

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: West Windsor Arts Council
Minor Site Plan and "C" Variance Relief
Block 75 Lots 6, 118, and 119
952 Alexander Road

Date: July 21, 2023

BA#: 4028.10

WWT#: PB 23-03

Introduction

The applicant, the West Windsor Arts Council, has submitted an application seeking minor site plan approval as well as "c" variance relief for various rear yard improvements, including renovating and expanding an existing shed as well as constructing a covered porch. The site, which is identified by municipal tax records as Block 75 Lots 6, 118, and 119, is located at 952 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. Minor site plan prepared by Roberts Engineering Group, dated July 10 2023 (no revision date).
2. Architectural plan prepared by James B. Foran, dated November 10, 2022 (no revision date).
3. Letter re: stormwater prepared by Roberts Engineering Group, dated July 10, 2023.
4. Waiver request prepared by Roberts Engineering Group, LLC.
5. Addendum to application.

Property Description

The subject site is located in the north-central portion of the Township, at the intersection of Alexander Road and Scott Ave. The site has an area of 0.668 acres (29,069 square feet) and is rectangular in shape. It is a corner lot and fronts along Alexander Road and Scott Avenue for approximately 188 feet and 149 feet, respectively.

The westerly half of the site is presently developed with a two-story brick building which is occupied by the West Windsor Arts Council, while its easterly half contains twenty-one parking spaces. These spaces are accessed through two driveways which respectively connect to Alexander Road and Scott Avenue. A shed, walkway, landing/stairs, concrete pads, telecom tower, and a bicycle rack are located to the rear of the building.

Surrounding land uses consist predominantly of residential uses to the north, south, east, and west. See the aerial at the end of this memorandum for an overview of the subject site and its surrounding environs.

Proposed Development

The applicant seeks minor site plan approval as well as "c" variance relief for several rear yard improvements. Specifically, the applicant proposes to construct a covered porch along the rear of the building. The applicant further proposes to renovate and extend the existing shed, install splash blocks, install new roof leaders, and install a six-foot tall stockade fence.

Master Plan

The following is noted regarding the Township's comprehensive planning documents.

2020 Land Use Plan

As per the Township's 2020 Land Use Plan, the site is located in the Berrien City land use category which is located within the north-central portion of the Township. The 2020 Plan notes that this land use category, which was previously identified as the Traditional Residential Density (R-7.5) land use category, was developed in recognition of the unique development patterns of the Berrien City of 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, lot sizes throughout the neighborhood vary greatly in size and shape.

The 2020 Plan notes that Berrien City is presently 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 (1 $\frac{2}{3}$) acre for conventional residential developments. Nevertheless, no residential lot within Berrien City actually meets this area requirement.

Therefore, the main intent of this 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 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. The 2020 Plan recommends that these standards address the potential of teardowns 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 plan 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.

Community Facilities Plan

The Township’s 2022 Community Facilities Plan Element of the Master Plan identified the West Windsor Arts Center as a cultural community facility. The 2022 Community Facilities Plan notes that the West Windsor Arts Center prepared a Strategic Plan in 2021 which, in part, recommended enhancing the center by renovating the backyard area to include a ceramics space and an area for outdoor events. Outside of the Strategic Plan, the Arts Council has also identified a need for more capacity as well as various building upgrades.

Zoning

The site is located in the R-1A District wherein nonprofit community buildings are identified as a permitted use. The following table outlines the proposed compliance with the R-1A District bulk standards.

Table 1: B-2 Bulk Standards

Regulations	Required	Existing	Proposed	Code
Minimum Lot Area (ac)	1.67	(ex) 0.67	(ex) 0.67	200-159A.
Minimum Lot Frontage (ft)	85	188.00	188.00	200-159B.
Minimum Lot Width (ft)	175	187.60	187.60	200-159C.
Minimum Lot Depth (ft)	175	(ex) 154.80	(ex) 154.80	200-159D.
Minimum Yards				
Front Yard (ft): Alexander Road	40	(ex) 33.02	(ex) 33.02	200-159E.(1)
Front Yard (ft): Scott Avenue	40	87.20	87.20	200-159E.(2)
Rear Yard (ft)	20	30.44	27.40	200-159E.(3)
Side Yard (ft)	20	(ex) 9.30	(ex) 9.30	200-159E.(4)
Maximum FAR (%)	13	(ex) 24.70	(ex) 24.70	200-159F.
Maximum Imp. Coverage (%)	17	(ex) 66.40	(V) 68.30	200-159G.
Max. Building Height (st/ft)	2.5/35	2/26.6	2/26.6	200-159H.

