



COMMUNITY PLANNING
LAND DEVELOPMENT AND DESIGN
LANDSCAPE ARCHITECTURE

B U R G I S
ASSOCIATES, INC.

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

MEMORANDUM

To: West Windsor Zoning Board of Adjustment
West Windsor Division of Land Use

From: David Novak PP, AICP

Subject: Nathan and Alison Prussing
dd(4) Floor Area Ratio Variance and c Variance Relief
Block 11.01 Lot 17
976 Alexander Road

Date: January 16, 2023

BA#: 3908.21

WWT#: 22-06

Introduction

The applicant, Nathan and Alison Prussing, has submitted an application seeking "d(4)" floor area ratio (FAR) relief and "c" variance relief to construct a second-story addition over an existing one-story dwelling. The site, which is identified by municipal tax records as Block 11.01 Lot 17, is located at 976 Alexander Road in the R-1A Low Density Residential District.

In addition to the application forms and application checklists, the following has been submitted for review:

1. Architectural plan prepared by Primiano Architecture, dated November 21, 2022 (no revision date).

Property Description

The subject site is located in the north-central portion of the Township along Alexander Road, between Scott Road and Harris Road. The site has an area of approximately 11,979 square feet (0.275 acres) and is mostly rectangular in shape. The central portion of the site is development with an existing one-story three-bedroom dwelling which, as per the applicant's architectural submittal, has an existing floor area of 1,428 square feet. The dwelling includes an attached one-car garage which is connected to Alexander Road via a driveway. Other improvements consist of a front porch and a wood deck.

Surrounding land uses consist predominantly of single-family dwellings, as well as an open space tract to the west and the unimproved Acme Woods to the north. See the aerial at the end of this memorandum for an overview of the subject site and its surrounding environs.

Proposed Improvements

The applicant proposes to construct a second-story addition. The proposed interior improvements are summarized as follows:

1. The first floor will contain a dining room, living room, kitchen, study, one bedroom, a laundry room, bathroom, powder room, deck, and attached garage.
2. The second floor will contain three bedrooms, a bathroom, and a media room.

The façade of the dwelling will consist entirely of a stucco material with windows and fiberglass roof shingles. The applicant further proposes to extend the exterior deck, add raised planter beds to the front of the dwelling, and place an additional conditioner unit along the easterly side of the dwelling.

Master Plan

As per the 2020 Land Use Plan, the site is located in the Berrien City land use category. The 2020 Plan notes that this land use category recognizes the unique development patterns of the Berrien City area and Princeton Junction. Throughout the 1920s and 1930s, this neighborhood was subdivided into multiple lots, some of which were as small as 5,000 square feet. As was the custom during those times, families would purchase multiple lots depending on their budget and their anticipated household size. As a result, the lot sizes throughout the neighborhood vary greatly in size and shape. The 2020 Plan found that residential lot sizes in Berrien City are typically approximately 10,000 square feet in size; however, nearly thirteen percent of all residential properties in this community have lot sizes of less than 7,500 square feet.

The 2020 Plan indicates that Berrien City is located in the R-1A District which refers to the use, bulk, and area regulations of the R-1/C District. The R-1/C District establishes a minimum lot size of one and two-thirds acre for conventional residential developments. Nevertheless, no residential lot within Berrien City meets this area requirement.

Therefore, the 2020 Plan establishes that the main intent of the Berrien City land use category is two-fold: to recognize and preserve the existing, historic, and unique development pattern of the Berrien City community while also adequately addressing the reasonable expectations of homeowners in regard to modern home improvements.

The 2020 Plan recommends that the Township review the existing development patterns in this community in order to develop new and responsive zoning standards which are more reflective of the area’s existing development patterns. These standards should address the potential of tear-downs of the existing housing stock with significantly larger dwellings which may be out of character with the surrounding neighborhood. It is envisioned that all new residences constructed in Berrien City be developed at a scale that is relatively similar to the existing housing in the area. As such, the 2020 Pan notes that the Township may wish to investigate the propriety of a form-based code which would allow homeowners to upgrade their properties while still maintaining the established character of the area

Zoning

The site is located in the R-1A Residence District. The following table outlines the zoning regulations for this district and the applicant’s compliance with those standards.

