



WEST WINDSOR TOWNSHIP

DEPARTMENT OF COMMUNITY DEVELOPMENT DIVISION OF ENGINEERING

MEMORANDUM

TO: West Windsor Township Planning Board

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

DATE: May 19, 2020

SUBJECT: **Clinton D. & Marta S. Lively**
Minor Subdivision (Lot Line Adjustment)
Block 19, Lots 49 & 81
#28 & 32 North Mill Road
PB 20-04

Documents Received/Reviewed:

The following documents have been submitted for review:

- A. Plan entitled "Plan of Minor Subdivision of Lot 81, Block 19 and Lot 49, Block 19 in West Windsor Township, Mercer Co., New Jersey" prepared by Trenton Engineering Co., Inc. (Craig W. Stratton PLS), dated February 24, 2020; consisting of one (1) sheet.;
- B. Plan entitled "Plan of Survey of Lot 81, Block 19 and Lot 49, Block 19 in West Windsor Township, Mercer Co., New Jersey" prepared by Trenton Engineering Co., Inc. (Craig W. Stratton PLS), dated February 27, 2020; consisting of one (1) sheet;
- C. Legal description entitled "#28 North Mill Road – Description of Proposed Lot 49, Block 19, West Windsor Township Tax Map, Mercer County, New Jersey" prepared by Trenton Engineering Co., Inc. (Craig W. Stratton PLS), dated March 30, 2020;
- D. Legal description entitled "#32 North Mill Road – Description of Proposed Lot 81, Block 19, West Windsor Township Tax Map, Mercer County, New Jersey" prepared by Trenton Engineering Co., Inc. (Craig W. Stratton PLS), dated March 30, 2020; and
- E. Development Application Package Including
 - Development Application
 - Subdivision Checklist

Narrative:

The applicant has provided a plan proposing a Lot Line Adjustment / Minor Subdivision of existing Lots 49 and 81 in Block 19 into two modified lots with approximately 1.392 acres being transferred from Lot 49 (n/f

Schroeder, William & Donna, Trustees) to Lot 81 (Lively, Clinton & Marta). Each lot is currently developed with a single-family home and ancillary improvements such as a blacktop driveway, garage and sidewalk. In the case of Lot 49 they also include a paved driveway, 2-story garage/guest house, in-ground swimming pool, various slate walks and two outbuildings identified as sheds on the survey for Lot 81. The two properties front along North Mill Road, between Piedmont Drive and Clarksville Road, and are located within the R-1/C Residential zoning district.

The gross area of Proposed Lot 49 is to be reduced from 133,311 square feet (3.060 acres) to 72,651 square feet (1.668 acres), and the gross area of Proposed Lot 81 is to be increased from 170,831 square feet (3.922 acres) to 231,489 square feet (5.314 acres). The minimum lot area in the R-1/C zone is 1.67 acres, so the current proposal might have required a 'C' variance for Lot 49, which falls 0.002 acres short of fully meeting the 1.67-acre standard (1.668 acres proposed). Additionally, this proposed lot area includes lands within the current required right-of-way of North Mill Road. As part of any subdivision approval, this area is typically recommended to be dedicated to the Township in fee (comment 1.02 below). Such a dedication would reduce the net area allocated to Lot 49 to below the minimum required. The proposed common lot line would therefore require adjustment to provide a conforming lot area, or a variance for Lot Area for Proposed Lot 49 will be required.

