



# WEST WINDSOR TOWNSHIP

## DEPARTMENT OF COMMUNITY DEVELOPMENT DIVISION OF ENGINEERING

### MEMORANDUM

TO: West Windsor Township Planning Board

FROM: Francis A. Guzik, PE, CME  
Township Engineer/Director of Community Development

DATE: March 16, 2022

SUBJECT: **Henry and Jane Landau**  
**Minor Subdivision w/ Bulk Variance**  
Block 34, Lot 21  
#143 South Lane  
PB 21-13

### Documents Received/Reviewed:

The following documents have been submitted for review:

- A. Plans entitled "Minor Subdivision Plans of #143 South Lane – Lot 21, Block 34, Tax Map Sheets 38.03, 38.04 & 43.02 for Henry & Jane E. Landau" prepared by Princeton Junction Engineering, P.C.. (D. Geoffrey Brown, PE & LS), dated September 7, 2021, revised through January 25, 2022; consisting of three (3) sheets.
- B. Soil Logs and Soil Permeability Class Rating forms prepared by Princeton Junction Engineering, P.C.. (D. Geoffrey Brown, PE & LS), dated July 26, 2021 and August 2, 2021, respectively;
- C. Development Application Package Including
  - Development Application w/ Addendum
  - Subdivision Checklist
  - Green Development Checklist
  - Request for Bulk Variance form

### Narrative:

The applicant has provided a plan proposing the Minor Subdivision of existing Lot 21 in Block 34 into two lots (identified on the Plan as New Lots 21A and 21B). Lot 21 is currently developed with a single-family home located in the southwesterly portion of the property, with ancillary improvements and outbuildings including asphalt and stone driveways, a one-story brick building of unspecified use, a pole barn, storage sheds, a horse shelter, a riding ring and various fenced-in areas. The proposed subdivision would maintain most of the existing improvements on the southerly lot (New Lot 21A) with the riding ring area falling within the boundary of New Lot 21B.

The overall property fronts along South Lane between Windsor Road and Village Road East, which is a Minor Collector on the Circulation Element of the Township Master Plan. The Robbinsville Township municipal line coincides with the rear lot boundary. The property is located within the RR/C (Rural Residential/Conservation Area) zoning district.

The subject property is in the Central Delaware Watershed Management Area with the Assunpink Creek (Shipetaukin to Trenton Road) HUC 14 comprising most of the site with the southeastern corner of the property located within the Assunpink Creek ((Trenton Road to New Sharon Bridge) HUC 14. The entire site is within the Assunpink Creek (Above Shipetaukin Creek) HUC 11 watershed. A 25,133 square feet portion of wetlands has been delineated along the property boundary with Robbinsville Township that is identified as having been delineated and field located by Frank Falcone of Princeton Junction Engineering, P.C. No floodplains or Township Greenbelt exist on site.

The subject property is not located within a Sanitary Sewer Service area nor is public water readily available. A proposed septic system and potable well locations are depicted on the minor subdivision plan.

The gross area of Proposed Lot 21A is to be 205,371 square feet (4.71 acres), and the gross area of Proposed Lot 21B would be 145,060 square feet (3.33 acres), which are both compliant with the minimum lot area in the RR/C district. However, the subdivision line would result in neither lot complying with the district standard of 200 feet for Lot Width, with proposed Lot 21A having 163.94 feet and proposed Lot 21B having 151.16 feet. Existing Lot 21 also has a side yard non-conformity of 27.9 feet (dwelling) and 5.2 feet (horse shelter), where 30 feet is required, that will carry along to Lot 21A with the subdivision. The subdivision will also create a Maximum Improvement Coverage (MIC) variance on Proposed Lot 21A, where 10% is allowed and 13.3% is proposed. Further commentary on the zoning and relief aspects of the application are deferred to the Board Planner.

I have reviewed the documentation submitted and offer the following for the Board's consideration:

## **1.0 Minor Subdivision**

1.01 The application requires a waiver from the following Minor Checklist item:

- Minor Subdivision Checklist Item 200-50.C.12 requires the submission of a concept landscape plan. The checklist indicates this as having been provided but it has not. The applicant shall provide or formally request a waiver from same. Further comment is deferred to Township Landscape Architect.

