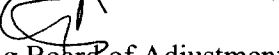


**MASON, GRIFFIN & PIERSON**  
A PROFESSIONAL CORPORATION  
COUNSELLORS AT LAW

**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: February 16, 2022

**Re: Ramesh Janga d-4 (FAR) and c-1 MIC Variances: 1781 Old Trenton Road; Block 33, Lot 40 West Windsor Township Tax Map; RR/C Zoning District; Application ZB22-03**

---

The West Windsor Township Zoning Board of Adjustment ("Board") will consider the above-referenced application at its meeting on March 3, 2022.

Ramesh Janga (hereinafter referred to as the "Applicant") is the owner of a vacant parcel of land located at 1781 Old Trenton Road and designated as Block 33, Lot 40 on the West Windsor Township Tax Map (hereinafter referred to as the "Property"). He proposes to construct on this Property which consists of 0.75 acres of land a 2,700 square foot four-bedroom single-family dwelling unit with a paved driveway, walkways and patio. In order to construct the improvements on the Property, the Applicant seeks variance relief from Section 200-157.F of the Land Use Ordinance ("LUO"). This is the section of the LUO which sets forth the bulk regulation for the RR/C zone in which the Property is located. In this zone, the Maximum Floor Area Ratio ("FAR") permitted is 5%. The home which the Applicant proposes to construct would have an 8.3% FAR. Additionally, in the zone, the maximum lot coverage of all

**MASON, GRIFFIN & PIERSON**  
A PROFESSIONAL CORPORATION  
COUNSELLORS AT LAW

February 16, 2022  
Page 2

impervious surfaces is 10%. The Applicant proposes 15.6% MIC. Consequently, the Applicant requires both a use (d) variance and a c-1 (hardship bulk variance) for the Property.

The Property is undersized in the RR/C district. The minimum lot area required in this district is 3.33 acres. As indicated above, this lot contains 0.75 acres.

This Property was the subject of a prior application by another contract purchaser to construct a single-family home. Included with the application materials is a copy of the Board's Resolution of Memorialization in File No. ZB02-07 adopted by the Board on April 3, 2003. At that time, the then contract purchaser of the Property sought a 13% FAR and a 17% MIC to facilitate the construction of a single-family home consisting of 4,247 square feet of living space. The Board denied the application. Although the Property was surrounded primarily by dedicated open space except for the one home immediately adjacent to the Property located at 1777 Old Trenton Road, the Board was concerned about the size of the proposed new home and indicated that any construction on the Property should not follow the standard for the then recently developed Toll Brothers property located across the street from the Property since these new homes were not comparable with the size of the adjacent property and other homes which had existed for some time on Old Trenton Road. As indicated above, the current Applicant is seeking variance relief for a single-family home consisting of 2,700 square feet of living space. The Applicant has also submitted architectural plans which show the proposed elevations of the 2 ½ story house the Applicant proposes constructing.

**MASON, GRIFFIN & PIERSON**  
A PROFESSIONAL CORPORATION  
COUNSELLORS AT LAW

February 16, 2022  
Page 3

In evaluating the application, and the variance relief sought, the Board is called upon to evaluate whether or not the existing vacant Property can appropriately support the size of home proposed by the Applicant.

The starting point for the Applicant is to explain to the Board what efforts have been made to sell the undersized lot either to the adjacent property owner at 1777 Old Trenton Road or to the Township of West Windsor to add to the open space which surrounds the Property as required by Jock v. Zoning Board of Adjustment, 184 N.J. 562 (2005) or purchasing adjacent property to make the Property more conforming in size to the RR/C minimum lot size.

Assuming that neither the adjacent property owner nor the Township are interested in the Property, the Applicant will have demonstrated "hardship" in that there is no way to cure the undersized deficiency of the lot. Assuming that no additional property can be acquired to enlarge the Property, then the Applicant has the burden of persuading the Board that the d-4 (FAR) and c-1 (MIC) variances should be granted.

Under Randolph Town Center Associates v. Township of Randolph, 324 N.J. Super. 412 (App. Div. 1999) for the FAR variance, the Applicant must persuade the Board that building a new home at a greater intensity than that permitted by the 5% FAR can be approved by showing that the Property will accommodate the problems associated with a floor area greater than that permitted in the RR/C zone. In evaluating this increased intensity of development, the Board can take into consideration the character of the size of existing homes along Old Trenton Road in the

**MASON, GRIFFIN & PIERSON**  
A PROFESSIONAL CORPORATION  
COUNSELLORS AT LAW

February 16, 2022  
Page 4

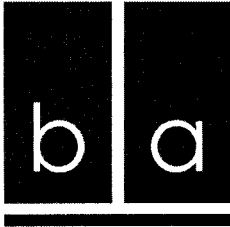
vicinity of the Property. The Board can also take into consideration the buffering that is provided for the Property by the surrounding open space.