Table 1: R-1A Resident District Bulk Standards

Area & Bulk Regulations	R-1A	Existing	Proposed	Section
Minimum Lot Area (sf)	1 ⅔	(ex) 0.275	(ex) 0.275	200-159A.
Minimum Lot Frontage (ft)	85	(ex) 60.00	(ex) 60.00	200-159B.
Minimum Lot Width (ft)	175	(ex) 60.00	(ex) 60.00	200-159C.
Min. Lot Depth (ft)	175	200.00	200.00	200-159D.
Minimum Front Yard (ft)	40	56.90	56.90	200-159E.(1)
Minimum Rear Yard (ft)	20	79.17	79.17	200-159E.(2)
Minimum Side Yard (ft)	20	(ex) 6.30	(ex) 6.30	200-159E.(3)
Maximum FAR (%)	13	11.90	(V) 22.10	200-159F.
Max. Improvement Cov. (%)	17	(ex) 28.38	(V) 29.33	200-159G.
Max. Building Height (st/ft)	2.5/35	1/Not Specified	Not Specified	200-159H.

*(ex) Nonconforming Condition; (V) Variance; (app) Approved * estimate*

Variance Relief

The following is noted regarding variance relief.

“d(4)” Floor Area Ratio (FAR) Variance Relief

The applicant has requested variance relief pursuant to NJSA 40:55D-70.d(4) of the MLUL for exceeding the permitted FAR. The R-1A District establishes a maximum FAR of thirteen percent which equates to approximately 1,560 square feet for the subject site, whereas the applicant has proposed a FAR of 22.10% which equates to approximately 2,652 square feet.

Randolph Town Center v. Township of Randolph, 324 N.J. Super at. 416 provides guidance for Boards of Adjustments in evaluating applications requesting “d(4)” variance relief. In that decision, the Court held that in establishing special reasons for a FAR variance, boards should look to *Coventry Square v. Westwood Zoning Board of Adjustment* and not *Medici v. BPR* for guidance. Therefore, an applicant requesting “d(4)” variance relief does not need to show that the site is particularly suited for more intensive development. Rather, an applicant must demonstrate that the site will accommodate the problems associated with a floor area larger than that permitted by the ordinance.

“c” Variance Relief

The applicant requests variance relief pursuant to NJSA 40:55D-70c.(1) and/or (2) of the Municipal Land Use Law (MLUL) for the following items:

1. Side Yard Setback. The applicant’s zoning table notes that variance relief is required from Section 200-159E.(3) which establishes a side yard setback of twenty feet, whereas the applicant has proposed a setback of 6.30 feet. We note that the existing dwelling presently has a side yard setback of 6.30 feet. It is our understanding that this typically would not require variance relief. This should be discussed and confirmed.
2. Improvement Coverage. Variance relief is requested from Section 200-159G. which establishes a maximum improvement coverage of seventeen percent for the R-1A District. This equates to an allowable coverage of approximately 2,040 square feet for the subject site. The applicant has proposed an improvement coverage of 29.33% which equates to approximately 3,519 square feet. For reference, the site presently has an improvement coverage of 28.38% which equates to approximately 3,406 square feet.

The statute provides two approaches to (c) variance relief, commonly referred to as the “physical features” test and the “public benefits” test.

1. Physical Features Test. An applicant may be granted c(1) variance relief when it is demonstrated that the noncompliant condition is caused by: 1) an exceptional narrowness, shallowness, or shape of the property; 2) exceptional topographic conditions or physical features uniquely affecting a

specific piece of property, or; 3) by reason of extraordinary and exceptional situation uniquely affecting a specific piece of property or the structures lawfully existing thereon.

2. Public Benefits Test. An applicant may be granted c(2) variance relief where it can prove the following: 1) that the granting of the variance will advance the intents and purposes of the Municipal Land Use Law; 2) that the benefits of granting the variance substantially outweigh any potential detriments. The benefits are required to be public benefits rather than a benefit that simply accrues to the property owner.

In addition to the above, the applicant must address the Negative Criteria of the statute. To meet the negative criteria, an applicant must demonstrate the variance can be granted without substantial detriment to the public good and that it will not substantially impair the intent and purpose of the master plan and zoning ordinance.

Planning and Zoning Review

We offer the following for the Board's consideration.

