

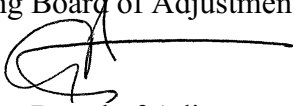
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## MEMORANDUM

*via Electronic Mail*

To: West Windsor Township Zoning Board of Adjustment

From: Edwin W. Schmierer, Esq.   
West Windsor Township Zoning Board of Adjustment Attorney

Date: October 5, 2021

**Re: West Windsor Township Zoning Board of Adjustment - Scott and Eve Gelade:  
FAR Use Variance Application No. ZB21-02; Block 16.01, Lot 9 West Windsor  
Township Tax Map; 17 Hereford Drive; R-20 Residential Zoning District**

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The West Windsor Township Zoning Board of Adjustment ("Board") will consider the above-referenced application at its meeting on November 4, 2021.

Scott and Eve Gelade (hereinafter referred to as the "Applicants") propose improving their existing single-family home located at 17 Hereford Drive and designated as Block 16.01, Lot 9 on the West Windsor Township Tax Map (hereinafter referred to as the "Property") by adding to their existing single-family home a second story addition above their garage to enlarge a bedroom and add a bathroom and closet.

The Property is located in the R-20 Residential Zoning District. The Applicants' Property is approximately one-half acre in size and is improved with their existing single-family home. Section 200-173D of the West Windsor Township Land Use Ordinance limits the Floor Area Ratio ("FAR") in the R-20 District to 13%. Following the Applicants' proposed addition, the Property will have an FAR of approximately 14%. Consequently, the Applicants seek from a Board a (d)(4) use variance for the 1.00% that the Property will exceed the permitted FAR.

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When the Applicants present their case to the Board, they will have to satisfy both the "positive criteria" as well as the "negative criteria". With regard to the positive criteria, the addendum to the application explains the purposes for the expansion of the Applicants' existing single-family home for the Applicants' Property. It points out the new normal associated with the Covid-19 pandemic have families like the Applicants needing a space in their home for remote working, education, exercise space, etc. To, therefore, demonstrate satisfaction of the "positive criteria", the Applicants through their testimony can demonstrate that, in fact, "special reasons" do exist in the context of their application to grant the relief requested. Those special reasons would fall under one of the purposes of the Municipal Land Use Law which is to "promote the general welfare" and in the context of this application permit the Applicants and their family to be able to remain in their existing home but do so in a more appropriate and comfortable environment.

Under Coventry Square v. West Wood Zoning Board of Adjustment, 138 N.J. 285 (1994), the Applicants must also satisfy the Board that the additional FAR can be accommodated on their Property. The Applicants point out that their current home contains five bedrooms and although an existing bedroom will be enlarged and improved, the bedroom count will remain at five bedrooms. The Board can also evaluate whether or not a 1% differential in the permitted FAR would have any negative impact on the neighborhood wherein the Property is located. If the Board is satisfied that the improvements proposed to the Applicants' Property would not

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"substantially impair" the intent and purpose of the R-20 Zone Plan for the neighborhood wherein the Property is located, then the Applicants will have satisfied the "negative criteria".

Finally, as indicated above, this application involves the consideration of a use variance. This means that the application must be approved by at least five members of the 7-member Zoning Board of Adjustment.

cc: *via e-mail:*

Samuel J. Surtees, Manager, Land Use Division

West Windsor Township Land Use Division  
Attn: Lisa Komjati, Planning Board Administrative Secretary

David Novak, PP/AICP, Burgis Associates, Zoning Board Consulting Planner

Mr. and Mrs. Scott Gelade

Patryk Hirsz, AIA, Applicants' Architect