1.02 The applicant has requested waivers from the following Minor Subdivision Checklist requirements:

- Minor Subdivision Checklist Item 200-50.C.14 and 15 require the submission of an NJDEP-issued Letter of Interpretation. The applicant has requested temporary waivers for this requirement to be addressed prior to the issuance of a building permit. I have no objection to making this a condition of approval, but to be addressed as part of resolution compliance, should the Board approve the subdivision. Because the lot is to be served by septic and not sewers the delineation of wetlands and any transition areas needs to be performed and approved by the NJDEP via the LOI prior to preparation of lot development plans.

1.03 South Lane (between Windsor Road and Village Road East) is classified as a "minor collector" roadway in the Circulation Element of the Township Master Plan, and requires a minimum right-of-

way width of 60 feet per Ordinance § 200-56.B(1). Per the plan and Township tax maps, the existing right-of-way half-width along the property frontage is 33 feet. No additional dedication is recommended as part of this application.

- 1.04 The southerly-most lot line for Lot 21 defines the municipal boundary between West Windsor and Robbinsville Townships, so it is important that it be accurately located and represented on the records created by this project. The Township's Consultant Land Surveyor has been researching the municipal boundary information as part of the update to the municipal tax maps, and is of the opinion that this project's boundary line has been mapped with the best information that is available as of this report date. However, because this boundary line research is ongoing it is recommended there be a condition requiring the applicant to update the project's boundary information if and when additional information is obtained and provided to the applicant in the time frame prior to their perfecting the subdivision by map or deeds.

## **2.0 Miscellaneous**

- 2.01 Per §200-60, sidewalks shall be installed on both sides of all streets. Currently, no sidewalks exist on either side of South Lane in either direction from the subject property. Should the Board approve this subdivision, it is recommended that a contribution for future construction of same be provided to the Township in lieu of construction.
- 2.02 There was prior litigation between the owners of Lots 22 and 23 regarding the piping of a ditch that ran between Lot 23 and Lots 21 and 22, causing alleged drainage problems on Lot 22. Sheet 2 identifies a 60'-wide drainage easement on Lot 21. A copy of this easement shall be provided to ensure that it conveys maintenance rights to Lot 22 and if not, then it shall be amended and refiled to do so. This should be made a condition of any Board action on this application.
- 2.03 Stormwater management is required for all subdivisions that will ultimately disturb more than one-acre of land per §200-101. Due to the size of the lots involved, this may not be an issue for this application, and will need to be reviewed and addressed when a formal grading plan is submitted for the development of the newly created lot. Because this is part of Township Code, this does not need to be included as a condition of approval.
- 2.04 The wetlands areas, once verified by NJDEP through a Letter of Interpretation, will be required to be delineated along with appropriate transition areas, along with the pertinent NJDEP reference added to the plan.
- 2.05 Proposed lot numbers and street addresses for the new lots shall be as designated by the Township Engineer if the Board approves the subdivision.
- 2.06 Metes and bounds descriptions for both lots and any proposed easements and dedications, with closure calculations for same, will be required to be submitted for review and approval of this office, if the Board approves the subdivision. It is presumed the minor subdivision will be perfected by deed, which deeds must be reviewed and approved by the Board Attorney prior to filing.
- 2.07 Minor subdivision approval does not entitle the applicant to begin site improvements. Pursuant to Ordinance § 200-251, the applicant is advised they must submit a proposed grading plan to the Township Engineer for review and approval prior to an application for a building permit on a lot. Because this is part of Township Code, this does not need to be included as a condition of approval.

- 2.08 As per Ordinance section 200-81.1 the applicant will be required to provide, via both hard copy and in electronic format, approved plans being submitted for signature. This should be made a condition of any Board action on this application.
- 2.09 The following outside agency approvals are required:
- Mercer County Planning Board

This completes the review of the referenced application documents. Other comments may be offered based on the responses to the above issues.

