

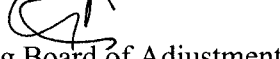
MASON, GRIFFIN & PIERSON

A PROFESSIONAL CORPORATION
COUNSELLORS AT LAW

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: April 27, 2023

**Re: West Windsor Township Zoning Board of Adjustment - Pramod Surendran d(4)
FAR Use Variance; Application No. ZB23-02; Block 91, Lot 16 West Windsor
Township Tax Map; 31 Pierson Avenue; R-20 Residential Zoning District**

The West Windsor Township Zoning Board of Adjustment ("Board") will consider the above-referenced application at its meeting on June 1, 2023.

Pramod Surendran (hereinafter referred to as the "Applicant") and his wife own a single-family home located at 31 Pierson Avenue and designated as Block 91, Lot 16 on the West Windsor Township Tax Map (hereinafter referred to as the "Property"). The Applicant's home currently is a one and one-half story structure. The Applicant proposes improving and enlarging the existing structure by adding to the rear on the first floor a great room/kitchen and on the second floor a master bedroom and three additional bedrooms. There is also a playroom proposed on the second floor.

Within the R-20 Residential Zoning District, pursuant to Section 200-173.2D of the Township's Land Use Ordinance (hereinafter referred to as the "LUO"), the maximum permitted Floor Area Ratio (hereinafter referred to as the FAR percent) is 13%. With the proposed

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addition, the Applicant has calculated that the FAR will increase from 13% to 20.6%.

Consequently, the Applicant seeks from the Board a d (4) use variance for the increase in the FAR percentage.

When considering this application, the Board should be guided by the principals set forth in Coventry Square v. Westwood Zoning Board of Adjustment, 138 N.J. 285 (1994). Initially, the Applicant must demonstrate to the satisfaction of the Board that there are "special reasons" for the Board to allow more intense development on the Property than otherwise permitted by the FAR regulations in the zone. Further, the Applicant must demonstrate that his Property can accommodate any problems associated with an FAR greater than that permitted by the zoning regulations. This means that the Applicant's lot which consists of 0.459 ± acres of land once improved with the requested addition will continue to be a property which fits into the streetscape of the neighborhood wherein it is located as well as the overall zone plan for that neighborhood. The Applicant must also satisfy the Board that by granting the FAR use variance, there will be no substantial detriment to the public good and will not substantially impair the intent and purpose of the R-20 zone plan for the neighborhood in which the Property is located. The focus of this element of the required proofs for the variance relief will involve the impact, if any, the proposed house addition will have on the immediate neighbors of the Property.

The Applicant, in submitting the application materials indicates that there are a number of homes in his neighborhood that exceed the permitted FAR percentage. The Applicant should be

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prepared to discuss the development scheme for their neighborhood and to satisfy the Board that if the application for additional FAR percentage is granted by the Board, the Applicant's improved home will still remain an appropriate fixture within the zoning district/neighborhood wherein it is located.

cc: (via email):

Samuel J. Surtees, West Windsor Township Zoning Officer

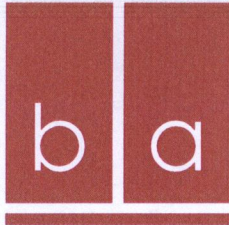
Patricia Thompson, Zoning Board of Adjustment Secretary

David Novak, PP, Burgis Associates, Board Planning Consultant

Daniel Dobromilsky, CLA, Board Landscape Architect

Ian Hill, PE, Van Cleef Associates, Board Engineer

Pramod Surendran, Applicant



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

Date: May 18, 2023

BA#: 4028.07

WWT#: 23-02

Introduction

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 (no revision date).
2. Property Detail Report prepared by Property Records.

Property Description

The subject site is located in the northerly portion of the Township, near the intersection of Pierson Avenue and Mather Avenue. The site has an area of twenty thousand square feet and is rectangular in shape. It fronts along Pierson Avenue for one hundred feet and has a depth of two hundred feet.

