



COMMUNITY PLANNING
LAND DEVELOPMENT AND DESIGN
LANDSCAPE ARCHITECTURE

Principals:

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

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

MEMORANDUM

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

From: David Novak PP, AICP

Subject: Scott and Eve Gelade
d(4) Floor Area Ratio Variance
Block 16.01 Lot 9
17 Hereford Drive

Date: October 25, 2019

BA#: 3789.17

WWT#: 21-02

Introduction

The applicant, Scott and Eve Gelade, has submitted an application seeking d(4) variance relief to construct a partial second story addition above an existing garage. The site, which is identified by municipal tax records as Block 16.01 Lot 9, is located at 17 Hereford Drive in the R-20 Residence District.

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

1. Plan of Survey prepared by Louis Lehman, P.A. and signed by Erza Golub, dated September 1, 2006 (no revision date), consisting of one (1) sheet.
2. Architectural Plan prepared by Patrick Hiraz, Architect, dated May 22, 2021 (no revision date), consisting of three (3) sheets.
3. Google Earth Aerial Map.
4. Site photographs.

Property Description

The subject site is located in the north-central portion of the Township, to the west of West Windsor-Plainsboro High School South. The site has an area of approximately 20,037 square feet and is mostly rectangular in shape. It fronts along Hereford Drive for 100 feet and has a depth of 197.27 feet at its greatest.

The site is presently developed with a two-story frame dwelling which is setback 46.25 feet from Hereford Drive at its closest. The dwelling has a footprint of approximately 2,244 square feet and, as per the Township's tax records, has a total area of approximately 3,050 square feet. A brick patio, enclosed porch, and deck are located along the rear façade of the dwelling. Other improvements include walkways, an inground pool, and a wood fence. Access to the site is provided by a paved driveway which connects Hereford Drive to an attached two-car garage.

Surrounding land uses consist predominantly of single-family dwellings. West Windsor-Plainsboro High School South is located approximately 250 feet 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 construct a second story addition above the existing garage. This addition will include a new master bedroom, master bathroom, and master walk-in closet. The proposed addition will not alter the footprint of the dwelling.

Master Plan

As per the 2020 Land Use Plan, the site is located in the Medium Density Single Family Residential (R-20, R-20A, and R-20B) land use category, which is primarily located in the central and northerly portions of the Township. The 2020 Plan notes that this land use category is, for the most part, entirely developed with single-family dwellings with typical lot sizes of twenty thousand (20,000) square feet. The main intent of this land use category and corresponding zoning district is to recognize and preserve the established character of these neighborhoods and to reinforce the prevailing minimum lot size of twenty thousand (20,000) square feet.

Zoning and “d(4)” Variance Relief

The site is located in the R-20 Residence District. The following table outlines the zoning regulations for the R-20 District. Please note that that this zoning table was prepared by our office, and thus is an estimate to the subject site’s compliance with the R-20 District bulk standards. The applicant should confirm these estimates.

Table 1: R-20 Resident District Bulk Standards

Area & Bulk Regulations	R-20	Existing	Proposed	Section
Minimum Lot Area (sf)	20,000	20,037.00	20,037.00	200-173.2A
Minimum Lot Width (ft)	100	100.90	100.90	200-173.2B
Minimum Front Yard (ft)	40	46.25	46.25	200-173.2C(1)
Minimum Rear Yard (ft)	30	101.20	101.20	200-173.2C(2)
Minimum Side Yard (ft)	15	(ex) 11.70/23.85	(ex) 11.70/23.85	200-173.2C(3)
Maximum FAR (%)	13	* 13.00	* (V) 14.00	200-173.2D
Max. Improvement Cov. (%)	20	(ex) 27.00	(ex) 27.00	200-173.2E
Max. Building Height (st/ft)	2.5/35	<2.5/35	<2.5/35	200-173.2F

*(ex) Nonconforming Condition; (V) Variance; * Indicated on Applicant’s Rider;*

As noted in the above table, 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 dwelling is permitted to have a FAR of thirteen percent (13%) which equates to approximately 2,604.8 square feet of floor area. As per the submitted rider, the applicant has proposed a FAR of fourteen percent (14%), which equates to approximately 2,805.2 square feet of floor area.

