

COMMUNITY PLANNING  
LAND DEVELOPMENT AND DESIGN  
LANDSCAPE ARCHITECTURE

**B U R G I S**  
A S S O C I A T E S , I N C .

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:** Pramod Surendran  
d(4) Floor Area Ratio Variance  
Block 91 Lot 16  
31 Pierson Avenue

**Date:** June 14, 2023

**BA#:** 4028.07

**WWT#:** 23-02

### Introduction

The following memorandum is intended to supplement our prior planning review memorandum dated May 18, 2023.

The applicant, Pramod Surendran, has submitted an application seeking “d(4)” floor area ratio variance relief to construct an addition to an existing single-family dwelling. The site, which is identified by municipal tax records as Block 91 Lot 16, is located at 31 Pierson Avenue in the R-20 Low-/Medium Density Residential District.

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

1. Plan prepared by JZ Architectural and Interior Design, dated March 17, 2023 (last revised June 12, 2023).
2. Property Detail Report prepared by Property Records.

# Revisions to Proposed Layout

The applicant’s prior plans (dated March 17, 2023) had proposed an addition which would have increased the floor area of the existing dwelling from approximately 1,831 square feet to 4,123 square feet, thus resulting in a floor area ratio (FAR) of 20.6%. Included in this addition were five bedrooms (inclusive of a guest bedroom) as well as a great room, family room, mud room, kitchen, pantry, yoga room, office playroom, and five bathrooms.

The applicant has since revised the plans to substantially decrease the size of the proposed addition. As a result of this revision, the proposed dwelling’s floor area has been reduced from 4,123 square feet to 3,051 square feet, thus resulting in a FAR of 15.3%. The following is noted:

- ❖ The reduction in proposed floor area is largely due to a reduction of the proposed great room which, in turn, has led to a reduced proposed building footprint. Previously, the proposed great room was to have an area of approximately 797 square feet (35’7” by 22’5”). It has since been reduced in size to 281 square feet (20’4” by 13’10”). The applicant has also proposed a more efficient interior first floor layout which is to contain the aforementioned great room, a dining room, kitchen, mud room, family room, guest bedroom, bathroom, and garage. Altogether, the proposed first floor area has been reduced from 2,185 square feet to 1,656 square feet.
- ❖ As a result of the reduced first floor area and building footprint, the proposed second floor area has also been reduced in size. It is now proposed to contain three bedrooms, a guest room/playroom, and two bathrooms. Altogether, the proposed second floor area has been reduced from 1,938 square feet to 1,395 square feet.
- ❖ The cellar floor has also been reduced in size as a result of the proposed building footprint revision, from 2,031 square feet to 1,479 square feet.

The following table summarizes the previously proposed floor area and the floor area of the revised proposal. As a result of these changes, the massing of the façade has also been reduced.

*Table 1 Proposal Comparison*

Level	Previously Proposed	Revised Proposal
Cellar Level <sup>1</sup>	2,031	1,479
First Floor	2,185	1,656
Second Floor	1,938	1,395
Total	4,123	3,051

<sup>1</sup> Was not included in applicant’s FAR calculation

## Zoning

The site is located in the R-20 Residence District. The following table outlines the zoning regulations for this district and the applicant's compliance with those standards.

*Table 2: R-1A Resident District Bulk Standards*

Area & Bulk Regulations	R-20	Existing	Proposed	Section
Minimum Lot Area (sf)	20,000	20,000	20,000	200-173.2A.
Minimum Lot Width (ft)	100	100	100	200-173.2B.
Minimum Front Yard (ft)	40	49	49	200-173.2C.(1)
Minimum Rear Yard (ft)	30	100	99	200-173.2C.(2)
Minimum Side Yard (ft)	15	(ex) 6/34.1	(ex) 6/34.1	200-173.2C.(3)
Maximum FAR (%)	13	7.6	<b>(V) 15.3</b>	200-173.2D.
Max. Improvement Cov. (%)	20	18	16.2	200-173.2E.
Max. Building Height (st/ft)	2.5/35	2/13.5	2/26	200-173.2F.

