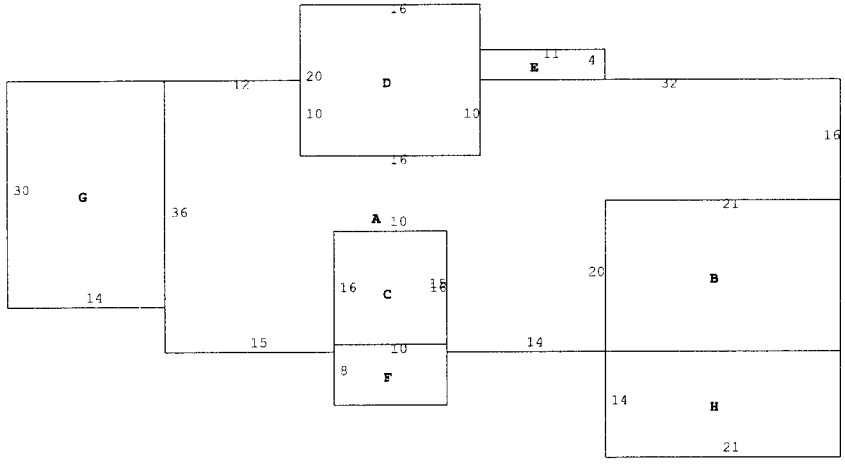
36906 SF.

Acres: .84

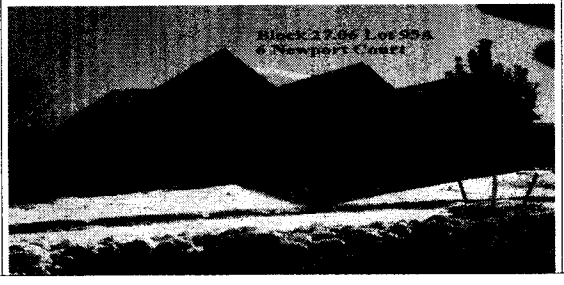
OLD ID: 27.06,95

APPRAISED VALUES (COST APPROCH)

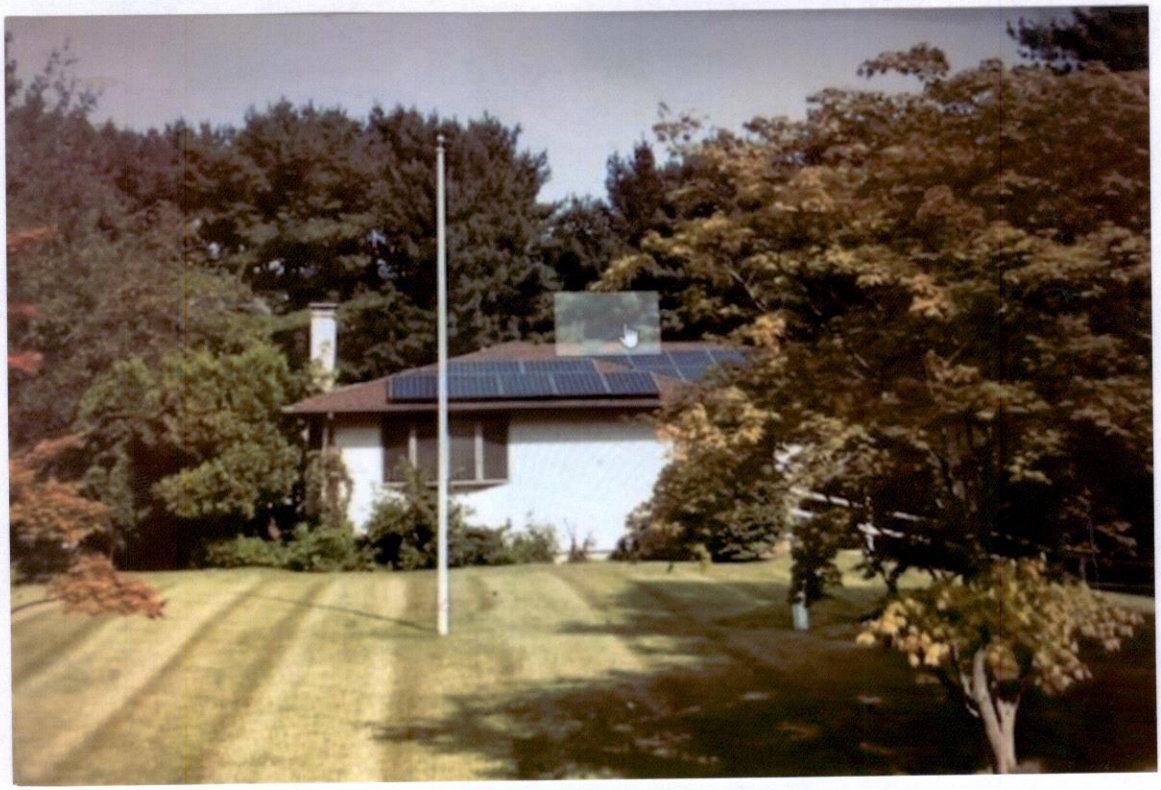
Main Bldg Replacement Cost		578,209
CCF:1.19,NetCond:.890,MktAdj:1.05	*	1.11210
Main Bldg Appraised Value	=	643,026
Total Detached Item Value	+	0
Total Improve Value (rounded)	=	643,000
Total Land Value	+	302,000