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

1.0 Minor Subdivision

1.01 The following waivers from the Minor Subdivision Checklist §200-50.C have been requested:

- a. Item 200-50.C.3 requires, in part, that isolated trees more than 5" in diameter and topography is to be shown on the plan, but it has not been provided. The applicant has requested a waiver of this requirement with the justification that no development is proposed on either of the lots. I have no objection to granting this waiver.
- b. Minor Subdivision Checklist Item 200-50.C.8 requires the location of percolation tests as determined by the Board of Health. The applicant has requested a waiver of this requirement, with the justification that no development is proposed on either of the lots. I have no objection to granting this waiver.
- c. Minor Subdivision Checklist Item 200-50.C.10 requires that the Applicant submit a preliminary Environmental Impact Statement. The applicant has requested a waiver of this requirement, with the justification that no development is proposed on either of the lots. I have no objection to granting this waiver.
- d. Minor Subdivision Checklist Item 200-50.C.12 requires the preparation of a concept landscaping plan. The applicant has requested a waiver of this requirement, with the justification that no development is proposed on either of the lots. I have no objection to granting this waiver.
- e. Minor Subdivision Checklist Items 200-50.C.14 and 15 require the submission of an LOI for the property if wetlands exist. The applicant has requested a waiver of this requirement, with the justification that no development is proposed on either of the lots. I have no objection to granting this waiver, and note that no wetlands are shown on either property per available NJDEP mapping on the State's Geo-web website.

- 1.02 North Mill Road 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 width along the frontage of Lot 49 is 33 feet (16.5 feet from centerline). No dedication of right-of-way is currently proposed; however, as previously discussed, a 30’-wide dedication from the centerline of the road is recommended. Such a dedication will impact the bulk standards for Proposed Lot 49.

It is noted that Lot 81 has previously dedicated a total 35 feet of right-of-way measured from the centerline to the Township, so no further dedications will be required from that parcel.

- 1.03 Three of the property corners of the proposed subdivision are required to be identified on the Plan of Minor Subdivision using NJ State Plane Coordinates, with one such corner being a common corner between the modified lots.
- 1.04 The Minor Subdivision Plan indicates in Note #2 that subdivision will be perfected via deed. Deed documents for each modified lot must be submitted to the Board attorney for review and approval.

2.0 Miscellaneous

- 2.01 Per §200-60, sidewalks are required to be installed on both sides of all streets. Currently, no sidewalks exist on either side of North Mill Road in either direction from the subject properties, but are proposed in the Master Plan. The Board has required a contribution for future construction of sidewalk along both lot frontages be provided to the Township in lieu of construction as part of prior minor subdivisions applications. However, as previously noted, this application is for a lot line adjustment only, and results in no new dwelling construction.
- 2.02 Stormwater management is required for all subdivisions that will ultimately disturb more than one-acre of land per §200-101. As no development is proposed, this will not be required as part of this application.
- 2.03 Proposed lot numbers and street addresses for the new lots shall be as designated by the Township Engineer, if the Board approves the subdivision. If approved, the modified lots shall be known as Lots 49.01 and 81.01, respectively. No change of street address is required since no new lots are being created.
- 2.04 Metes and bounds descriptions have been submitted for review by this office. I have reviewed same with the Plan of Minor Subdivision and offer the following:
- a. The length of Course #2 for Proposed Lot 81 is shown as 1,125.25 feet in the description but 1,121.25 feet on the Plat. Please review and confirm which value is correct and make the necessary adjustment.
 - b. There is a 2 s.f. area discrepancy in the total tract area between existing and proposed conditions that is to be resolved.
 - c. The “Area to Be Conveyed from Lot 49 to Lot 81” is to be identified as such on the Plan of Minor Subdivision, with metes and bounds and calculated area shown. Typically a separate deed and description for the area to be conveyed is also prepared and recorded, should this project be approved by the Planning Board.
- 2.05 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.

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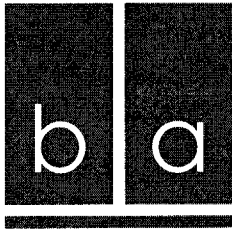
2.06 The following outside agency approvals may be required:

- 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: Ryan P. Kennedy, Esq. Applicant (RPKE@stevenslee.com)
Craig W. Stratton, PLS, Applicant's Surveyor



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: Clinton and Maria Lively
Minor Subdivision/Lot Line Adjustment
Block 19 Lots 49 and 81
28 and 32 North Mill Road

Date: May 18, 2020

BA#: 3688.08

WWT#: PB 20-04

Introduction

The applicant, Clinton and Maria Lively, has submitted an application seeking a minor subdivision for a lot line adjustment. The site, which is identified by municipal tax records as Block 19 Lots 49 and 81, is located at 28 and 32 North Mill Road in the R-1/C Residence District.