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

## Variance Relief

The applicant has requested variance relief pursuant to NJSA 40:55D-70.d(4) of the MLUL for exceeding the permitted floor area ratio (FAR). The R-20 District establishes a maximum FAR of thirteen percent which equates to approximately 2,600 square feet of floor area for the subject site. The applicant has proposed a FAR of 15.3% which equates to approximately 3,051 square feet of floor area.

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.

## 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.

The applicant should confirm that the existing and proposed FAR was calculated pursuant to the Township's definition of "floor area." Specifically, the applicant should confirm that the calculated floor area does not include any of the provisions which are specifically exempt from that term.

### Proposed Building Design

The applicant should provide testimony as to how the design of the proposed building compares to the designs of existing buildings in the area.

### Tree Removal

The applicant should indicate whether any trees are proposed to be removed.

### Cellar

The cellar level has several rooms which are unlabeled. The anticipated utilization of these rooms should be discussed. We note that these unlabeled rooms do not include closets.

## Comparison to Neighborhood

An updated table as well as two updated maps have been provided which respectively identify those dwellings in the vicinity of the subject site which exceed the FAR standards established by the R-20 District, as well as those which exceed the proposed FAR of the subject site. This information was expanded to include additional dwellings along Varsity Avenue and was based upon publicly available tax information. Of the twenty-eight properties analyzed, four properties exceed the FAR standards of the R-20 District while three properties (including a two-family dwelling) exceed the FAR proposed by the applicant.

*Table 3: FAR Analysis*

Block	Lot	Address	Lot Size	Floor Area	FAR	Greater Than District	Greater than Proposal
91	14	198 Varsity Road	19,976	1,344	6.72	No	No
91	17	33 Pierson Ave	19,994	1,152	5.76	No	No
91	18	205 Mather Ave	10,998	1,274	11.58	No	No
91	19	207 Mather Ave	21,344	1,168	5.47	No	No
91	20	207 Varsity Ave	12,196	1,156	9.47	No	No
91	21	210 Varsity Ave	23,522	1,728	7.34	No	No
91	22	34 Wilder Ave	12,632	1,130	8.94	No	No
91	24	202 Varsity Ave	17,998	2,944	16.35	<b>Yes</b>	<b>Yes</b>
91	26	218 Varsity Ave	21,209	1,798	8.47	No	No
91	29	214 Varsity Ave	15,246	2,208	14.48	<b>Yes</b>	No
91	30	215 Mather Ave	12,632	1,166	9.23	No	No
91	31	211 Mather Ave	15,372	896	5.82	No	No
91	32	28 Wilder Ave	15,398	1,208	7.84	No	No
92	22	196 Mather Ave	21,780	2,499	11.47	No	No
92	23	198 Mather Ave	20,908	1,772	8.47	No	No
92	24	200 Mather Ave	20,908	1,898	9.07	No	No
92	25	202 Mather Ave	22,215	1,912	8.60	No	No
90	10	192-194 Varsity Ave	15,246	3,486	22.86	<b>Yes</b>	<b>Yes</b>
90	11	28 Pierson Ave	15,002	1,264	8.42	No	No
90	12	30 Pierson Ave	15,002	1,428	9.51	No	No
90	13	36 Pierson Ave	15,002	1,468	9.78	No	No
84	4	195 Varsity Ave	14,810	2,411	16.27	<b>Yes</b>	<b>Yes</b>
83	44	197 Varsity Ave	21,313	2,474	11.60	No	No
83	45	201 Varsity Ave	21,601	2,246	10.39	No	No
83	9	207 Varsity Ave	28,000	1,897	6.77	No	No
83	40	213 Varsity Ave	17,498	1,608	9.18	No	No
83	34	215 Varsity Ave	13,965	1,252	8.96	No	No
83	29	219 Varsity Ave	12,249	1,524	12.44	No	No

