

COMMUNITY PLANNING  
LAND DEVELOPMENT AND DESIGN  
LANDSCAPE ARCHITECTURE

**B U R G I S**  
ASSOCIATES, INC.

Principals:  
*Joseph H. Burgis PP, AICP*  
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*David Novak PP, AICP*

## MEMORANDUM

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

From: David Novak PP, AICP

Subject: Brian Young  
d(4) Floor Area Ratio Variance  
Block 63 Lot 154  
969 Alexander Road

Date: August 15, 2023

BA#: 4028.12

WWT#: ZB23-05

### Introduction

The applicant, Brian Young, has submitted an application seeking "d(4)" floor area ratio (FAR) variance relief to convert an existing upper-story cathedral space into a finished attic to be utilized as a bedroom. The site, which is identified by municipal tax records as Block 63 Lot 154, is located at 969 Alexander Road in the R-1A Low Density Residential District.

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

1. Architectural plan prepared by Primiano Architecture, dated July 7, 2023 (no revision date).
2. Zoning Board of Adjustment Resolution of Approval, dated July 11, 2002.

## Property Description

The subject site is located in the north-central portion of the Township, approximately 50 feet to the east of the intersection of Alexander Road and Scott Ave. The site has an area of approximately 7,759 square feet (0.178 acres) and is somewhat rectangular in shape. It fronts along Alexander Road for 62.93 feet and has a depth of 123.18 feet at its greatest.

The site is presently developed with a two and one-half story single-family dwelling which, as per the submitted variance plan and the Township's publicly available online tax data, has a floor area of 2,077 square feet. The dwelling presently contains three bedrooms. A porch is located along its front façade and a wood deck is located along its rear. Other existing improvements include two sheds, a brick walkway, an existing planter, existing stone pavers, and a driveway which extends along the westerly side property line.

Surrounding land uses consist predominantly of single-family uses to the west, south, north, and east. The Acme Woods tract is located further to the east and an open space tract is located to the south. 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 convert a portion of an existing upper-story cathedral space into a finished attic to be utilized as a bedroom. Furthermore, the applicant proposes to rearrange the bedroom layout on the second floor which will shift access to the attic from a bedroom (as currently arranged) to a proposed interior hallway. As a result of these proposed improvements, the floor area of the dwelling would increase by 59 square feet and the number of bedrooms would increase from three to four.

## Master Plan

As per the 2020 Land Use Plan, the site is located in the Berrien City land use category. The 2020 Plan notes that this land use category recognizes the unique development patterns of the Berrien City area and Princeton Junction. Throughout the 1920s and 1930s, this neighborhood was subdivided into multiple lots, some of which were as small as 5,000 square feet. As was the custom during those times, families would purchase multiple lots depending on their budget and their anticipated household size. As a result, the lot sizes throughout the neighborhood vary greatly in size and shape. The 2020 Plan found that residential lot sizes in Berrien City are typically approximately 10,000 square feet in size; however, nearly thirteen percent of all residential properties in this community have lot sizes of less than 7,500 square feet.

The 2020 Plan indicates that Berrien City is located in the R-1A District which refers to the use, bulk, and area regulations of the R-1/C District. The R-1/C District establishes a minimum lot size of one and two-thirds acre for conventional residential developments. Nevertheless, no residential lot within Berrien City meets this area requirement.

Therefore, the 2020 Plan establishes that the main intent of the Berrien City land use category is two-fold: to recognize and preserve the existing, historic, and unique development pattern of the Berrien City community while also adequately addressing the reasonable expectations of homeowners in regard to modern home improvements.

The 2020 Plan recommends that the Township review the existing development patterns in this community in order to develop new and responsive zoning standards which are more reflective of the area’s existing development patterns. These standards should address the potential of tear-downs of the existing housing stock with significantly larger dwellings which may be out of character with the surrounding neighborhood. It is envisioned that all new residences constructed in Berrien City be developed at a scale that is relatively similar to the existing housing in the area. As such, the 2020 Pan notes that the Township may wish to investigate the propriety of a form-based code which would allow homeowners to upgrade their properties while still maintaining the established character of the area

## Zoning

The site is located in the R-1A 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-1A	Existing	Proposed	Section
Minimum Lot Area (sf)	1 ⅔	(ex) 0.178	(ex) 0.178	200-159A.
Minimum Lot Frontage (ft)	85	(ex) 62.93	(ex) 62.93	200-159B.
Minimum Lot Width (ft)	175	(ex) 63.14	(ex) 63.14	200-159C.
Min. Lot Depth (ft)	175	(ex) 122.88	(ex) 122.88	200-159D.
Minimum Front Yard (ft)	40	41.50	41.50	200-159E.(1)
Minimum Rear Yard (ft)	20	33.30	33.30	200-159E.(2)
Minimum Side Yard (ft)	20	(ex) 13.60	(ex) 13.60	200-159E.(3)
Maximum FAR (%)	13	(ex) 26.80	<b>(V) 27.56</b>	200-159F.
Max. Improvement Cov. (%)	17	(ex) 46.74	(ex) 46.74	200-159G.
Max. Building Height (st/ft)	2.5/35	2.5/<35	2.5/<35	200-159H.