Statutory Criteria

The applicant has requested variance relief pursuant to N.J.S.A. 40:55D-70.(d)(4) of the Municipal Land Use Law (MLUL) for an increase in the permitted floor area ratio (FAR). As previously noted, the R-20 District establishes a maximum FAR of thirteen percent (13%), whereas the applicant has proposed a FAR of fourteen percent (14%).

An applicant requesting "d(4)" variance relief must demonstrate the positive criteria: specifically, that special reasons exist for the granting of the variance, and that the granting of the variance will further the purposes of the MLUL. In addition, the applicant must also address the negative criteria and demonstrate that there will be no substantial detriment to the public and no substantial impairment to the intent of the zone plan.

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.

In consideration of the above, the applicant and the Board should discuss the following issues:

1. Survey

The address on the survey is identified as "19 Hereford Drive" and not "17 Hereford Drive." This should be addressed.

2. Calculation of FAR

The applicant has not provided the existing nor the proposed floor area of the dwelling. These measurements would be helpful for the Board to determine the extent to which variance relief is required. The applicant should also confirm that these calculations were done so 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.

3. Nature of Addition

Testimony should be provided as to the purpose of the proposed addition. Specifically, the applicant should discuss the proposed location of the addition, as well as its visibility from both the right-of-way and from adjoining properties. The applicant and the Board should also discuss the scale of the proposed addition in relationship to the scale of the remainder of the existing dwelling.

4. Bedroom Count and Parking

The rider to the application notes that the dwelling presently has five (5) bedrooms, and will continue to have five (5) bedrooms should the application be approved. As noted by NJAC 5:21-4.14 of the Residential site Improvement Standards (RSIS), a five (5) bedroom single-family dwelling requires 3.0 parking spaces.

The dwelling presently has a two-car garage as well as a driveway with a length of approximately 45.3 feet and a width of approximately 20.8 feet. As established by the RSIS, a two-car garage and a driveway combination shall count as 3.5 parking spaces, provided a minimum parking width of 20 feet is provided for a minimum length of 18 feet.

Based upon the above, it appears as though the site will adequately address the parking requirements of the RSIS. This should be confirmed through testimony.

5. Façade Improvements

The applicant should confirm that the façade of the addition will match the façade of the existing dwelling.

6. Comparison to Neighborhood

The applicant and the Board should discuss how the proposed FAR compares to the existing FARs in the surrounding area. In the rider to the application, the applicant notes the following FARs. It appears that these FARs are based upon the Township's tax data. This should be confirmed.

- a. 5 Hereford Drive as a FAR of 14.87%
- b. 6 Hereford Drive has a FAR of 13.78%
- c. 4 Yorktowne Court has a FAR of 14.22%
- d. 10 Yorktowne Court has a FAR of 16.47%
- e. 14 Yorktowne Court has a FAR of 15.38%
- f. 8 Worchester Lane has a FAR of 13.39%

To help visualize the FARs of the surrounding area, we have provided the following table and map which identify those dwellings which exceed the FAR standard established by the R-20 District. This information was taken from the Township's tax information. In those instances where the FAR was unknown, our office provided an estimate based on GIS data.

As shown, eight (8) of the thirty-six (36) dwellings in the surrounding area exceed the FAR standard established by the R-20 District.