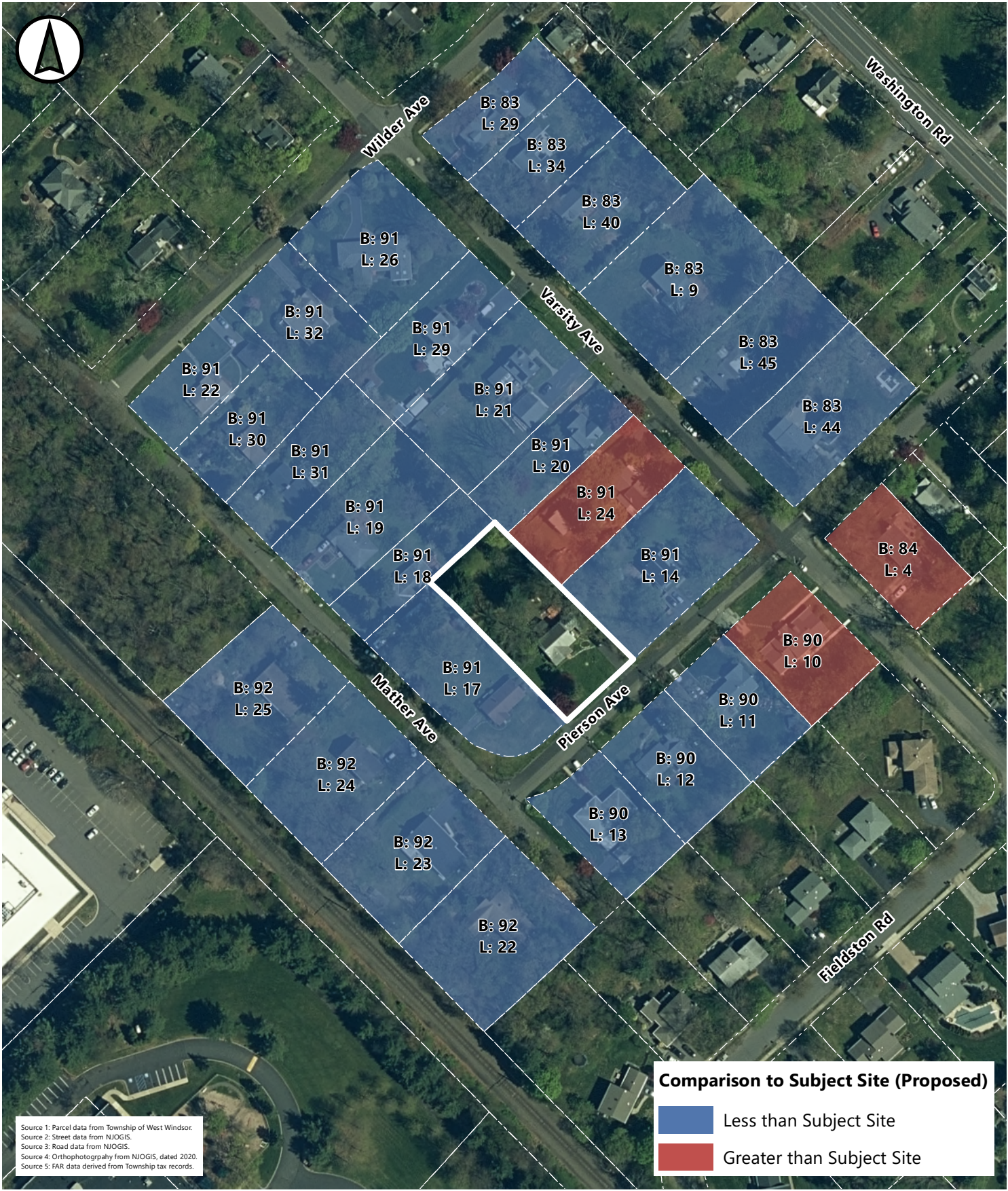


Map 1: Aerial of Subject Site (scale: 1" = 150')



Dwg Title  
**FAR Map 1: Comparison to R-20 FAR Requirement**

Project No.	Date	Drawn By
4028.07	06.14.23	DN



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 Subject Site (Proposed)**

Project No.	Date	Drawn By
4028.07	06.14.23	DN