Existing Nonconforming Conditions

The following existing nonconforming conditions presently exist on site.

1. Minimum Lot Area. The site has an area of 0.67 square feet, whereas a minimum lot area of 1.67 acres is required.
2. Minimum Lot Depth. The site has a depth of 154.80 feet, whereas a minimum lot depth of 175 feet is required.
3. Minimum Front Yard (Alexander Road). The site has a front yard setback of 33.02 feet from Alexander Road, whereas a front yard setback of 40 feet is required.
4. Minimum Side Yard. The site has a side yard of 9.30 feet, whereas a minimum side yard of 20 feet is required.
5. Floor Area Ratio. The site has a floor area ratio (FAR) of 24.70% feet which equates to approximately 7,180 square feet of floor area. A maximum FAR of 13% is permitted which equates to approximately 3,778 square feet of floor area.
6. Maximum Improvement Coverage. The site has an improvement coverage of 66.40% which equates to approximately 19,301 square feet of coverage. A maximum improvement coverage of 17% is permitted which equates to approximately 4,941 square feet of coverage.

Variance Relief

The applicant requires variance relief pursuant to NJSA 40:55D-70c.(1) and/or (2) of the Municipal Land Use Law (MLUL) from Section 200-159G. which establishes a maximum improvement coverage of 17% whereas the applicant has proposed an improvement coverage of 68.3% which equates to approximately 19,854 square feet of coverage.

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.

Waiver Relief

The applicant requires waiver relief pursuant to NJSA 40:55D-51 of the MLUL from the requirements of Section 200-91.6 as they relate to landscape buffering. The statute provides that a board shall have the power to grant such exceptions from the requirements for site plan approval as may be reasonable and within the general purpose and intent of the provisions for site plan review and approval, if the literal enforcement of one or more provisions is impracticable or will exact undue hardship because of peculiar conditions pertaining to the land in question.