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

Clarifications are required regarding the following items.

1. Lot Size. The variance plan notes that the subject site has an area of approximately 7,749 square feet, while the application materials note the site has an area of 7,758 square feet. While minor, this discrepancy should be addressed.
2. Existing FAR. The variance plan notes that the property has an area of 7,749 square feet and that the dwelling has an existing floor area of 2,077 square feet. This equates to an existing FAR of 26.80%, whereas the zoning table identifies an existing FAR of 26.41%.

3. Proposed FAR. The applicant notes that the proposed conversion will increase the dwelling's floor area by 59 square feet, thus resulting in a total floor area of 2,136 square feet. This would equate to a proposed FAR of 27.56%, whereas the zoning table identifies a proposed FAR of 27.17%.

## "d(4)" 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-1/A District establishes a maximum FAR of 13% which equates to approximately 1,008 square feet of permissible floor area for the subject site. The applicant has proposed a FAR of 27.56% which equates to approximately 2,136 square feet of floor area. For reference, the site presently has a FAR of 26.41% which equates to approximately 2,077 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. This discussion should focus on the floor-to-ceiling height.

**Bedroom Count and Parking**

The Residential Site Improvement Standards (RSIS) requires 2 parking spaces for a three-bedroom dwelling and 2.5 parking spaces for a four-bedroom dwelling. Based upon the length and width of the driveway, we find that the applicant can address this standard.

**Existing and Proposed Site Conditions**

The following is noted regarding the existing and proposed site conditions:

1. Fence. Sheet V-1A shows the applicant’s fence extend onto the adjoining properties to the north and east. Testimony should be provided as to whether this is an existing condition.
2. Façade and Exterior Changes. Except for the installation of an egress window on the attic level, it does not appear as though any façade or exterior changes are proposed. This should be confirmed through testimony.
3. Attic Access. The applicant should discuss the existing and proposed access to the attic. Testimony should be provided as to fire safety. We note that the plans will have to comply with any and all applicable residential building codes.

**Comparison to Neighborhood**

The applicant has provided a FAR Study on Sheet V-1A which is based upon publicly available tax information. We have prepared a similar study as well as two maps identifying those dwellings which exceed the FAR standards established by the R-1A District as well as those which exceed the proposed FAR of the subject site. For Block 11.01 Lot 17, we utilized the FAR which was recently approved by the Zoning Board of Adjustment.