A: 2S-B 1420 B: 2S-BIG 420 H: 1.5S-B 294 C: CC-1S- 150 D: CC-1S- 320
E: 1S-B 44 F: OP 80 G: 1S-B 420



#1



#2

1778 OLD TRENTON RD

BLK: 27.06 LOT: 27 QUAL: PROP LOC: 1778 OLD TRENTON RD WEST WINDSOR TWP ASSESS YEAR: 2020

PHALEN, THOMAS & PURNICK, PRISCILLA
1778 OLD TRENTON RD
WEST WINDSOR NJ 08550

Class: 2
Zoning: R-2
TAX Map: 3801
VCS: R1-7

--Curr. Values--		--Sales History--		Book/Page
Land:	173,800	06/23/2010	1	06060/1
Impr:	171,500	07/21/2000	249,000	
Exmt:	-10,000	10/29/1998	215,000	
Net:	335,300			

BUILDING DESCRIPTION

Building Class 17

ONE FAMILY SFD

1 STORY / RANCH
Cond: 3

Built: 1988

Fndatn: BLK/CONCRT

Roof: HIP / ASPH SHNGL

ExtFin: ALUM/VINYL

Heat: OIL
HOTWTR BB 1927

Air: ALL COMBIN 1927

IntFin: DRYWALL

FlrFin: MIXED

Plumb: 3FIX BATH 2
2FIX BATH 1

OTHER ITEMS

1STY FP 1
SOLAR 11204

BEDROOMS 3
BATHROOMS 2.5

CONDITION

INT.: AVEAGE
EXT.: AVEAGE
LAYOUT: AVEAGE

INFOBY: OWNER

FLOOR AREAS

1st Story	1,927
Upper Stories	0
Half Stories	0
Attic Area	0
Basement Area	1,127
Sq. Foot Living	1,927