Table 2: FAR Analysis

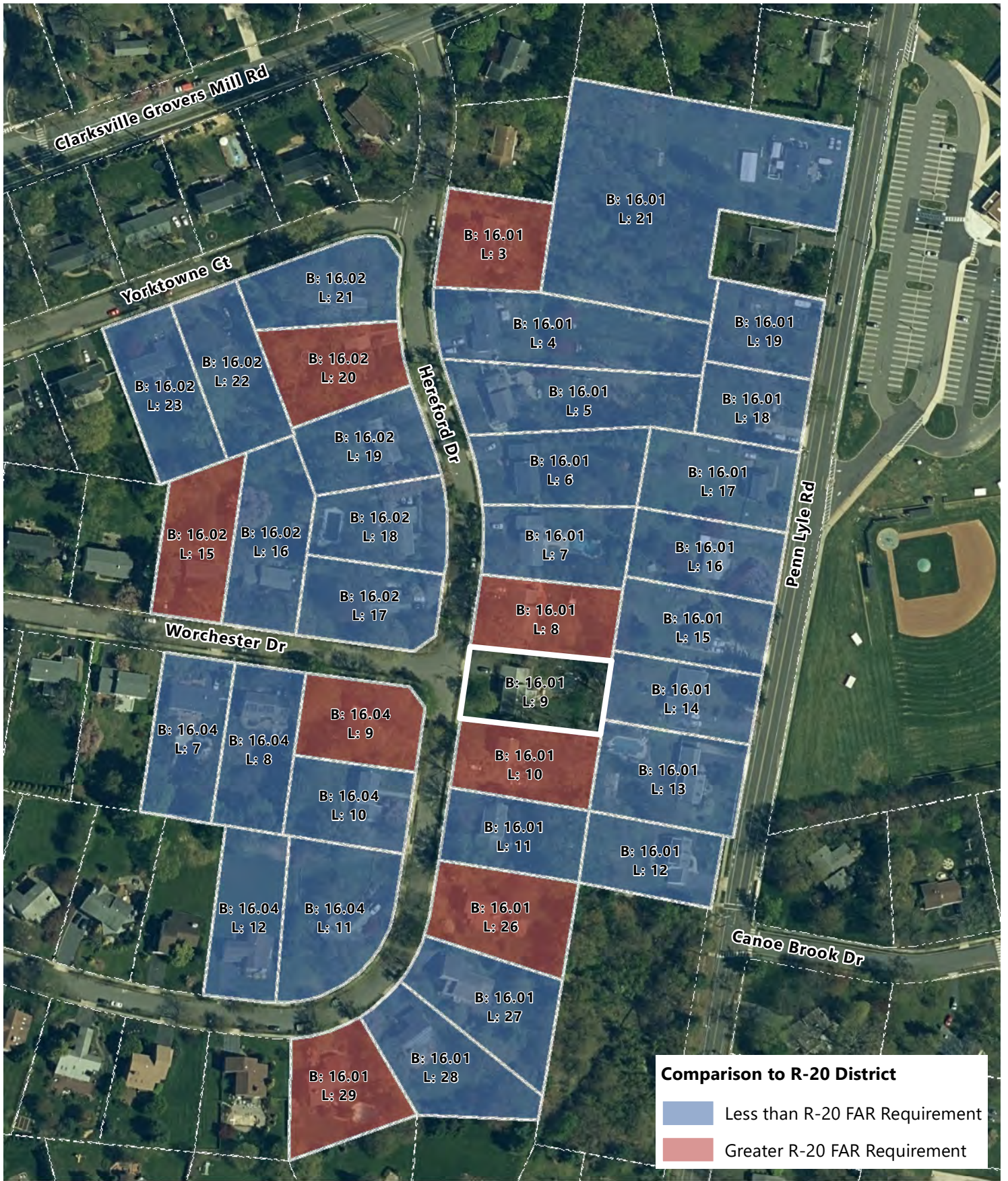
Block	Lot	Property Location	Lot Size (sf)	Floor Area	FAR	Greater than Permitted FAR?
16.01	3	5 Hereford Drive	20,046.3	2,980	15.87	Yes
16.02	20	6 Hereford Drive	21,780.0	3,002	13.78	Yes
16.01	4	7 Hereford Drive	34,848.0	2,816	8.08	No
16.02	19	8 Hereford Drive	21,344.4	2,706	12.68	No
16.01	5	9 Hereford Drive	29,620.8	2,955	9.98	No
16.02	18	10 Hereford Drive	20,803.0	2,432	11.7	No
16.01	6	11 Hereford Drive	23,958.0	2,672	11.15	No
16.01	7	13 Hereford Drive	21,780.0	2,782	12.77	No
16.01	8	15 Hereford Drive	20,037.6	2,902	14.51	Yes
16.04	10	16 Hereford Drive	20,037.6	2,268	11.32	No
16.04	11	18 Hereford Drive	30,056.4	3,120	10.38	No
16.01	10	19 Hereford Drive	20,037.6	2,828	14.11	Yes
16.04	12	20 Hereford Drive	22,651.2	2,828	12.48	No
16.01	11	21 Hereford Drive	20,037.6	2,508	12.52	No
16.01	26	23 Hereford Drive	21,780.0	2,976	13.66	Yes
16.01	27	25 Hereford Drive	22,651.2	2,479	11.38	No
16.02	21	1 Yorktowne Court	21,875.4	2,812	12.85	No
16.02	22	3 Yorktowne Court	23,086.8	1,945	8.42	No
16.02	23	5 Yorktowne Court	23,169.6	2,221	9.6	No
16.04	9	1 Worchester Lane	20,329.5	2,728	13.32	Yes
16.02	17	2 Worchester Lane	21,087.4	2,577	12.32	No
16.04	8	3 Worchester Lane	23,086.8	2,334	10.11	No
16.02	16	4 Worchester Lane	25,693.3	2,544	9.9	No
16.04	7	5 Worchester Lane	23,086.8	2,500	10.83	No
16.02	15	6 Worchester Lane	20,908.8	2,724	13.03	Yes