With regard to the building of the home with an MIC percentage greater than that permitted, the Applicant has the burden of satisfying the Board that there are peculiar and exceptional practical difficulties or exceptional or undue hardship upon the Applicant due to the undersized nature of the Property to conform to the bulk regulations in the RR/C zone. See Lang v. Zoning Board of Adjustment, 160 N.J. 41 (1999).

To obtain the variance relief sought by the Applicant, the Applicant must satisfy both the "positive" and the "negative" criteria.

Under Kaufmann v. Planning Board, Warren Township, 110 N.J. 551 (1988), the positive criteria can be satisfied by finding by the Board that there are indeed unique characteristics to the Property which impose a hardship on the development of the Property. To satisfy the negative criteria, the Applicant must persuade the Board that the variance approvals can be granted (1) without substantial detriment to the public good, and (2) without substantially impairing the intent and purpose of the zone plan and zoning ordinance for the area of the Township wherein the Property is located. See Smart SMR v. Fairlawn Board of Adjustment, 152 N.J. 309 (1998).

cc: Samuel J. Surtees, Manager, Land Use Division (via email)  
Lisa Komjati, Administrative Secretary, Land Use Division (via email)  
David Novak, PP, Planning Consultant (via email)  
Ramesh Janga (via email)



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: Ramesh Janga  
d(4) Floor Area Ratio Variance  
Block 33 Lot 40  
1781 Old Trenton Road  
Date: February 22, 2022  
BA#: 3908.05  
WWT#: ZB 22-03

### Introduction

The applicant, Ramesh Janga, has submitted an application seeking d(4) floor area ratio (FAR) variance relief to construct a new two-story dwelling on an existing vacant lot. The site, which is identified by municipal tax records as Block 33 Log 40, is located at 1781 Old Trenton Road in the RR/C Rural Residential/Conservation District.

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

1. Plot plan prepared by EDH Engineering Services, LLC dated December 10, 2021 (last revised January 27, 2022).
2. Architectural plan prepared by FG Architecture Studio LLC dated November 4, 2021 (no revision date).
3. Survey prepared by American Layout dated December 17, 2020.
4. Birdseye aerial and tax map exhibit.
5. Comparison with neighboring properties exhibit and photographs.

## Property Description

The subject site is located in the southeasterly portion of the Township, near the intersection of Old Trenton Road and Newport Drive. The site has an area of approximately 32,670 square feet (0.75 acres) and is rectangular in shape. It fronts along Old Trenton Road for 150 feet and has a depth of 217.8 feet.

The site is presently undeveloped. Its topography ranges from a low of 90 feet above sea level near its southeasterly corner to 97 feet above sea level along its westerly property line. A hedge row extends from adjoining Lot 36 into the approximate center of the subject site. The remains of a concrete planter are also located near its rear property line.

Surrounding land uses consist predominantly of: single-family dwellings to the northwest; preserved open space to the northeast, east, and south; and a single-family dwelling to the immediate southwest. 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 proposes to construct a new four-bedroom dwelling on the site. The following is summarized regarding its interior layout:

1. The first floor will consist of the following: foyer; dining room; home office; two (2) bathrooms; living room; great room; kitchen; two (2) pantries; mudroom; and a two-car garage.
2. The second floor will consist of the following: corridor; family room; four (4) bedrooms including one (1) master bedroom; two (2) bathrooms; a washer/dryer room; and two (2) walk-in closets.

The exterior of the dwelling will predominantly consist of siding. A columned entryway is also proposed adjacent to the front door. The applicant proposes a 1,300-gallon septic tank toward the front of the dwelling.

## Master Plan

As per the 2020 Land Use Plan, the site is located in the Rural Residential/Conservation (RR/C) land use category which is primarily located in the southernmost portion of the Township, as well as in smaller areas located near Village Road West and North Post Road.

As described by the 2020 Plan, the areas within this land use category contain the majority of West Windsor's remaining undeveloped and uncommitted open space and actively farmed agricultural land. The agricultural character of this land use category is particularly evident to the south of Old Trenton Road, where large and contiguous areas of farmland abut other active agricultural areas in the Township of Robbinsville and the Township of East Windsor.