ATTACHED ITEMS

WOOD DECK 243
BSMT GAR. 800

DETACHED ITEMS

ASSESSMENT HISTORY

2020:	345,300
2019:	345,300
2018:	335,300
2017:	335,300

LAND DESCRIPTION

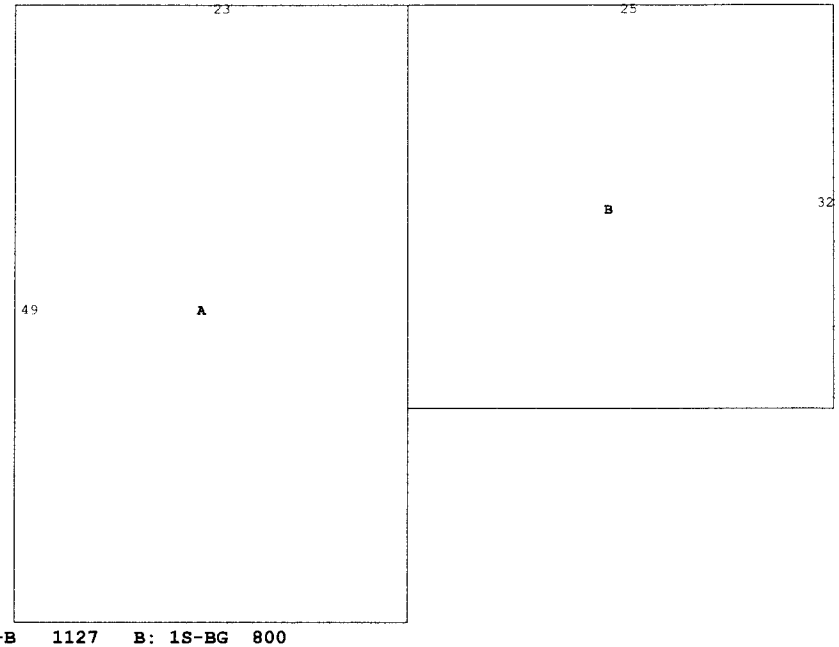
150X200

Acres: .68

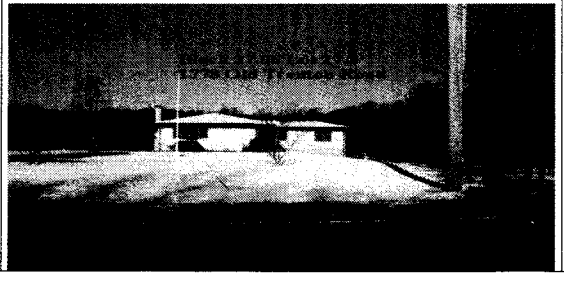
OLD ID: 27.06,27

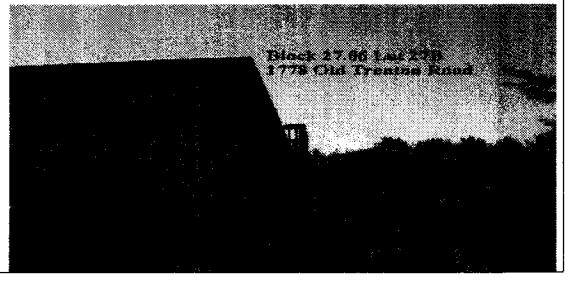
APPRAISED VALUES (COST APPROCH)

Main Bldg Replacement Cost		192,157
CCF:1.19,NetCond:.750,MktAdj:1.00	*	.89250
Main Bldg Appraised Value	=	171,500
Total Detached Item Value	+	0
Total Improve Value (rounded)	=	171,500
Total Land Value	+	173,800



A: 1S-B 1127 B: 1S-BG 800





#1

#2

1776 OLD TRENTON RD

BLK: 27.06 LOT: 28
ISLAM ZIA U & ORUJ F
1776 OLD TRENTON RD
WEST WINDSOR NJ 08550

QUAL: PROP LOC: 1776 OLD TRENTON RD WEST WINDSOR TWP ASSESS YEAR: 2020

Class: 2 --Curr. Values-- --Sales History-- Book/Page
Zoning: R-2 Land: 173,800 01/13/1995 90,500 02900/236
TAX Map: 3801 Impr: 235,800
VCS: R1-7 Net: 409,600

Addl Lots: PENDING ADDED

BUILDING DESCRIPTION

Building Class 18

ONE FAMILY 2SF 2AG

2 STORY / COLONIAL
Cond: 2

Built: 1995

Fndatn: BLK/CONCRT

Roof: GABLE / ASPH SHNGL

ExtFin: ALUM/VINYL

Heat: GAS
FORCED AIR 2364

Air: NONE 2364

IntFin: DRYWALL

FlrFin: MIXED/PT. CARPET

Plumb: 4FIX BATH 2
2FIX BATH 1

OTHER ITEMS

RANGE/OVEN 1
DISHWASHER 1

BEDROOMS 3
BATHROOMS 2.5

CONDITION

INT.: GOOD
EXT.: GOOD
LAYOUT: GOOD

INFOBY: ESTIMATED

FLOOR AREAS

1st Story	1,232
Upper Stories	1,132
Half Stories	0
Attic Area	0
Basement Area	1,232
Sq. Foot Living	2,364

ATTACHED ITEMS

CAHT CEIL	100
ATT. GAR.	576

DETACHED ITEMS

ASSESSMENT HISTORY

2020:	409,600
2019:	409,600
2018:	409,600
2017:	409,600

LAND DESCRIPTION

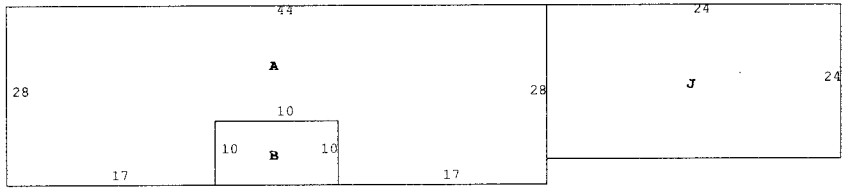
0.6887 AC

Acres: .68

OLD ID: 27.06,28 QFARM

APPRAISED VALUES (COST APPROCH)