Calculation of Floor Area Ratio (FAR)

As previously noted, the applicant has requested variance relief pursuant to NJSA 40:55D-70d.(4) of the Municipal Land Use Law (MLUL) for an increase in the permitted floor area ratio (FAR). For reference, "floor area" is defined by Section 200-4 of the Township's land use regulations as follows. Those portions of a building which are not included as floor area are underlined and italicized.

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.

Impervious Coverage

As previously noted, the applicant requires "c" variance relief for exceeding the proposed improvement coverage. Testimony should be provided as to whether the applicant examined any ways to reduce the proposed coverage. The applicant and the Board should focus on the proposed rear deck expansion. In addition, the applicant should provide clarification as to how the driveway is being expanded by sixteen square feet.

Bedroom Count and Parking

The existing dwelling consists of three bedrooms, while the proposed dwelling is to consist of four bedrooms. New Jersey's Residential Site Improvement Standards (RSIS) establishes the parking requirements for single-family dwellings. As noted by NJAC 5:21-4.14 of the RSIS:

1. A two (2) bedroom single-family dwelling requires 1.5 parking spaces;
2. A three (3) bedroom single-family dwelling requires 2.0 parking spaces;
3. A four (4) bedroom single-family dwelling requires 2.5 parking spaces;
4. A five (5) bedroom single-family dwelling requires 3.0 parking spaces.

The RSIS further notes that a one-car garage and driveway combination shall count as 2.0 off-street parking spaces, provided the driveway measures a minimum of 18 feet in length between the face of the garage door and the right-of-way. Due to the setback of the house, the existing driveway has a length that exceeds fifty-six feet. Thus, we find that the site can handle the required 2.5 parking spaces required by the RSIS.

Building Façade

The majority of the proposed façade will consist of a stucco material whose color is to be specified at a later time. The applicant and the Board should discuss how this compares to the surrounding development pattern. It appears that most of the dwellings fronting along Alexander Road utilize siding, brick, and stone.

Comparison to Neighborhood

The applicant has provided a FAR Study table on Sheet V-3A which appears to be based upon publicly available tax information. This should be confirmed via testimony. This table is reiterated below. Our office has provided two maps which identify those dwellings from this table which exceed the FAR standards established by the R-1A District as well as those which exceed the proposed FAR of the subject site.

As shown, five properties in the area presently exceed the FAR permitted by the R-1A District, while two properties exceed the FAR proposed by the applicant.

Table 2: FAR Analysis

Block	Lot	Address	Lot Size (ac)	Floor Area	FAR	Greater Than District	Greater than Proposal
76	52	960 Alexander Road	0.17	1,194	16.35%	Yes	No
76	53	962 Alexander Road	0.26	1,815	16.02%	Yes	No
63	156	963 Alexander Road	0.25	1,246	8.17%	No	No
63	155.01	967 Alexander Road	0.35	3,392	22.25%	Yes	Yes

Block	Lot	Address	Lot Size (ac)	Floor Area	FAR	Greater Than District	Greater than Proposal
63	154	969 Alexander Road	0.18	2,077	26.41%	Yes	Yes
6.20	51	971 Alexander Road	0.38	1,488	8.99%	No	No
11.01	16	978 Alexander Road	0.28	1,492	12.46%	No	No
80	5	982 Alexander Road	0.63	2,940	10.71%	No	No
80	4	986 Alexander Road	0.22	1,176	12.27%	No	No
63	157	19 Scott Avenue	0.18	1,296	16.53%	Yes	No



Map 1: Aerial of Subject Site (scale: 1" = 100')



Source 1: Parcel data from Township of West Windsor.
 Source 2: Street data from NJOGIS.
 Source 3: Road data from NJOGIS.
 Source 4: Orthophotography from NJOGIS, dated 2020.
 Source 5: FAR data derived from Township tax records.

Dwg. Title: FAR Map 1: Comparison to R-1A FAR Requirement

Project No.	Date	Drawn By
3908.21	12.27.22	DN



Dwg. Title
FAR Map 2: Comparison to Proposed FAR

Project No.	Date	Drawn By
3908.21	12.27.22	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:
976 Alexander Road Variance Application
 Township of West Windsor | Mercer County, New Jersey

Scale	Dwg. No.
1" = 100'	map 02