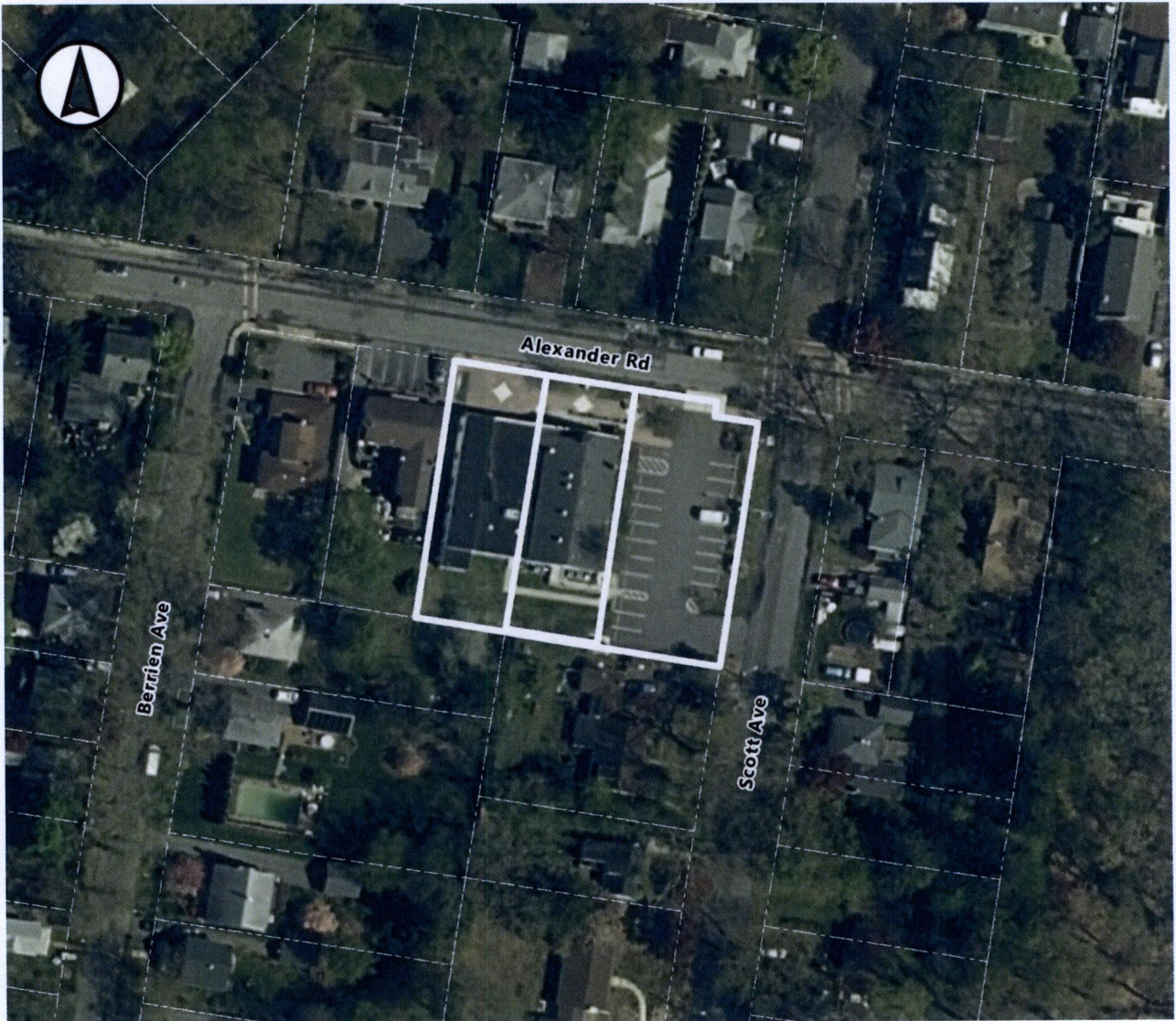
Planning Review

The following is noted regarding the proposed development.

1. Existing and Proposed Floor Area. The definition of "floor area" is provided in Section 200-4 and is as follows: *"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."*

Based upon the nature of the proposed improvements, the floor area of the existing building is not being confirmed. This should be confirmed.

2. Proposed Shed Expansion and Porch. Testimony should be provided as to the anticipated utilization of the proposed shed expansion and porch. Anticipated hours of operation regarding the utilization of the proposed shed and porch should also be provided.
3. Fence. The applicant notes that the proposed fence is to meet an existing fence. We recommend site photographs of the area be provided.
4. Lighting. Testimony should be provided regarding any existing and proposed lighting.



Map 1: Aerial of Subject Site (scale: 1" = 100')




WEST WINDSOR TOWNSHIP

DEPARTMENT OF COMMUNITY DEVELOPMENT DIVISION OF ENGINEERING

MEMORANDUM

Date: July 25, 2023

To: West Windsor Township Planning Board

From: Dan Dobromilsky, LLA/PP/LTE 
Township Landscape Architect

Subject: **West Windsor Arts Council – PB 23-03 - Minor Site Plan & Bulk Variances**
Block 75, Lot 6, 118, 119 Zone: R-1A #952 Alexander Road

A site visit has been conducted and the submitted plans have been analyzed the following questions and comments are offered, regarding the landscape architectural element of this proposal, for consideration by the Board, as this application is reviewed:

1. There are no existing trees or landscape plantings of significance that will be impacted by this proposed project.
2. Township code (200-91.(6)) requires a landscape buffer consisting of evergreen trees, berms, and /or fencing when non-residential uses abut residentially zoned property. This application proposes the construction of a 6' high privacy fence along the property bounds, directly behind the new construction. This new fence will match an existing fence along the property line common with the adjacent Scott Avenue property. Implementation of the ordinance prescribed berm and/or planted buffer would significantly reduce the functional lawn space between the Arts Council building and the property line. The applicant should discuss the utilization of the lawn space for programs and the space needed for the same relative to the buffer requirements. A waiver from strict compliance with the code standard will likely be required, accepting the fence alone as a substitute for landscape berm and/or planting.
3. No other landscape improvement are proposed, nor are any landscape improvements required.