Main Bldg Replacement Cost		233,119
CCF:1.19,NetCond:.850,MktAdj:1.00	*	1.01150
Main Bldg Appraised Value	=	235,800
Total Detached Item Value	+	0
Total Improve Value (rounded)	=	235,800
Total Land Value	+	173,800



A: 2S-B 1132 B: CC-1S- 100 J: ATG 576

FRONT VIEW

BACK VIEW

PROPOSED HOUSE LOT

LEFT VIEW

RIGHT VIEW

PROPOSED HOUSE LOT

WEST WINDSOR TOWNSHIP

DEPARTMENT OF COMMUNITY DEVELOPMENT
DIVISION OF LAND USE

April 4, 2003

John R. Pidgeon
600 Alexander Road
Princeton, N.J. 08540

RE: ZB 02-07 ROCQUE LA CORTE
1781 Old Trenton Road; Block 33 Lot 40
Resolution of Memorialization

Dear Mr. Pidgeon:

Attached for your records, please find one copy of the Resolution of Memorialization regarding the denial of the above referenced application which was adopted by the Zoning Board of Adjustment at its meeting of April 4, 2003.

If you have any questions, please contact this office.

Sincerely,

Susan H Appelget

Susan H. Appelget
Administrative Secretary
Zoning Board of Adjustment

c: ZB 02-07
Ed Schmeirer, Zoning Board Attorney
John Madden, Consultant Planner
Jim Ruddiman, Consultant Engineer
Dan Dobromilsky, Landscape Architect
Doug Davidson, Health Officer
B/L File

271 CLARKSVILLE ROAD • P.O. BOX 38 • WEST WINDSOR, NEW JERSEY 08550 • (609) 799-9448 • FAX (609) 275-4850
WEBSITE: WWW.WESTWINDSORNJ.ORG E-MAIL: WWT@WESTWINDSORNJ.ORG

RESOLUTION OF MEMORIALIZATION
WEST WINDSOR TOWNSHIP ZONING BOARD OF ADJUSTMENT

In the Matter of the Application of Rocque La Corte for a "d" non-use variance and "c" bulk variance. Block 33, Lot 40 West Windsor Township Tax Map.

Decision in File No. ZB02-07

Be it resolved by the West Windsor Township Zoning Board of Adjustment(hereinafter referred to as "Board") that the following findings of fact and basis for decision involving the above-referenced application considered by the Board on November 8, 2002 and March 6, 2003 are hereby memorialized:

JURISDICTION:

1. The applicant, Rocque La Corte, is the contract purchaser of property located at 1781 Old Trenton Road, West Windsor, New Jersey 08550. Said property is shown on the West Windsor Township Tax Map as Block 33, Lot 40. The property is located in the Township's R-1 Residential Zoning District.

2. The applicant seeks the following variances:

   a. Sec. 200-168F allows a maximum floor area ratio of five percent. The applicant is proposing thirteen percent, and consequently requires a "d" non-use variance.

   b. Sec. 200-168G allows a maximum improvement coverage of ten percent. The applicant is proposing seventeen percent, and consequently requires a "c(2)" variance.

3. The requests noted hereinabove for a "d" non-use and "c" bulk variance being within the jurisdiction of the Board, the Board accepted jurisdiction and considered and decided this matter at its meetings on November 8, 2002 and March 6, 2003.

THE APPLICANT:

4. The applicant is the contract purchaser of the above-referenced property.

NATURE OF APPLICATION AND RELIEF SOUGHT:

5. The subject property is located at 1781 Old Trenton Road in West Windsor Township. It is shown on the West Windsor Township Tax Map as Block 33, Lot 40. The property is a presently undersized lot that resulted from a subdivision approval by the West Windsor Township Planning Board on October 27, 1976. It borders dedicated open space on two sides and an adjacent property on the third side, located at 1777 Old Trenton Road. The subject property, adjacent property, and

open space are all located in the R-1 zone. The properties directly across Old Trenton Road are located in the R-1A zone.

The subject property is .75 acres. The minimum lot size required in the R-1 zone is 3.33 acres. The applicant seeks the following relief:

A. "D" non-use variance for a floor area ratio (FAR) of thirteen percent. Section 200-168F permits a maximum FAR of five percent.

B. "C" bulk variance for maximum improvement coverage (MIC) of seventeen percent. Section 200-168G permits a MIC of ten percent.