FG:IH

cc: Dino Spadaccini, Esq. Applicant ([dino@spadlaw.com](mailto:dino@spadlaw.com))  
D. Geoffrey Brown, PE & LS, Applicant's Engineer/Surveyor ([gbrown@pjepe.com](mailto:gbrown@pjepe.com))




# WEST WINDSOR TOWNSHIP

## DEPARTMENT OF COMMUNITY DEVELOPMENT DIVISION OF ENGINEERING

### MEMORANDUM

DATE: March 14, 2022

TO: West Windsor Township Planning Board

FROM: Dan Dobromilsky, LLA,PP,LTE   
Township Landscape Architect

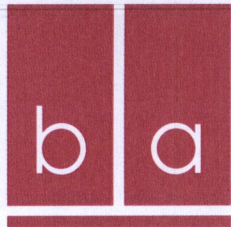
SUBJECT: **HENRY & JANE LANDAU-- PB 21-13**  
Block 34, Lots 21; 143 South Lane  
**Landscape Architectural Review Comments**  
Minor Subdivision w/ Bulk Variances

A site visit has been conducted and the landscape architectural aspects of the submitted subdivision plans (prepared by Princeton Junction Engineering, dated last revised 1-25-22) have been analyzed. The following comments are offered consideration by the Board as this application is reviewed:

1. The Township Master Plan Greenbelt does not occur on or near this property. There are some existing trees and woodlands present on the property, most of which will not be effected by the proposed lot subdivision. Thus, this proposal do not present any significant community impact upon or potential for loss of tree resources. It is noted that an existing hedgerow of Sycamore trees are present across the middle of the new lot. The plan depicts the potential location of a new dwelling just behind this row of trees which should enable preservation of these trees.
2. Street trees are not specifically required in association with a Minor Subdivision though frequently requested or required by the Board of jurisdiction. There are no street tree landscape plantings on any other properties along South Lane, and thus no recommendation is offered in this regard.
3. No specific landscape requirements or standards are applicable to this proposal unless the Applicant or Board were to determine that landscape plantings would be appropriate to mitigate any nuisance impacts that may possibly be created as a result of the bulk variance requests. Since this use is very similar and compatible with the existing land use type and pattern, a need or benefit from additional landscape buffering or planting is not apparent.

Upon review of the applicant's presentation and testimony before the board, additional commentary may be offered at the request of the Board.

cc: Applicant  
Township Plan Review Professionals and Staff



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 Planning Board  
West Windsor Division of Land Use

From: David Novak PP, AICP

Subject: Henry and Jane Landau  
Minor Subdivision and "c" Variance Relief  
Block 34 Lot 21  
143 South Lane

Date: March 15, 2022

BA#: 3789.23

WWT#: PB 21-13

### Introduction

The applicant, Henry and Jane Landau, has submitted an application seeking minor subdivision as well as "c" variance relief to subdivide an existing lot into two (2) new lots. The site, which is identified by municipal tax records as Block 34 Lot 21, is located at 143 South Lane in the RR/C Rural Residential/Conservation District.

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

1. Minor Subdivision Plan prepared by Princeton Junction Engineering, P.C., consisting of three (3) sheets, dated September 7, 2021 (last revised January 25, 2022).
2. Soil Testing Data Sheet prepared by Princeton Junction Engineering, P.C.

## Property Description

The subject site is located within the southeasterly portion of the Township, immediately adjacent to West Windsor's shared municipal border with the Township of Robbinsville. The site has an area of 8.04 acres (350,367 square feet) and is irregular in shape. It fronts along South Lane for 316 feet and has a depth of approximately 723 feet.

The site is presently developed with a one-story brick dwelling which fronts along South Lane. Other buildings and structures include a one-story brick building, a one-story pole barn, two (2) sheds, two (2) horse shelters, and an outdoor horse riding area. Access to the site is provided by an asphalt and stone driveway. The remainder of the site is undeveloped and features woodlands and wetland areas. A 60-foot wide drainage easement is located along the northerly property line.