Upon request, additional comments may be offered based upon updated or modified submissions.

cc: Plan Review Professionals
Applicant



WEST WINDSOR TOWNSHIP

DEPARTMENT OF COMMUNITY DEVELOPMENT DIVISION OF ENGINEERING

MEMORANDUM

TO: West Windsor Township Planning Board

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

DATE: July 25, 2023

SUBJECT: **West Windsor Arts Council, Inc.**
Minor Site Plan & Bulk Variance(s)
Block 75, Lots 6, 118 and 119
950-952 Alexander Road
PB23-03

Documents Received/Reviewed:

The following documentation has been submitted for review:

- A. Set of plans entitled "Preliminary/Final Minor Site Plan for West Windsor Arts Council. – Lots 6, 118 & 119 Block 75 – 952 Alexander Road - Township of West Windsor, Mercer County, New Jersey" prepared by Roberts Engineering Group, LLC (Cameron Corini, PE and Ted W. Pivovarnick, PLS), consisting of two (2) sheets dated July 10, 2023;
- B. Architectural elevation and site plan entitled "Addition and Alterations to: The West Windsor Arts Council – Alexander Road, West Windsor, New Jersey" prepared by James F. Foran, Architect dated November 10, 2022, revised through July 10, 2023 consisting of one (1) sheet;
- C. Letter from Roberts Engineering Group, LLC to Samuel Surtees, West Windsor Township Land Use Manager dated July 10, 2023 regarding stormwater runoff;
- D. Development application package, including:
 - Development application form, with addendum;
 - Completed Minor Site Plan Checklist
 - Completed Request for Bulk Variance form;
 - Owner's consent memorandum issued by Brian Aronson, WWT Facilities & Maintenance Manager, dated June 14, 2023;
 - Written request for submission waivers for Green Development and Environmental Impact Statement worksheets;

Narrative:

The subject property is a three-lot tract that is a combined 29,069 square feet in size (0.667 acres) and fronts on Alexander Road and Scott Avenue. The site is owned by the Township and leased to the Arts Council, the applicant. It is currently developed with the former Princeton Junction Fire Company Building that was partially

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redeveloped to a community arts center and appurtenant improvements, including concrete sidewalk, paved driveway with twenty-one (21) parking spaces and landscaping. Adjacent and facing properties are primarily residential in nature, except for a restaurant use directly west of the subject property.

The property is located within the R-1A zoning district. The proposed development consists of a covered porch with concrete base, measuring an aggregate of approximately 600 square feet, and a 3'-wide addition to an existing shed measuring 47.7 square feet in area. The applicant also proposes to install 4 concrete splash blocks at new and existing roof leader discharges, and to construct a 6'-high privacy fence along the rear property line.

In addition to Minor Site Plan approval, a bulk variance for exceeding maximum improvement coverage is requested. The Zoning Table indicates an increase of 1.9%, from 66.4% to 68.3%, whereas 17% is the maximum permitted. Comments on the Planning and Zoning aspects of the application are deferred to the Board Planner.

I have reviewed the documentation and offer the following comments for the Board's consideration.

1.0 **Minor Site Plan**

- 1.01 The site has a total of 21 existing parking spaces including 1 ADA space. The TRC previously determined that the covered porches would not count as additional floor area so long as they remain unenclosed and unheated space. This should be memorialized in any resolution.
- 1.02 The applicant should provide testimony to confirm no additional exterior lighting is proposed.
- 1.03 Relative to stormwater runoff, the project is a minor development. Engineering concerns are to mitigate potential impacts on neighboring properties. The architectural plans indicate routing a majority of the roof leaders in the area of the project to discharge at the parking lot, which provides for positive drainage to the street, which will satisfactorily address the concerns.
- 1.04 The sanitary sewer cleanout shown on the site plan under the proposed covered porch is to receive a inspection box. This should also be reflected in the porch concrete slab on the architectural plan so it is not overlooked during construction.

FG:IH

cc: Applicant (dino@spadlaw.com)
I. Hill, VCEA