NOTICE AND PUBLICATION:

6. As noted above, the Board accepted jurisdiction over this matter and considered it at its meeting on November 8, 2002. The notice required to the 200' property owners and the publication were found to be in order. The Board further considered and acted upon the application at its meeting on March 6, 2003.

PLANS AND EXHIBITS PRESENTED:

7. In considering this matter at its meeting on November 8, 2002, the Board considered the following exhibits:

Exhibit A-1:	Plan entitled "Plot Plan, Lot 40, Block 33 Township of West Windsor, Mercer County, New Jersey" prepared by Schoor DePalma by Eugene Black, P.E. No. 38207 and Martin F. Tirella, N.J.L.S. No. 27477, dated November 5, 2002.
Exhibit A-2:	Four-page set of floor plans and elevations dated October 2002, prepared by Anthony M. Conduris, A.I.A., Architect.

At its meeting on March 6, 2003, the Board considered the following additional exhibits:

Exhibit A-3:	Bound report prepared by applicant entitled "Supplemental Information for Variance Application ZB02-07-P-: Rocque La Corte."
Exhibit A-4:	Aerial photograph of subject property and surrounding area.

STAFF REPORTS:

8. At the November 8, 2002 meeting, the Board considered the following staff reports:

A. Planning report prepared by John Madden & Associates, dated

October 30, 2002.

B. Engineering report prepared by Richard A. Alaimo, Association of Engineers, dated October 29, 2002.

C. West Windsor Township Department of Human Services, Division of Health Approval of On-Site Subsurface Sewage Disposal System, dated October 30, 2002;

D. Legal report prepared by Mason, Griffin & Pierson, P.C., dated October 25, 2002.

9. At its meeting on March 6, 2003, the Board considered the following additional staff reports:

A. Planning report prepared by Maser Consulting, Inc., dated February 26, 2003.

B. Engineering report prepared by Richard A. Alaimo, Association of Engineers, dated January 20, 2003.

C. Landscape architecture report prepared by Dan Dobromilsky, C.L.A., P.P., C.T.C., dated February 4, 2003.

HEARING AND TESTIMONY:

10. The applicant was represented by John R. Pidgeon, Esq., Pidgeon & Pidgeon, P.C.

At the November 8, 2002 meeting, Mr. Pidgeon outlined for the Board the relief his client was seeking. The applicant, Rocque La Corte, then explained to the Board that across the street to the west of his lot were properties the same size as his; that to south and east there was open space; and that to the north there was just one residence, his immediate neighbor. He described the characteristics of the lot and that it was the result of a 1976 subdivision. He then showed the Board exhibits A-1 and A-2 to explain the relief he was seeking: A-1 was an enlarged, color version of the survey he submitted with his application, revised as of November 5, 2002 to show the distance of the driveway from the lot line; A-2 was a copy of the front elevation of the proposed house. Mr. La Corte explained that the design has changed slightly since he submitted his application, in that the garage would be used entirely for storage, with no game room as originally proposed on the second floor of the garage. He also explained that he hoped to pave the portion of the driveway in front of the garage.

Mr. Pidgeon then offered responses to some of the comments raised in the Board consultants' reports. In response to Mr. Madden's report, Mr. Pidgeon noted that revised plans had been prepared and submitted to the Board showing the distance from the driveway to the lot line, and that the required 10-foot minimum had been provided for. Mr. Pidgeon also noted that the revised plans showed that the percentage of coverage from the driveway would remain within the seventeen percent MIC requested by the applicant while allowing for future paving of the driveway. Mr. Pidgeon then

distributed copies of the revised plans (previously marked A-1) to each Board member.

The applicant explained that he was seeking a thirteen percent FAR and seventeen percent MIC because that is what is allowed in the R-1A zone across the street. He also explained that if he were required to comply with the FAR and MIC for the R-1 zone, he would only be able to construct a 1600 s.f. house, which would result in a house half the size of the average house in West Windsor. He added that the houses across the street were similar in size to the one he was proposing and that they were situated on lots that were similar in size to his (.5 - 1.0 acres).

In response to questioning from the Board, the applicant admitted that he did not know the size in square feet of the house next to his, but thought it was very similar in total coverage, except that the neighbor's garage was detached whereas he was proposing to build an attached garage. He emphasized that there is only one house on his side of the street and that it is impossible in today's market to build a 1600 s.f. house.