The site is presently developed with a single-family dwelling which, as per the submitted Property Detail Report, has a floor area of 1,831 square feet. The dwelling presently contains four bedrooms as well as a kitchen, living room, dining room, sun room, mudroom, two bathrooms, an attached garage, and a deck along its rear. Access to the dwelling is provided by a driveway which extends from Pierson Avenue to the attached driveway. The central and rear portions of the site consist of a treed rear yard area.

Surrounding land uses consist predominantly of single-family dwellings. 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 an addition to the rear of the existing dwelling. As a result of the addition, the dwelling will contain five bedrooms as well as a family room, mud room, kitchen, great room, pantry, yoga room, office, playroom, and three bathrooms. The applicant also proposes a cellar level which will include finished and unfinished areas and an additional bathroom.

Master Plan

As per the 2020 Land Use Plan, the site is located in the Medium Density Residential (R-20, R-20A, and R-20B) land use category. This land use category comprises a number of established residential neighborhoods which are located within three zoning districts: the R-20, the R-20A, and the R-20B Districts. These areas of the Township are predominantly developed with single-family dwellings with typical lot sizes of twenty thousand square feet. While their minimum lot sizes are the same, the different R-20 Districts were originally designed to reflect the specific setback conditions found in those areas.

As noted by the 2020 Plan, it is the main intent of this land use category to recognize and preserve the established character of these neighborhoods and to reinforce the prevailing minimum lot size of twenty thousand square feet.

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 1: 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	89	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	(V) 20.6	200-173.2D.
Max. Improvement Cov. (%)	20	18	20	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 20.6% which equates to approximately 4,123 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.

Improvement Coverage

Section 200-173.2E establishes a maximum improvement coverage of twenty percent for the R-20 District. This equates to approximately 4,000 square feet of permitted coverage on the site. The applicant's zoning table indicates an impervious coverage of twenty percent is proposed. A calculation of this percentage should be provided to confirm compliance with the R-20 District standards.

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. Testimony should focus on the proposed building materials and roof-line designs.

Bedroom Count and Parking

The Residential Site Improvement Standards (RSIS) requires three parking spaces for a five bedroom single-family dwelling. The existing garage and driveway space should be able to accommodate these vehicles. However, the applicant should confirm that the garage will in fact be utilized for parking.

Tree Removal

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

Cellar Floor

It is unclear as to whether the site has an existing cellar, or whether a new cellar is proposed with this application. This should be clarified.

Playroom, Yoga Room, and Office

As previously noted, the applicant has proposed a playroom, yoga room, and an office. It appears that both the office and the yoga room will have closets. Testimony should be provided as to whether this is accurate. If so, the applicant and the Board should discuss whether these rooms could potentially be converted into bedrooms. While the Township does not limit the number of bedrooms in single-family dwellings, additional bedrooms may require additional parking areas.