16.01	21	9 Penn Lyle Road	61,245.4	1,263	2.54	No
16.01	19	13 Penn Lyle Road	19,920.0	2,076	10.36	No
16.01	18	17 Penn Lyle Road	16,648.6	1,350	8.16	No
16.01	17	19 Penn Lyle Road	25,874.6	1,458	5.67	No
16.01	16	21 Penn Lyle Road	19,998.4	1,352	6.75	No
16.01	15	23 Penn Lyle Road	19,998.4	2,067	10.32	No
16.01	14	25 Penn Lyle Road	19,998.4	1,554	7.76	No
16.01	13	27 Penn Lyle Road	24,829.2	2,406	9.69	No
16.01	12	29 Penn Lyle Road	19,998.4	1,701	8.45	No
16.01	28	27 Penn Lyle Road	27,878.4	2,682	9.62	No
16.01	29	29 Hereford Drive	21,780.0	2,866	13.16	Yes



Map 1: Aerial of Subject Site (scale: 1" = 200')

[https://burgis.sharepoint.com/sites/BurgisData/Shared Documents/W-DOCS/PUBLIC/Pb-3700series/Pb-3789.18/PB 3789.18 Eve and Scott Gelade - d\(4\) Variance \(ZB 21-02\).docx](https://burgis.sharepoint.com/sites/BurgisData/Shared Documents/W-DOCS/PUBLIC/Pb-3700series/Pb-3789.18/PB 3789.18 Eve and Scott Gelade - d(4) Variance (ZB 21-02).docx)

Cc: S. Surtees, WWT CD
Barbara Watson, WWT CD
Lisa Komjati, WWT CD
Edwin Schmierer, Esq., Zoning Board Attorney



Dwg Title	Project No.	Date	Drawn By
FAR Map: Comparison to R-20 FAR Requirement	3789.18	10.17.21	DN
<p>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</p>	Scale	Dwg. No.	
	1" = 180'	map 01	
Project Title	Township of West Windsor Mercer County, New Jersey		
17 Hereford Drive d(4) Variance			