In response to further questions from the Board regarding the history of the subdivision and the number of lots involved, the applicant showed the Board a page from the West Windsor tax map showing his lot, the neighbor's lot, and the lots across the street, including those in the Toll Brothers development the applicant contends are similar to his. The applicant indicated that Lots 26, 27 and 28 across the street were part of the original 1976 subdivision, as well as his lot and Lot 36 (his neighbor's lot). He added that he thought there were houses on all three lots across the street but could not be certain, nor did heknow their size. He conceded that the Toll Brothers houses to which he was comparing his proposed house were all located behind the lots that were part of the subdivision.

In response to a question from Chairman Mastro, the applicant admitted that he did not know when the neighbor's house was constructed. He noted, however, that his proposed home would meet all of the setback requirements for the R-1 zone. He also stated to the Board that he would be willing to agree not to pave any area of the driveway except near the garage, as identified earlier on the record.

Mr. Pidgeon then continued that in response to the Alaimo report, the applicant would have an architect revise the plans to show the square footage of the house. The applicant indicated that in the architect's absence he had calculated the FAR himself and had come up with a total of 3569 square feet, or 11 percent FAR. He explained that he was still seeking a 13 percent FAR as part of the application, however. He continued that the MIC was as shown on the revised plans, that is, a total of 16.3 percent. He indicated that a P.E. had signed the revised plans as requested.

The Board questioned the applicant regarding the siting of the house relative to the neighbor's house, as well as the location of the trees on the lot and which ones would be cut down. The applicant

indicated that he intends to save the larger trees on the front of the lot but that the trees on the back of the lot would have to be removed.

The Board also questioned the applicant regarding the discrepancy between the number of square feet testified to by the applicant (3569) and the number of square feet set forth in the Attorney's report (4247). The applicant voiced his belief that the Attorney had calculated the FAR incorrectly and that the Attorney's numbers did not reflect what was indicated on the floor plans submitted by the applicant.

A discussion then ensued regarding the actual square-footage of the proposed house, including whether the garage and basement should or should not be included in the calculation.

Mr. Joe Burdulia, who appeared in Mr. Madden's place, reiterated to the Board that the planning consultants did not have any great concerns regarding the impact of the requested relief on the surrounding neighborhood. He suggested, however, that the applicant submit revised plans and a revised application to the Board showing the correct number of square feet, so that Mr. Madden could review same and submit a revised report to the Board.

The Board then opened the meeting to the public. Lisa Krug, who lives next door to the subject proposed house, testified that her home is more than 100 years old and very modest. She did not know the exact number of square feet but guessed that it was around 2000. She expressed concern over which trees would be removed and added that she was surprised by the application. She also stated that as far as she was aware her lot was not part of the original 1976 subdivision, something the applicant disputes.

The Board expressed confusion over the history of the subdivision that created the applicant's lot.

The public hearing was then closed and the Board began its deliberations. One Board member requested that the questions regarding FAR and MIC be "ironed out" prior to the Board's next meeting and that any action on the application be table until then. He also asked that the applicant contact the tax department for information regarding the square-footage of Mrs. Krug's home.

Other Board members indicated that they had not received enough information from the applicant to even discuss the application. One member expressed the desire to hear from the landscape architect. Others criticized the applicant's failure to provide the Board with the basic information needed to evaluate the application, such the number of square feet of the house next door, the size of the lots across the street, and the size of the houses across the street, without which information the Board could not determine the impact of the requested relief on the surrounding neighborhood. Another member noted the lack of information regarding the history of the site and the subdivision.

Mr. Pidgeon placed on the record his client's willingness to return before the Board to provide additional information. A motion was then made and seconded to deny the application. After a discussion regarding the application, a separate motion was made and seconded to table the motion to deny. Following further discussion, the motion to table was withdrawn. The motion to deny the application was voted upon and failed, with three in favor, three against, and one abstention. A motion was then passed 5-2 to continue the application to the Board's January meeting, at which time the applicant was to provide the following additional information to the Board:

- the number of square feet of the proposed house and the number of square feet of the total proposed coverage, together with an explanation by the applicant of exactly how the FAR and MIC have been calculated and which rooms have been included in the calculation;
- the size in square feet of the neighboring house, on Lot 36;
- the size in square feet of the houses across the street;
- the history of the 1976 subdivision; and
- a report from the landscape architect.

In addition, the Board instructed the applicant to re-notice the application so that Mrs. Krug, who had left the meeting at the close of the public hearing, would know the application had been continued.

