

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: Kaydan, LLC
Minor Site Plan and Variance Relief
Block 25 Lot 25.01
1676 Old Trenton Road

Date: January 25, 2023

BA#: 3908.10

WWT#: PB 22-04

Introduction

The applicant, Kaydan, LLC, has submitted an application seeking minor site plan approval as well as variance relief to construct an addition to an existing residence and veterinary hospital. The site, which is identified by municipal tax records as Block 25 Lot 25.01, is located at 1676 Old Trenton Road in the R-1/C Low-Density Residential/Conservation District.

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

1. Site plan prepared by David Barger Associates, dated May 2, 2022 (last revised January 10, 2023).
2. Plan of survey prepared by Stout & Caldwell Engineers, LLC dated January 10, 2023 (no revision date).
3. Site and grading plan prepared by Stout & Caldwell Engineers, LLC dated January 10, 2023 (no revision date).
4. Memorandum from Peter M. Flannery, Esq. dated January 11, 2023.
5. Planning Board Resolutions of Approval dated February 13, 2002 and November 28, 2012.

Property Description

The subject site is located in the southerly portion of the Township, near the intersection of Old Trenton Road and Chamberlain Drive. The site has an area of 3.51 acres (152,818 square feet) and is irregular in shape. It fronts along Old Trenton Road for 212 feet and has a depth of approximately 514 feet. The site is presently developed with an existing residence and veterinary hospital. Thirteen parking spaces are located to the southeast of the building. Access to the site by a driveway which extends to Old Trenton Road.

As noted by the prior 2002 Planning Board Resolution of Approval, the veterinary clinic was approved in 1985 when it was granted a use variance to operate in a portion of the existing house. In May of 2000, the Township's R-1 zoning regulations (in which the site was previously located) were amended to identify veterinary clinics that were in existence as of January 1, 2000 as permitted uses, subject to certain provisions. In 2002, the applicant received approval and variance relief to convert 328 square feet of dwelling area into veterinary area. Subsequently, the applicant received approval in 2012 to construct a 240-square foot addition which was to be used as a waiting room. Striping of an existing paved parking area, the construction of a sidewalk, and the relocation of utilities were also approved.

Surrounding land uses consist of: Mercer County Park to the west and north; single-family dwellings to the east; and open space 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 construct a 213-square foot addition as well as new steps, a landing, and a walkway along the southeasterly portion of the building. The addition is to be utilized as an office. A new ramp is also proposed along the northeasterly side of the building which will connect to an existing elevated concrete terrace. New ADA parking space paving is also proposed.

In conjunction In conjunction with these improvements, the applicant proposes to remove 701 square feet of improved areas which consist of existing walkways, steps, ramps, landings, paving, and a retaining wall.

Master Plan

As per the 2020 Land Use Plan, the site is in the Low Density Residential/Conservation (R-1/C) land use category, which is primarily located within the vicinity of Mercer County Lake, Grover's Mill Pond, and along the Millstone River Corridor near the Township's easterly municipal border. This land use category is generally comprised of larger vacant, farm assessed, and preserved properties. It 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 corresponding 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 ($1 \frac{2}{3}$) acre for conventional residential lots. 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 located in the RR/C District wherein veterinary clinics in existence as of January 1, 2000 are permitted. Section 200-156A.(10) of the Township's land use regulations establishes the standards for these uses, which are summarized below.

The applicant should revise the zoning tables on both the site and grading plan as well as Sheet SP1 of the minor site plan to reflect the standards of Section 200-156A.(10). We note that both zoning tables rely upon the bulk standards of the RR/C District as established in Section 200-157. However, several regulations contained in Section 200-156A.(10) – including minimum lot area, certain setback requirements, floor area ratio (FAR), and improvement coverage – supersede the typical RR/C standards contained in Section 200-157.

The accompanying zoning table contained herein relies upon information from the submitted, the application forms, and the prior resolutions of approval. Thus, the applicant should confirm the status of its compliance with these standards. As is consistent with the 2012 Resolution of Approval, nonconforming conditions which are not proposed to change with this application will not require variance relief.