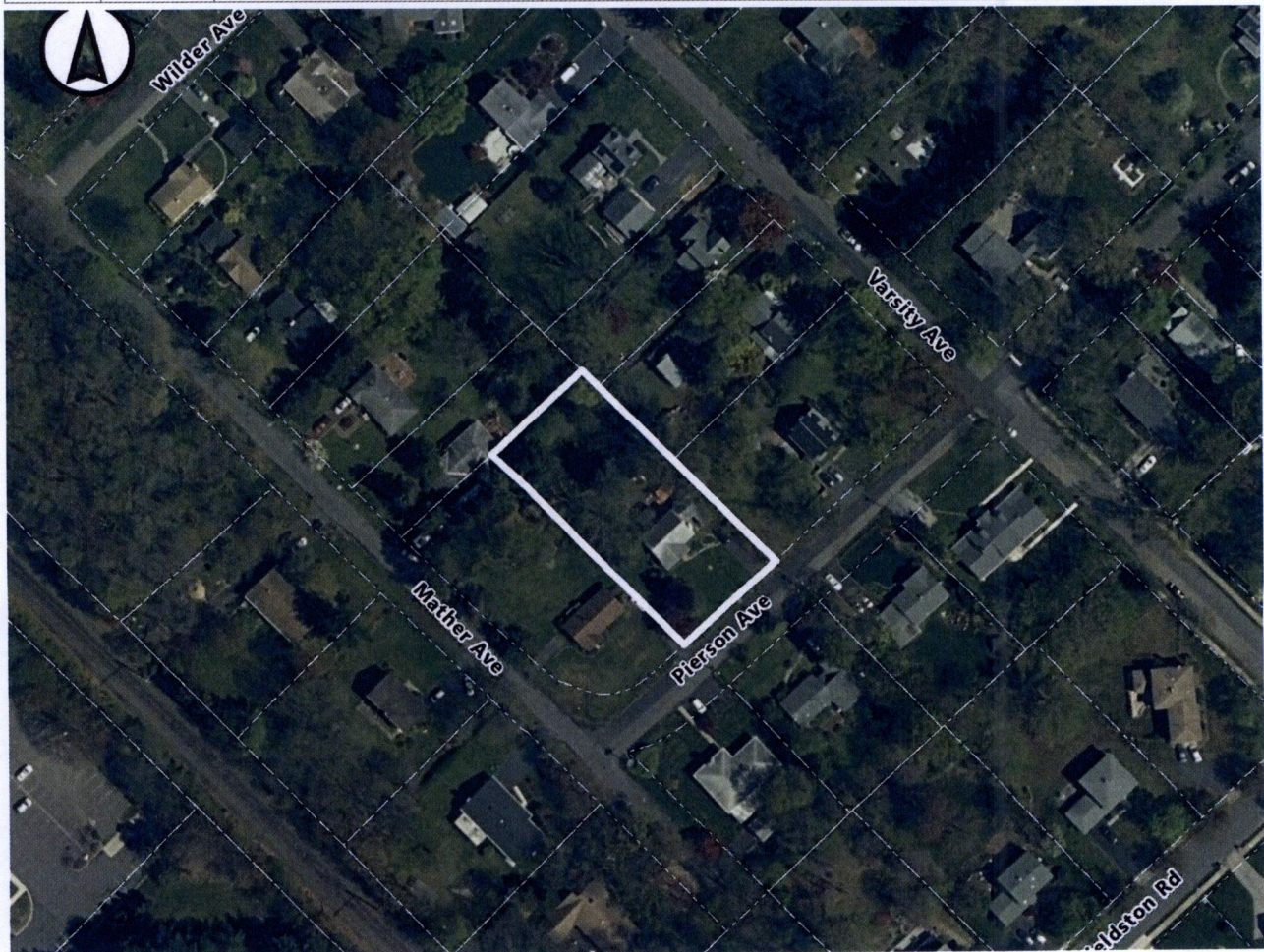
Comparison to Neighborhood

A table as well as two maps have been provided with this memorandum 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 based upon publicly available tax information. Of the twenty-one properties analyzed, three properties exceed the FAR standards of the R-20 District, one of which also exceeds the FAR proposed by the applicant. However, it appears that this dwelling may be a two-family dwelling.