Surrounding land uses consist of: single-family dwellings and farmland to the north; farmland to the east; farmland to the south; and single-family dwellings and farmland to the east. Please 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 subdivide the lot into two (2) new lots. The following is noted:

### ❖ Proposed Lot 21A

Proposed Lot 21A is to comprise the southerly half of the site. It will have an area of 4.71 acres (205,307 square feet) and will front along South Lane for 165.37 feet. It will contain the aforementioned existing one-story brick dwelling, one-story brick building, one-story pole barn, two (2) sheds, and two (2) horse shelters.

### ❖ Proposed Lot 21B

Proposed Lot 21B is to comprise the northerly half of the subject site. It will have an area of approximately 3.33 acres (145,060 square feet) and will front along South Lane for 151.16 feet. It will contain the existing outdoor horse riding area. The approximate location of a future dwelling, well, and disposal bed are also shown. We recognize that the locations of these improvements are for demonstrative purposes only.

## Master Plan

As per the 2020 Land Use Plan, the subject site is located in the Rural Residential/Conservation (RR/C) land use category which is primarily located in the southernmost portion of the Township, as well as in smaller areas located near Village Road West and North Post Road.

The 2020 Plan notes that areas within this land use category contain the majority of West Windsor's remaining undeveloped and uncommitted open space and actively farmed agricultural land. The majority of the lands within the RR/C land use category are also located in the Mercer County Agricultural Development Area (ADA), the intent of which is to preserve remaining viable agricultural lands and to enhance and protect the agricultural industry.

In addition to the aforementioned, the site is identified by the Township's 2018 Open Space and Recreation Plan (OSRP). Specifically, the site is identified as a proposed property acquisition with a farmland preservation priority.

## Zoning

The site is presently located in RR/C Residence District, wherein single-family dwellings are permitted. The following table compares the proposed subdivision's compliance with the bulk standards of the RR/C District.

*Table 1: RR/C District Bulk Standards*

Regulations	Required	Existing Lot 21	Proposed Lot 21A	Proposed Lot 21B	Code
Min. Lot Area (ac)	3.33	8.04	4.71	3.33	200-157A.
Min. Lot Frontage (ft)	100	316.53	165.37	151.16	200-157B.
Min. Lot Width (ft)	200	315.10	<b>(V) 163.94</b>	<b>(V) 151.16</b>	200-157C.
Min. Lot Depth (ft)	250	723.01	724.97	721.05	200-157D.
Min. Yards (ft)					200-157E.
Front Yard	50	75.10	75.10	50.00	200-157E.(1)
Rear Yard	30	333.60	333.60	30.00	200-157E.(2)
Side Yard	30	(ex) 27.9	<b>(V) 27.90</b>	30.00	200-157E.(3)
Side Yard: Accessory Structure	20	(ex) 5.20	(ex) 5.20	> 20.00	
Max. FAR (%)	5	0.69	1.18	5.00	200-157F.
Max. Imp. Cov. (%)	10	7.83	<b>(V) 13.30</b>	10.00	200-157G.
Max. Building Height (st/ft)	2.5/35	1/20	1/20	2.5/35	200-157H.



The following is noted regarding the zoning table.

1. Minimum Lot Width

Variance relief is requested from Section 200-157C which establishes a minimum lot width of 200 feet, whereas the applicant has proposed lot widths of 163.94 feet and 151.16 feet for Proposed Lot 21A and Proposed Lot 21B, respectively.

2. Maximum Improvement Coverage

Variance relief is requested from Section 200-157G. which establishes a maximum improvement coverage of ten percent (10%), which equates to approximately 20,530.7 square feet of allowable coverage for Proposed Lot 21A. The applicant has proposed an improvement coverage of 13.3% for Proposed Lot 21A, which equates to approximately 27,305 square feet of coverage.

3. Minimum Side Yard Setback

Variance relief is requested from Section 200-157E.(3) which establishes a side yard setback of 30 feet, whereas Proposed Lot 21A will have a side yard setback of 27.9 feet. We note that this is an existing nonconforming condition which is not proposed to change with this application.