The 2020 Plan further notes that this category corresponds to the RR/C District, which was previously identified by the Township as the R-1 District. It was renamed years ago in recognition of the district’s primary intent which is to preserve, to the greatest degree possible, open space, farmland, and environmentally sensitive areas. Where development is proposed, it should be at a rural residential density of not more than one (1) unit per three and one-third (3 1/3) acres. The 2020 Land Use Plan also promotes clustering on large 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 and Variance Relief

The site is located in the RR/C Residence District. The following table outlines the zoning regulations for the RR/C District. As shown, the site presently has three (3) nonconforming conditions as they relate to: minimum lot area; minimum lot width; and minimum lot depth. Note that the Planning Board had previously approved these nonconforming conditions. Thus, variance relief is not required for those items.

Table 1: RR/C Resident District Bulk Standards

Area & Bulk Regulations	RR/C	Proposed	Section
Minimum Lot Area (sf)	3.33	<i>(ex) 0.75</i>	200-157A.
Minimum Lot Width (ft)	100	150.00	200-157B.
Minimum Lot Width (ft)	200	<i>(ex) 150.00</i>	200-157C.
Minimum Lot Depth (ft)	250	<i>(ex) 217.80</i>	200-157D.
Minimum Front Yard (ft)	50	99.20	200-157E.(1)
Minimum Rear Yard (ft)	30	81.60	200-157E.(2)
Minimum Side Yard (ft)	30	42.30	200-157E.(3)
Maximum FAR (%)	5	<b>(V) 8.30</b>	200-157F.
Max. Improvement Cov. (%)	10	<b>(V) 15.60%</b>	200-157G.
Max. Building Height (st/ft)	2/35	Not Specified/35	200-157H.

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

As noted in the above, table, the following variances are required:

### 1. FAR Variance

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 dwelling is permitted to have a FAR of five percent (5%) which equates to approximately 1,633 square feet of floor area, whereas the applicant has proposed a FAR of 8.30% which equates to 2,711 square feet.

For reference, a conforming lot in the RR/C District would typically be permitted to have a floor area of approximately 7,260 square feet. Alternatively, the R-30 District – which is located to the immediate north of the site and contains three lots of similar size – permits a FAR of 13% which would equate to approximately 4,247 square feet on the subject site.

## 2. Improvement Coverage

The applicant has requested variance relief pursuant to NJSA 40:55D-70c.(1) or (2) of the MLUL for the proposed improvement coverage. The RR/C District establishes a maximum improvement coverage of ten percent (10%) which equates to approximately 3,267 square feet of coverage, whereas the applicant has proposed an improvement coverage of 15.60% which equates to approximately 5,108 square feet of coverage.

For reference, a conforming lot in the RR/C District would typically be permitted to have a coverage of approximately 14,520 square feet. Alternatively, the R-30 District – which is located to the immediate north of the site and contains three lots of similar size – permits an improvement coverage of 18% which would equate to 5,880 square feet on the subject site.

## Statutory Criteria

The following is noted regarding the statutory criteria for the requested variances.

### 1. FAR Relief

The applicant has requested variance relief pursuant to N.J.S.A. 40:55D-70.d(4) of the Municipal Land Use Law (MLUL) for an increase in the permitted floor area ratio (FAR). As previously noted, the RR/C District establishes a maximum FAR of five percent (5%) whereas the applicant has proposed a FAR of 8.30%.



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.

## 2. “c” Variance Relief

The applicant has requested variance relief pursuant to NJSA 40:55D-70(c)(1) and/or (2). The statute provides two approaches to ‘c’ variance relief, commonly referred to as the ‘physical features’ test and the ‘public benefits’ test. These are identified as follows:

- a. 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.
- b. 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

In consideration of the aforementioned, the applicant and the Board should discuss the following issues:

### 1. Calculation of FAR

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.

## 2. Proposed Front and Rear Yard Setbacks

As previously noted, the applicant has proposed a front yard setback of 99.2 feet and a rear yard setback of 81.6 feet. Testimony should be provided as to how these setbacks compare with the existing dwelling located to the site's immediate southeast.

## 3. Home Office

The applicant has proposed a home office on the ground level. Testimony should be provided as to whether this will be utilized as a home occupation. If so, the applicant will have to conform with those regulations set forth in Section 200-232 of the Township's land use regulations.

## 4. Bedroom Count and Parking

The applicant has proposed 4 bedrooms. As established by NJAC 5:21-4.14 of the Residential Site Improvement Standards (RSIS), a 4-bedroom single-family dwelling requires 2.5 parking spaces. The RSIS further establishes that a two-car garage and driveway combination shall count as 3.5 parking spaces, provided a minimum width of 20 feet is provided for a minimum length of 18 feet. The applicant is adequately addressing this standard.

## 5. Tree Removal and Landscaping

The applicant proposes to remove forty-four (44) trees on site. Testimony should be provided as to whether any landscaping will be provided along the westerly property line to supplement the loss of this existing buffer.