The applicant returned before the Board on March 6, 2003. Mr. Pidgeon confirmed that the applicant had complied with the Board's re-noticing requirements. He then reviewed Exhibit A-3 (a bound report containing the supplemental information the Board had requested of the applicant). He explained that the applicant was requesting an FAR variance to allow him to build 4,247 square feet total, to cover the proposed 3,061 square feet of living space plus either a finished basement (1,186 square feet) or a finished attic (588 square feet), but not both.

The applicant then reviewed the supplemental information with the Board. He reiterated that the plans showed a greater MIC than he intended, to allow for future paving of a portion of the driveway in front of his garage (that balance of the driveway would remain graveled); he also explained that the house as proposed would meet all of the R-1 zone requirements for setbacks. Finally, he indicated that he intended to live in the home once it was constructed, rather than sell it.

The applicant then reviewed the characteristics of the homes in the Toll Brothers development located across the way in the R-1A zone; the FAR of the houses directly across Old Trenton Road; and the

FAR of the Krugs' home, immediately adjacent to the subject property. He explained that the Toll Brothers development shows a more typical product being built in West Windsor, and that his proposed home is closer in size to these homes. He testified that the average home in West Windsor is approximately 3100 to 3200 square feet.

The applicant reiterated that his proposed home would meet all of the requirements for the R-1A zone across located across Old Trenton Road, and that he could have built his proposed home on any of the three lots immediately across the road without the need for any variances. He further noted that the R-1A zone allows houses up to 9000 square feet, and the three lots across the way in the R-1 zone would accommodate houses up to 7000 square feet.

In response to questions from the Board, Mr. Pidgeon explained that the subject property was created by a subdivision in 1976 that involved only the subject property and surrounding open space. In response to a question from Board, the Township's Landscape Architect, Dan Dobromilsky, testified that the Township did not choose to purchase the subject property when it purchased the surrounding open space because of the cost.

Planner John Madden then testified regarding the application. He explained that in his opinion, the application was unique because the subject property is surrounded by dedicated open space; as a result, (a) the applicant was unable to purchase land to render the lot conforming (and thereby allow a larger house under the existing FAR), but (b) the house would not appear out of scale even though located on a smaller lot. Mr. Madden continued that the R-1 zone in this part of West Windsor consists only of the subject property at 1781 Old Trenton Road, the adjacent property at 1777 Old Trenton Road, and the surrounding open space. He explained that because the majority of the R-1 zone was open space, the "neighborhood" to which the subject property should be related was the homes in the R-1A zone, not the R-1. He also added that the applicant was not overly utilizing the lot because he was not building outside the permitted envelope and because the house would be situated fairly far back from the road. Mr. Madden explained that the applicant's proposal to push the house away from the road and closer to the surrounding open space would make the house appear smaller.

Mr. Madden also commented favorably on the proposed architecture and design of the house. He noted that the size of the houses being built in West Windsor is substantial, and that the homes directly across the street from the subject property would likely be expanded in the future. Mr. Madden expressed concern, however, over the fact that the applicant's garage would face the neighbors, and recommended that "nuisance" buffering be used to screen the garage. He also stated that the Board should determine exactly what percentage FAR the applicant was requesting, as there had previously been some confusion over this number.

Landscape architect Dan Dobromilsky testified next. He explained that the majority of the trees on the subject property would need to be removed during construction regardless of what size house was proposed, because the removal of the trees was being driven by the grading and location of the driveway. He also concurred in Mr. Madden's recommendation that extensive nuisance buffering be employed between the proposed home and the adjacent property, in the form of either evergreen plantings or a fence. Mr. Dobromilsky added that no buffering would be required in front of the proposed home, because the home would be set back 120 feet from the road, and no buffering would be needed behind the home, because of the abutting open space.

The applicant confirmed that he would be willing to provide a fence or any sort of buffering of fencing satisfactory to the Board and its consultants.

Mr. Dobromilsky then testified that with respect to the lots across the street, the maximum FAR that would be permitted under the R-1A zone would be 4,100 square feet; on Lot 96, 9,562 square feet; on Lots 26, 27 and 28, 3,911 square feet; and on Lot 17, 18,000 square feet.

Engineer William Long testified to the Board regarding the County's approval of the driveway cut and apron.

The Board then opened the meeting to the public. Jeff and Lisa Krug, the owners of the adjacent property, testified that the house directly across Old Trenton Road from their home and the subject property – 1784 Old Trenton Road (Lot 17, not shown on A-3)– could fit in the applicant's garage. They added that when referring to the "houses across the street," the applicant was referring to Lots 26 through 28 in the Toll Brothers development, which Mr. and Mrs. Krug stated are almost entirely hidden from view by berming and landscaping (only the roofs are visible).