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

1. Minor Subdivision Plan prepared by Trenton Engineering Company, Inc., consisting of one (1) sheet, dated February 24, 2020.
2. Survey prepared by Trenton Engineering Company, Inc., consisting of one (1) sheet, dated February 27, 2020.

Property Description

The subject site is located within the northeasterly portion of the Township along North Mill Road, between Community Park and Grover's Mill Pond. The site has a total area of approximately seven (7) acres and consists of two separate lots.

❖ Lot 49

Lot 49 comprises the southwesterly portion of the site. The lot presently has an area of 3.060 acres and is mostly rectangular in shape. It fronts along North Mill Road for approximately 156 feet, and has a depth that ranges from 867 feet to 910 feet. It is presently developed with a single-family dwelling which is located near its southwesterly corner as well as a freestanding garage.

❖ Lot 81

Lot 81 comprises the northeasterly portion of the site. The lot presently has an area of 3.922 acres and is flag-shaped. It fronts along North Mill Road for approximately 22 feet and has a depth of approximately 1,120 feet. It is presently developed with a single-family dwelling which is located within its rear easterly portion, as well as a freestanding garage/guest house and a pool.

Surrounding land uses consist of: single-family dwellings to the north; West Windsor Community Park to the east; single-family dwellings to the south; and single-family dwellings to the west. 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 has proposed a minor subdivision for a lot line adjustment. The rear easterly property line of Lot 49 is proposed to be shifted approximately four hundred and three (403) feet to the west, thus decreasing the size of that lot from 3.060 acres to 1.668 acres. This proposed shift will increase the flag portion of Lot 81, and the area of that lot will increase from 3.922 acres to 5.314 acres. The portion of land to be conveyed largely consists of a wooded area.

Master Plan

As per the 2020 Land Use Plan, the subject site is located in the R-1/C land use category, which corresponds to the R-1/C District. The district is primarily located within the vicinity of Mercer County Lake, Grover's Mill Pond, and along the Millstone River Corridor. It is generally comprised of larger vacant, farm assessed, and preserved properties, and also contains significant amounts of Greenbelt and proposed open space.

The 2020 Land Use Plan notes that the general intent of this land use category and the corresponding R-1/C Residence District is to preserve environmentally sensitive lands and open space areas. Where development is proposed, a lower-density development pattern should be maintained. The R-1/C District establishes a minimum size of one and two-third (1 2/3) acre for conventional residential lots. In addition, the 2020 Land Use Plan continues to promote clustering on larger tracts of land in order to allow for more creative and desirable site designs which enable the preservation of open space and the conservation of environmentally sensitive areas.

Zoning

The site is presently located in the R-1/C Residence District, wherein single-family dwellings are permitted. The following table compares the proposed subdivision's compliance with the bulk standards of the R-1/C District.

Table 1: R-1/C District Bulk Standards

| Regulations | Required | Existing Lot 49 | Proposed Lot 49 | Existing Lot 81 | Proposed Lot 81 | Code |
|------------------------------|----------|------------------|------------------|--------------------|--------------------|---------------|
| Min. Lot Area (ac) | 1.66 | 3.060 | 1.668 | 3.992 | 5.314 | 200-159.A |
| Min. Lot Frontage (ft) | 85 | 156.13 | 156.13 | (ex) 22.73 | (ex) 22.73 | 200-159.B |
| Min. Lot Width (ft) | 175 | 155.46 | 155.46 | (ex) *30.00 | (ex) *30.00 | 200-159.C |
| Min. Lot Depth (ft) | 175 | > 175.00 | > 175.00 | > 175.00 | > 175.00 | 200-159.D |
| Min. Yards (ft) | | | | | | 200-159.E |
| Front Yard | 40 | 59.76 | 59.76 | 940.75 | 940.75 | 200-159.E.(1) |
| Rear Yard | 20 | * 780.00 | * 380.00 | 162.01 | 162.01 | 200-159.E.(2) |
| Side Yard | 20 | (ex) 5.43 | (ex) 5.43 | 93.07 | 93.07 | 200-159.E.(3) |
| Max. FAR (%) | 13 | 1.71 | 3.14 | 5.52 | 4.07 | 200-159.F |
| Max. Imp. Cov. (%) | 17 | 4.11 | 7.54 | 13.56 | 10.00 | 200-159.G |
| Max. Building Height (st/ft) | 2.5/35 | 2/24 | 2/24 | 2/23 | 2/23 | 200-159.H |