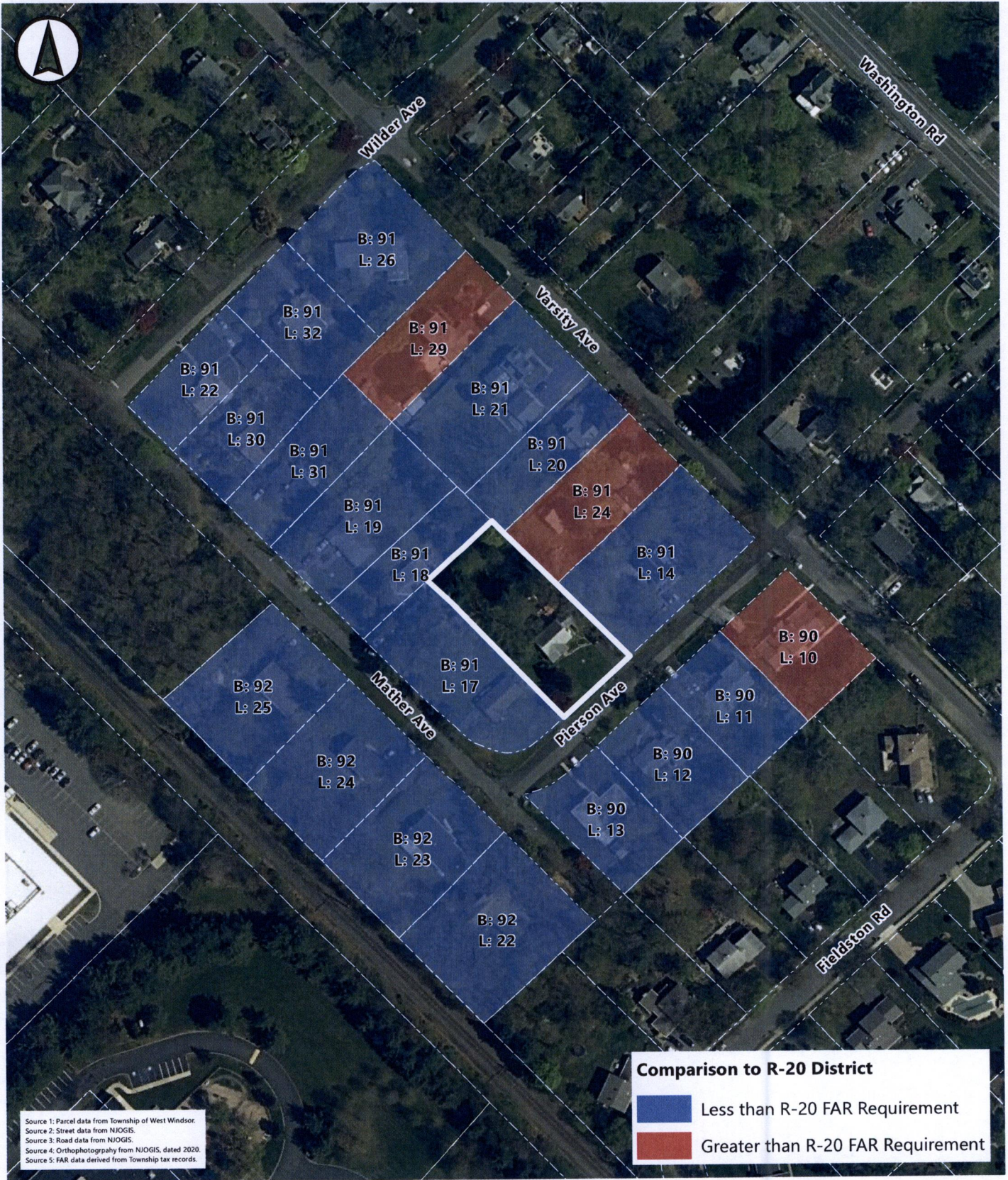
Table 2: FAR Analysis

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	Yes	No
91	26	218 Varsity Ave	21,209	1,798	8.47	No	No
91	29	214 Varsity Ave	15,246	2,208	14.48	Yes	No
91	30	215 Mather Ave	12,632	1,166	9.23	No	No

Block	Lot	Address	Lot Size	Floor Area	FAR	Greater Than District	Greater than Proposal
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	Yes	Yes
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



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



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.