Table 1: Veterinary Clinics

Regulations	Required	Existing	Proposed	Section
Min. Lot Area (ac)	3 ¼	3.51	3.51	200-156A.(10)(a)
Distance to Res. Use/District (ft)	150	(ex) 87.85	(V) 78.35	200-156A.(10)(b)
Soundproofing	Required	TBD	TBD	200-156A.(10)(c)
Ventilation	Required	TBD	TBD	200-156A.(10)(d)
Animals may be kept overnight for medical reasons only		TBD	TBD	200-156A.(10)(e)
Animals shall be housed indoors, only outside for short period		TBD	TBD	200-156A.(10)(f)
Max. Floor area for overnight boarding	30%	TBD	TBD	200-156A.(10)(g)
Frontage/Access along arterial roadway	Required	Complies	Complies	200-156A.(10)(h)
Setbacks (ft)				
Front Yard	100	356.93	356.93	200-156A.(10)(i)
Side Yard	60	(ex) 31.31	(ex) 31.31	200-156A.(10)(i)
Rear Yard	60	84.72	84.72	200-156A.(10)(i)
Landscape Buffer (ft)	50	TBD	TBD	200-156A.(10)(j)
Attached dwelling unit	Required	Complies	Complies	200-156A.(10)(k)
Number of Clinics per Tract	1	Complies	Complies	200-156A.(10)(l)
Cremation	Not permitted	TBD	TBD	200-156A.(10)(m)
Max. FAR (%)	9	2.38	2.52	200-156A.(10)(n)
Max. Coverage (%)	20	13.09	13.37	200-156A.(10)(o)
Pitched roofs	Preferred	Complies	Complies	200-156A.(10)(p)

* Estimate; TBD To Be Discussed

“C” Variance Relief

The applicant requires variance relief pursuant to NJSA 40:55D-70c.(1) and/or (2) of the Municipal Land Use Law (MLUL) for the following items:

1. Distance to Residential Use or District. Variance relief is requested from Section 200-156A.(10)(b) which establishes that a veterinary clinic must be sited at least one hundred and fifty feet from any residential use or zoning district. The submitted application materials indicate that a setback of 78.35 feet is proposed. For reference, the clinic presently has a setback of 87.85 feet. The applicant should clearly identify from where this setback was measured.
2. Landscape Buffer. Variance relief may be required from Section 200-156A.(10)(j) which requires a landscape buffer width of at least fifty feet within the aforementioned one hundred and fifty foot residential setback. Testimony should be provided as to whether the proposed improvements will impact this buffer.

The statute provides two approaches to (c) variance relief, commonly referred to as the “physical features” test and the “public benefits” test.

1. Physical Features Test. An applicant may be granted c(1) variance relief when it is demonstrated that the noncompliant condition is caused by: 1) an exceptional narrowness, shallowness, or shape of the property; 2) exceptional topographic conditions or physical features uniquely affecting a specific piece of property, or; 3) by reason of extraordinary and exceptional situation uniquely affecting a specific piece of property or the structures lawfully existing thereon.
2. Public Benefits Test. An applicant may be granted c(2) variance relief where it can prove the following: 1) that the granting of the variance will advance the intents and purposes of the Municipal Land Use Law; 2) that the benefits of granting the variance substantially outweigh any potential detriments. The benefits are required to be public benefits rather than a benefit that simply accrues to the property owner.

In addition to the above, the applicant must address the Negative Criteria of the statute. To meet the negative criteria, an applicant must demonstrate the variance can be granted without substantial detriment to the public good and that it will not substantially impair the intent and purpose of the master plan and zoning ordinance.

Planning Review

We offer the following comments on the proposed development:

Additional Zoning Information

As previously noted, the applicant should supplement its zoning information. Specifically, the applicant should provide updates for the following:

1. Soundproofing. As noted by Section 200-156A.(10)(c), buildings housing animals shall be soundproofed to a maximum transmission of 65 dB measured on the outside of the exterior wall. This section also offers additional soundproofing requirements, including but not limited to: non-opening windows and forced-air ventilation, solid core doors and sound-absorbent ceilings.

We note that the addition is for an office. Thus, it will not be used for housing animals.
2. Ventilation. Section 200-156A.(10)(d) establishes that proper and ample ventilation of all animal areas in buildings shall be demonstrated to the satisfaction of the Board of Jurisdiction and shall meet all state licensing requirements. As previously noted, the proposed addition is for an office. Thus, it is not intended to be an “animal area.” Testimony should be provided regarding whether the ventilation of the building will change with this application.
3. Keeping of Animals Overnight. Section 200-156A.(10)(e) establishes that animals may be kept overnight for medical reasons only. The proposed addition is for an office.