4. Accessory Side Yard Setback

The applicant has identified that the setback of the southernmost horse shelter is nonconforming under both the existing and proposed conditions.

## Planning Review

We offer the following comments on the proposed development:

1. Permitted Floor Area Ratio (FAR)

The RR/C District establishes a maximum floor area of five percent (5%). For reference, Section 200-4 of the Township's land use regulations defines "floor area ratio" as "the aggregate floor area, in square feet, of a building or group of buildings on a lot divided by the area, in square feet, of the lot."

In turn, "floor area" is defined by that same section 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."*

Proposed Lot 21A would be permitted a total floor area of approximately 10,265 square feet, while Proposed Lot 21B would be permitted a total floor area of approximately 7,253 square feet.

## 2. Permitted Improvement Coverage

The RR/C District establishes a maximum improvement coverage of ten percent (10%). For reference, Section 200-4 of the Township's land use regulations defines "improvement coverage" as:

*"The building coverage plus the area of all paved surfaces, both impervious and pervious, which cover a lot, such as required parking spaces, including necessary maneuvering areas, passageways and driveways giving access thereto, service areas, accessways, streets, walkways, patios and plazas but excluding walkways, impervious or pervious materials used as landscape elements, such as fish ponds, birdbaths, stone/wood mulch used as a landscape feature in flower areas, walls made of wood, stone, pavers or similar materials enclosing flower or vegetable gardens, bark mulch, crushed stone, blue stone or similar materials used in flower or vegetable gardens for weed control and/or the appearance of the materials."*

When factoring in the requested variance relief for Proposed Lot 21A as well as a maximum permitted improvement coverage of ten percent (10%) for Proposed Lot 21B, the applicant would be permitted a maximum total coverage of 41,811 square feet. For reference, should Proposed Lot 21A have a conforming improvement coverage, the two lots would have an allowable total improvement coverage of 35,036 square feet. The applicant and the TRC should discuss ways to potentially mitigate this difference. The applicant should also discuss the relationship of these properties to the adjoining farm in Robbinsville, and how that relates to the proposed impervious coverage.

## 3. Design Standards for Single Family Housing

Section 200-67A. of the Township's land use regulations note that uniformity in the exterior design and appearance of dwellings erected in the same residential neighborhoods tend to adversely affect the desirability of the immediate and neighboring areas. In order to avoid this detrimental effect, the Township's land use regulations note the following:

- a. Required Minimum Distance Between Dwellings Substantially Similar in External Appearance. As established by Section 200-67B., not more than one (1) construction permit shall be issued for any particular single-family detached dwelling unit in any new housing development consisting of two (2) or more dwellings when they are substantially alike in exterior design and appearance. Section 200-67.C further establishes that houses shall be considered uniform in exterior design and appearance if they have any of the following characteristics:
- i. The same basic dimensions and floor plans are used without substantial differentiation of one or more exterior elevations;
  - ii. The height and design of the roofs are without substantial change in design and appearance, and;
  - iii. The size and type of windows and doors in the front elevation are without substantial differentiation.

As previously noted, two (2) residential lots are to be created as a result of this subdivision. As such, the applicant will have to confirm that the two (2) proposed houses are significantly different pursuant to the guidelines established above before receiving a building permit. We recognize that the dwellings shown on the plan are conceptual in nature.

- b. Number of House Designs Required. In addition to the above, Section 200-67.D establishes that there shall be not less than one basic house design and two different exterior elevations in every housing development consisting of eight or fewer houses.

#### 4. Affordable Housing Trust Fund

As established by Section 200-125A.(1), the developer shall pay a fee of 1.5% of the equalized assessed value for the new dwelling.

### Statutory Criteria

The applicant is seeking variance relief pursuant to NJSA 40:55D-70(c)(1) and/or (2). The statute provides two approaches to 'c' variance relief, commonly referred to as the 'physical features' test and the 'public benefits' test. These are identified as follows:

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.

*Map 1: Subject Site (scale: 1" = 220')*