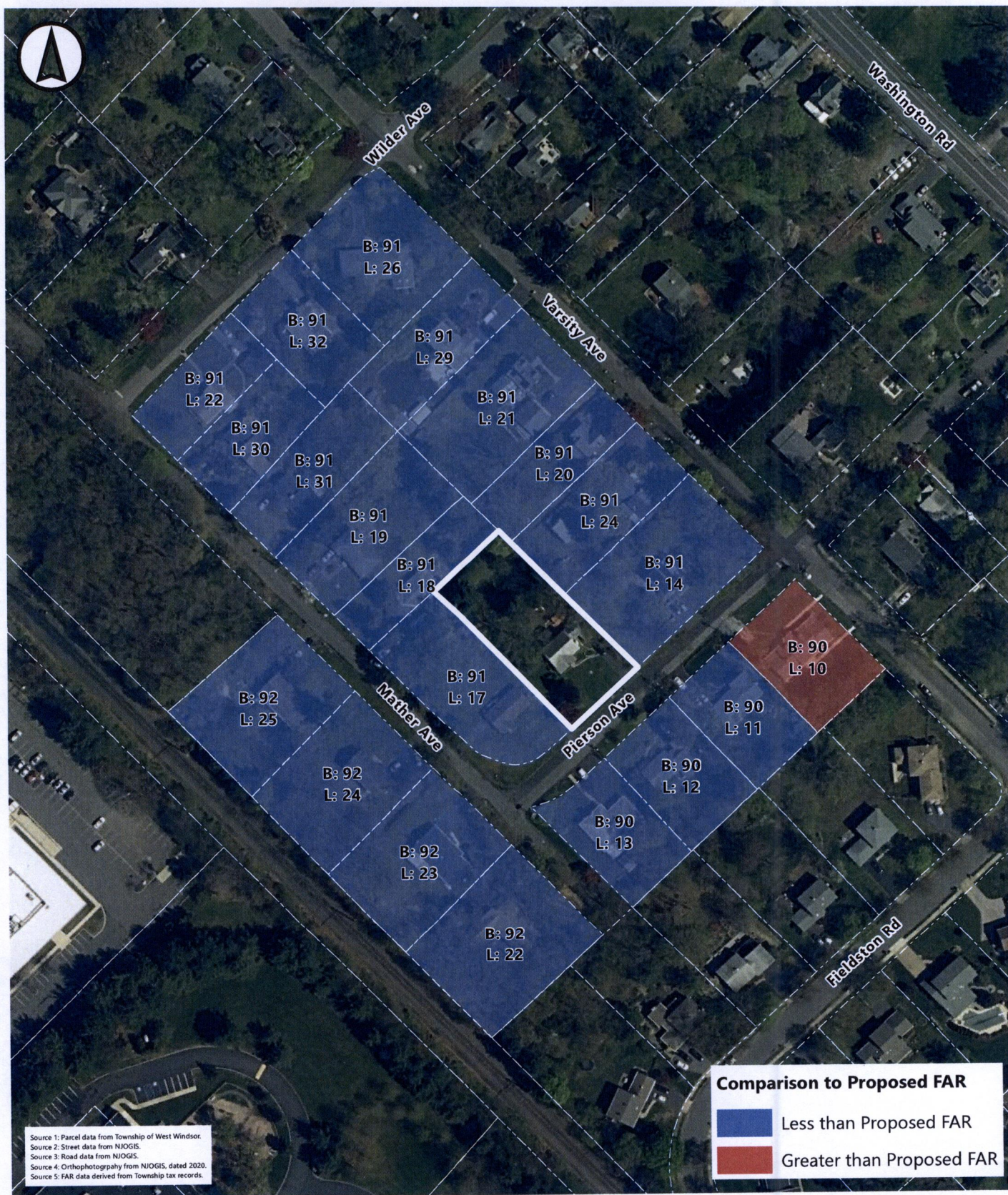
Dwg Title
FAR Map 1: Comparison to R-20 FAR Requirement

Project No.	Date	Drawn By
4028.07	05.08.23	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:
31 Pierson Road Variance Application
 Township of West Windsor | Mercer County, New Jersey

Scale	Dwg. No.
1" = 150'	map 01



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.

Comparison to Proposed FAR

Less than Proposed FAR

Greater than Proposed FAR

Dwg. Title
FAR Map 2: Comparison to Proposed FAR

Project No. 4028.07	Date 05.08.23	Drawn By DN
Scale 1" = 150'	Dwg. No. map 02	