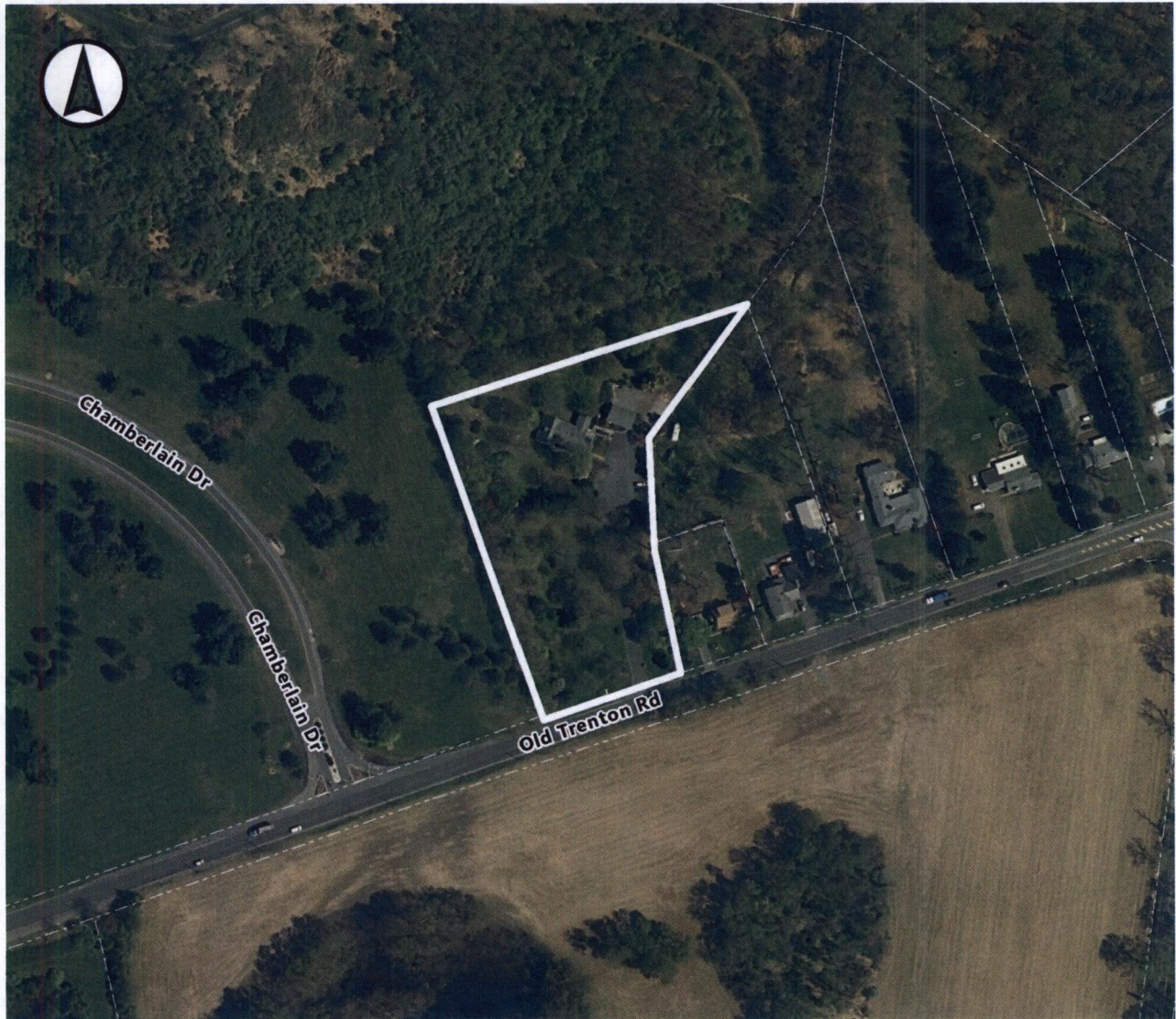
4. Housing of Animals. Section 200-156A(10)(f) further establishes that animals shall be housed indoors and may be allowed outside in fully enclosed areas for short periods of time for hygienic or medical reasons. Based upon our review, it does not appear as though the proposed improvements will impact the fenced area.
5. Overnight Holding Floor Area. Section 200-156A(10)(e) establishes a maximum of 30% of the gross floor area of the veterinary clinic/hospital building may be utilized for the overnight holding of animals. We note that the proposed addition is for an office.

Additional Comments

The following is noted:

6. Overview of Addition. The applicant should provide an overview of the addition, and specifically whether it will impact the way visitors presently enter and exit the building
7. Vinyl Siding. A vinyl siding is proposed on the addition. Testimony should be provided as to whether the siding will match the building's existing siding.
8. Landscaping. Testimony should be provided as to whether any existing landscaping is to be removed with this application, and if so whether any supplemental landscaping is proposed.
9. Signage. Testimony should be provided as to whether any new signage is proposed with this application. If so, details of such signage should be provided.

Map 1: Subject Site (scale: 1" = 250')



<https://burgis.sharepoint.com/sites/BurgisData/Shared Documents/W-DOCS/PUBLIC/Pb-3900series/Pb-3908.10/TRC 01/3908.07>
Kayden LLC - TRC Review 01 (PB 22-04).docx