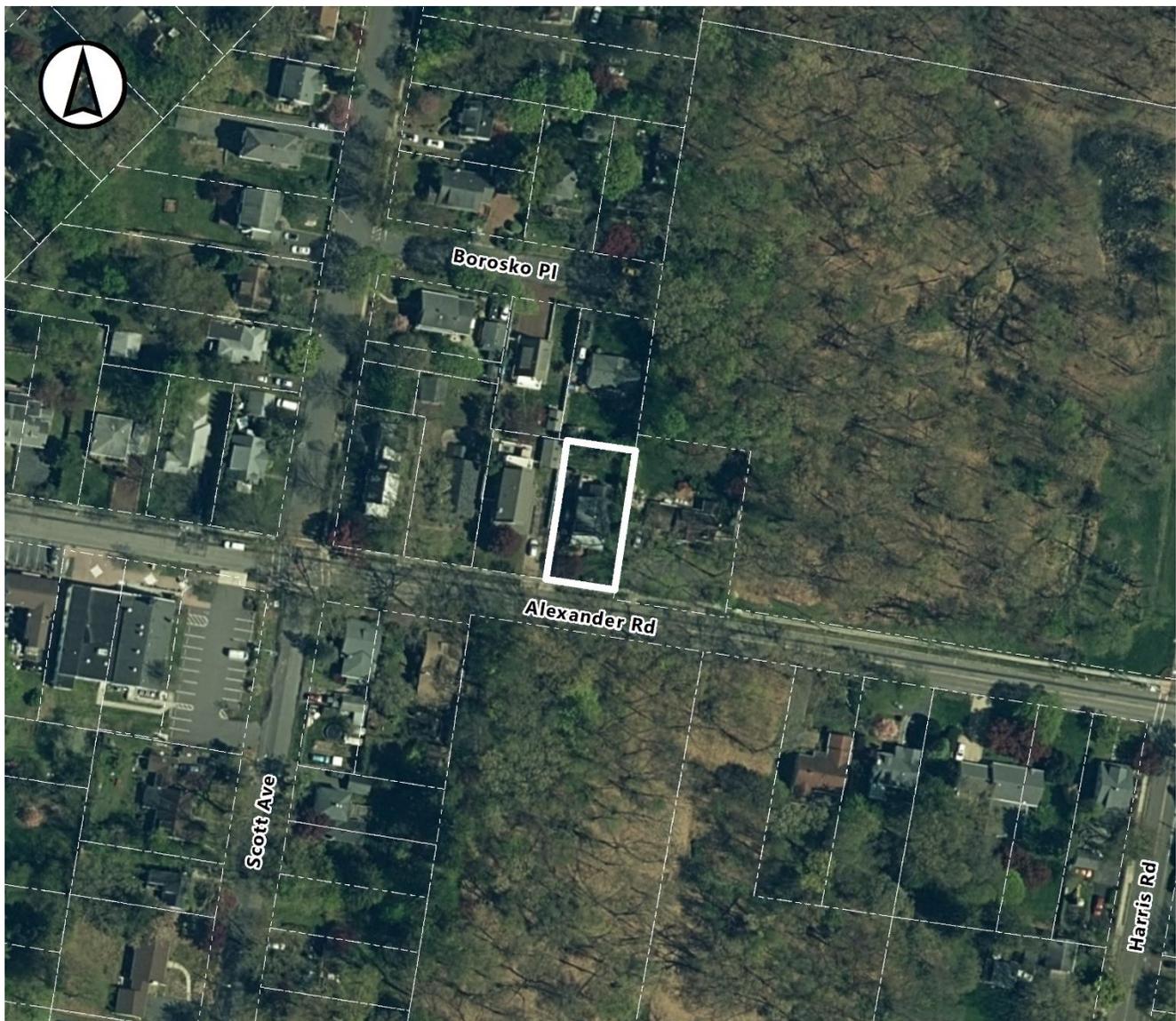
As shown, five properties in the area presently exceed the FAR permitted by the R-1A District. No properties exceed the FAR proposed by the applicant.

*Table 2: FAR Analysis*

Block	Lot	Address	Lot Size (ac)	Floor Area	FAR	Greater Than District	Greater than Proposal
76	52	960 Alexander Road	0.17	1,194	16.35%	<b>Yes</b>	No
76	53	962 Alexander Road	0.26	1,815	16.02%	<b>Yes</b>	No
63	156	963 Alexander Road	0.25	1,246	8.17%	No	No

Block	Lot	Address	Lot Size (ac)	Floor Area	FAR	Greater Than District	Greater than Proposal
63	155.01	967 Alexander Road	0.35	3,392	22.25%	<b>Yes</b>	No
6.20	51	971 Alexander Road	0.38	1,488	8.99%	No	No
11.01	17	976 Alexander Road	0.28	1,265 <sup>2</sup>	122.10%	<b>Yes</b>	No
11.01	16	978 Alexander Road	0.28	1,492	12.46%	No	No
80	5	982 Alexander Road	0.63	2,940	10.71%	No	No
80	4	986 Alexander Road	0.22	1,176	12.27%	No	No
63	157	19 Scott Avenue	0.18	1,296	16.53%	<b>Yes</b>	No

<sup>1</sup> Approved



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



Dwg. Title	Project No.	Date	Drawn By
FAR Map 1: Comparison to R-1A FAR Requirement	4018.12	08.03.23	DN

<p><b>BURGIS ASSOCIATES, INC.</b>        COMMUNITY PLANNING   LAND DEVELOPMENT AND DESIGN   LANDSCAPE ARCHITECTURE        25 Westwood Avenue        Westwood, New Jersey 07675        p: 201.666.1811        f: 201.666.2599</p>	Project Title:	Scale	Dwg. No.
	969 Alexander Road Variance Application Township of West Windsor   Mercer County, New Jersey	1" = 100'	map 01



Dwg. Title  
**FAR Map 2: Comparison to Proposed FAR**

Project No.	Date	Drawn By
4018.12	08.03.23	DN