(ex) Existing Nonconforming Condition; *estimate

We note the following existing nonconforming conditions which are not proposed to change with this application. The zoning table provided on the applicant's minor subdivision plan incorrectly identified these nonconforming conditions as variances. Nevertheless, variance relief is not required at this time. Should the Board approve this application, we recommend that it be conditioned on the zoning table being updated to reflect this.

1. Lot 49: Side Yard Setback. Lot 49 has an existing and proposed side yard setback of 5.43, whereas a side yard setback of twenty (20) feet is required.
2. Lot 81: Lot Frontage. Lot 81 has an existing and proposed lot frontage of 22.73 feet, whereas a lot frontage of eighty-five (85) feet is required.

3. Lot 81: Lot Width. The applicant's zoning table should be updated to reflect that the existing lot width for Lot 81 is nonconforming. Section 200-4 of the Township's land use and development regulations establishes that "lot width" is defined as "the distance between the side lines measured parallel to the front lot line at the minimum front yard setback line." As such, the lot width should be measured at the required forty (40) foot front yard setback, which is located in the stem portion of the lot.

Planning Review

We offer the following comments on the proposed development:

1. Purpose. The applicant should discuss the purpose of the proposed lot line adjustment.
2. Existing and Proposed FAR and Improvement Coverage. In order to confirm compliance with the R-1/C District's standards, the applicant should provide the calculations for the existing and the proposed FAR and improvement coverages.

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."

Likewise, "improvement coverage" is defined as:

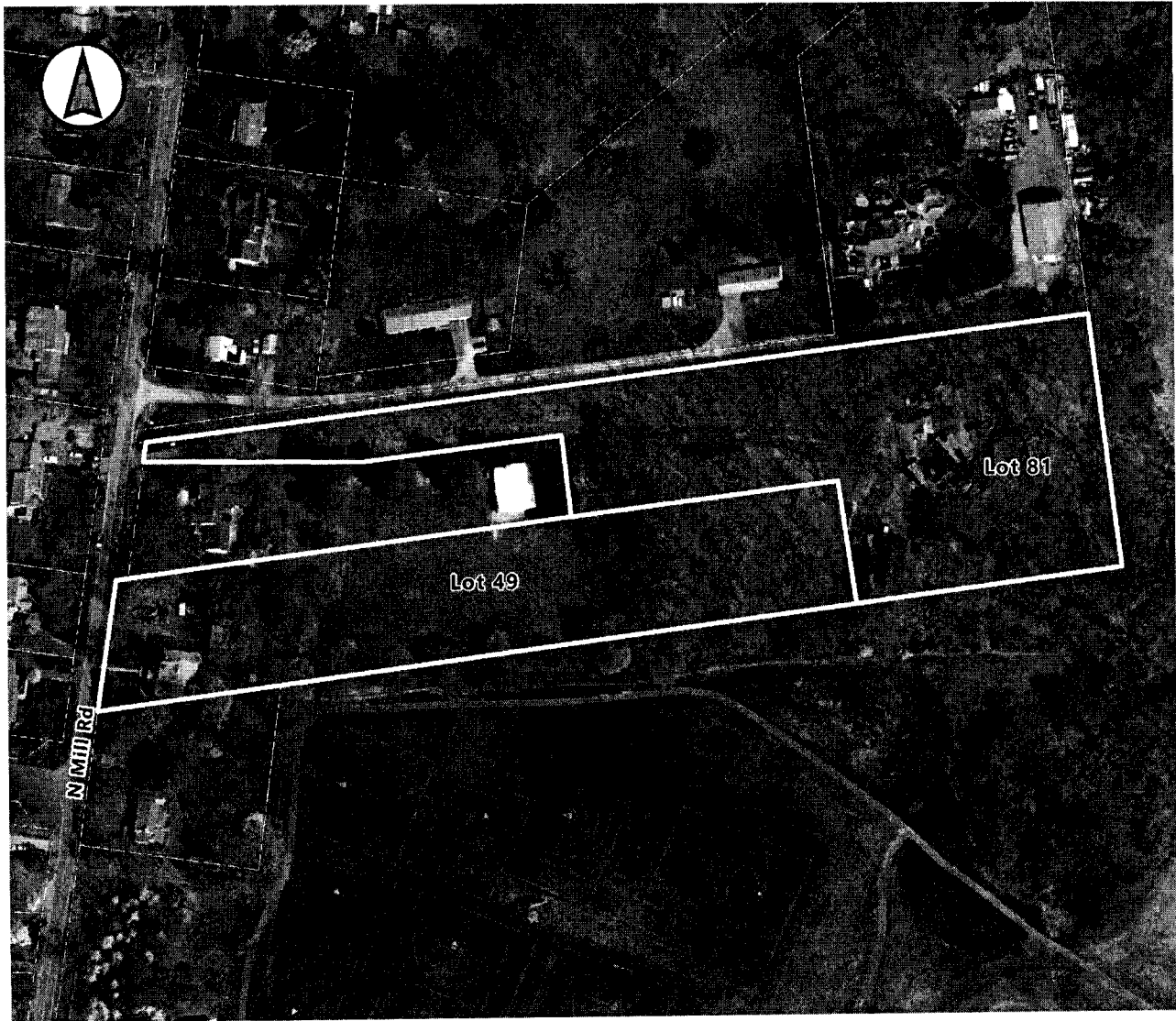
"The building coverage plus the area of all paved surfaces, both impervious and pervious, which cover a lot, such as required parking spaces, including necessary maneuvering areas, passageways and driveways giving access thereto, service areas, accessways, streets, walkways, patios and plazas but excluding 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."