The Krugs expressed deep concern over the size of the proposed house, testifying that the proposed home would be only forty feet away from their home and would feel like "living next to a city." They also expressed concern over the number of trees that would be removed to make way for the applicant's home. They added that they were concerned about their ability to sell their own home, as it would lose its "farmhouse" look as a result of the new house next door.

The public hearing was ther closed and the Board began its deliberations.

LEGAL STANDARD TO BE APPLIED.

11. Under Randolph Town Ctr. Assocs. v. Township of Randolph , 324 N.J. Super. 412 (App. Div. 1999), the Board can consider and grant a "d" non-use variance to increase the permitted FAR only if it is

persuaded that (1) taking into account the surrounding features, the site will accommodate the proposed use, and (2) the relief can be granted without substantial detriment to the public good and will not substantially impair the intent and purpose of the zone plan and zoning ordinance. Because the use is already permitted in the zone, the applicant is not required to demonstrate that the site is particularly suited to the use; nevertheless, the applicant must show that the site will accommodate any problems associated with a larger FAR than permitted. The Board is required to evaluate the information and character of the neighborhood and ensure that there will be no adverse impact on the neighboring properties. The Board should also consider whether the application can be approved subject to reasonable conditions. The burden of proof throughout is on the applicant, although that burden is not enhanced, as it would be for a "d" use variance.

Under Kaufman v. Planning Bd. for the Twp. of Warren, 110 N.J. 551 (1988), the Board cannot grant a "c(2)" variance for the increased MIC if only the purposes of the owner will be advanced. The Board must be satisfied that the grant will benefit the community by presenting a better zoning alternative for the property. The Board must also be satisfied that the benefits will substantially outweigh any harm and that there will be no substantial detriment to the public good or impairment of the intent and purpose of the zone plan and zoning ordinance.

FINDINGS AND DECISIONS:

12. For the reasons set forth hereinbelow, the Board rejected the application by a vote of 4 against to 2 in favor. The Board reached this determination for the following reasons:

- The Board must assume that the subject property was placed in the R-1 zone instead of the R-1A zone for a reason.

- The Board shares the Krugs' concerns regarding the size of the proposed home. The applicant's testimony regarding the standards applicable to the Toll Brothers development in the R-1A zone was unpersuasive, as the subject property is not located in that zone and as those homes are shielded from view by berming and landscaping. Although the homes directly across the road could be increased in size, they too are located in a different zone (the R-1A zone), with different applicable standards. Moreover, the Board must make its decision based on the character of the neighborhood as it presently exists, not what it might become in the future, and at present the homes directly across Old Trenton Road are considerably smaller than the applicant's proposed home.

- The Board finds that the appropriate comparison is not the homes across the road or in the Toll Brothers development,

but to the adjacent home, the only other home in the R-1 zone, and that the impact of the requested relief on this home is critical.

- The Board also finds that while it might not be reasonable to limit the applicant to a 1,600 square-foot house – all that could be constructed under the applicable FAR –, a 4,200 square-foot house is incompatible with both the adjacent property and the homes immediately across Old Trenton Road. The Board notes that the applicant is requesting variances to construct a home that is considerably larger than what the applicant testified was the Township-wide average (3,100 square feet). The board also notes that while 1,600 square feet might not be reasonable, something between 1,600 and 4,200 might be more appropriate.

- Because of the size of the proposed home, the size of the adjacent homes, and the size of the present (not future) homes located directly across Old Trenton Road, the Board concludes that the requested relief cannot be granted without adversely impacting the adjacent property and other homes in the neighborhood.

CONCLUSION

For the reasons set forth hereinabove, the Board at its meeting on March 6, 2003 denied the applicant's request for a "d" non-use variance and a "c(2)" variance. The date of this decision shall be March 6, 2003, except that the date of the adoption of this memorializing Resolution, April 3, 2003, shall be the date of decision for purposes of: (1) mailing a copy of this decision to the applicant within 10 days of the date of decision; (2) filing a copy of this decision with the administrative officer; and (3) publishing a notice of this decision.

CERTIFICATION

The undersigned, Administrative Secretary of the West Windsor Township Zoning Board of Adjustment, does hereby certify that the foregoing Resolution was adopted by said Board at its regular meeting held on the 3d day of April, 2003.

Susan H. Appelget

Sue Appelget, Administrative Secretary
West Windsor Township Zoning
Board of Adjustment

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