3. Permitted Total Floor Area. Section 200-159.F of the Township's land use regulations establishes a maximum FAR of thirteen percent (13%) for dwellings in the R-1/C District. Should the Planning Board approve this application, the following total floor areas would be permitted for each lot. We do not find these potential floor areas to be limiting for a single-family dwelling.
 - a. Proposed Lot 49. Proposed Lot 49 would be permitted a total floor area of approximately 9,445 square feet. For reference, the lot is presently permitted to have a total floor area of approximately 17,330 square feet.
 - b. Proposed Lot 81. Proposed Lot 81 would be permitted a total floor area of approximately 30,090 square feet. For reference, the lot is presently permitted to have a total floor area of approximately 22,210 square feet.
4. Permitted Improvement Coverage. Section 200-159.G of the Township's land use regulations establishes a maximum improvement coverage of seventeen percent (17%) for properties in the R-1/C District. Should the Planning Board approve this application, the following improvement coverages would be permitted for each lot. Once again, we do not find these improvement coverages to be limiting for single-family dwelling.
 - a. Proposed Lot 49. Proposed Lot 49 would be permitted a total improvement coverage of approximately 12,350 square feet. For reference, the lot is presently permitted to have an improvement coverage of 22,660 square feet.
 - b. Proposed Lot 81. Proposed Lot 81 would be permitted a total improvement coverage of approximately 39,350 square feet. For reference, the lot is presently permitted to have an improvement coverage of approximately 29,040 square feet.
5. Lot 81 Driveway. Under the present lot configuration, it appears as though a small portion of the driveway serving Lot 81 is located within the northeasterly tip of Lot 49. This condition will be eliminated as a result of the proposed lot line adjustment. This should be confirmed by the applicant.
6. Lot 81 Wire Fence. A wire fence is presently located near the shared lot line of Lots 17 and 81. The applicant should provide testimony as to who owns this fence.

7. Lot 49 Sidewalk. The applicant should confirm that the sidewalk located along the southerly side of the existing dwelling on Lot 49 does not cross over into adjoining Lot 34.

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



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Cc: S. Surtees, WWT CD
Lisa Komjati, WWT CD
Ian Hill, Consultant Engineer
Gerald Muller, Esq., Board Attorney