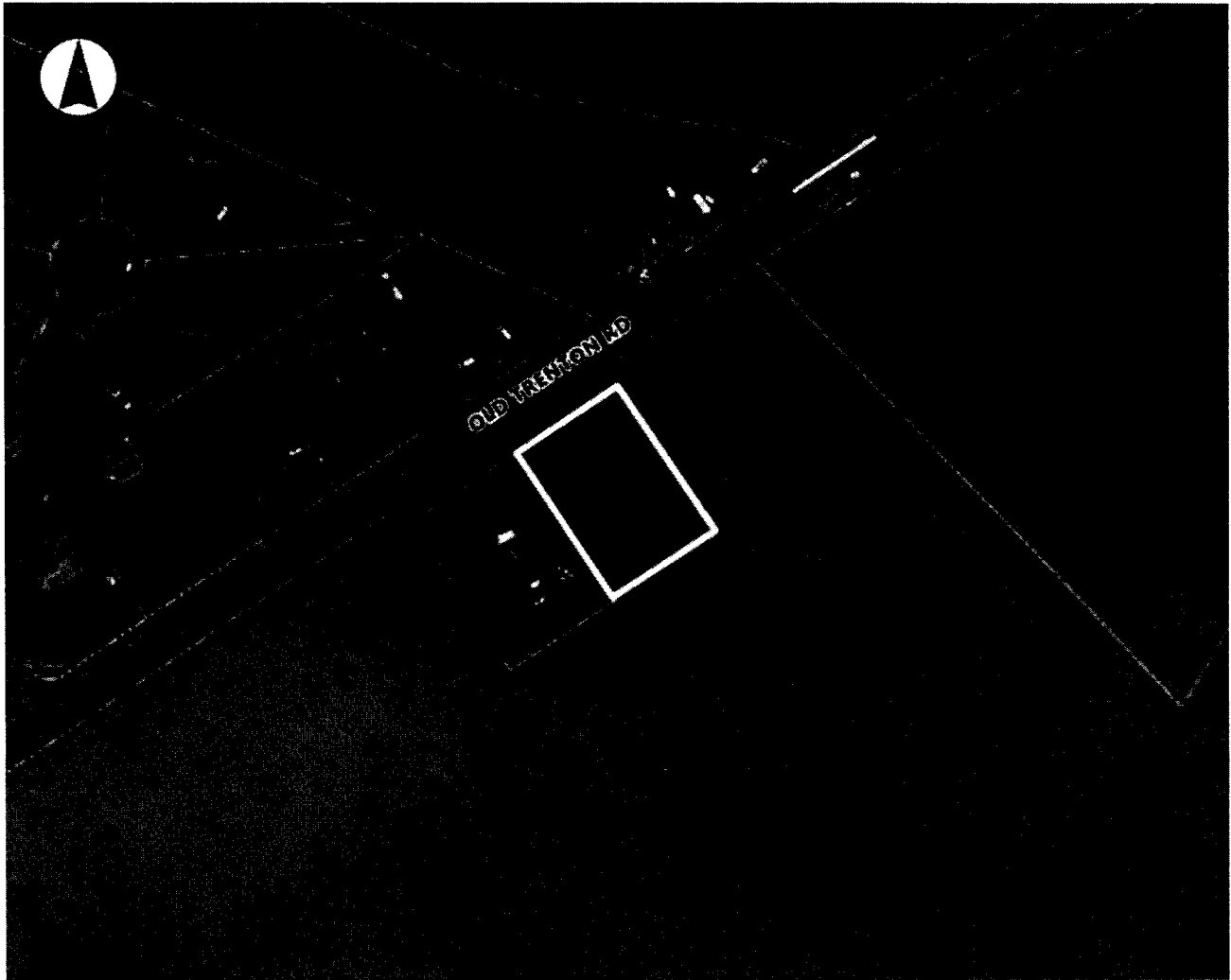
## 6. Comparison to Neighborhood

The applicant has provided photographs and tax assessment data regarding dwellings in the surrounding area. These should be discussed.

The following table analyzes the residential properties of a comparable size in close proximity to the subject site. As shown, these properties generally exceed a FAR of 5%. Their FARs and floor areas are also slightly lower than that which is proposed by the applicant.

*Table 2: Comparison to Neighborhood*

Block	Lot	Address	Lot Size (ac)	Floor Area (sf)	FAR (%)
33	36	1777 Old Trenton Road	0.75	2,140	6.55
27.06	26	1782 Old Trenton Road	0.69	1,512	5.03
27.06	27	1778 Old Trenton Road	0.6887	1,927	6.42
27.06	28	1776 Old Trenton Road	0.6887	2,364	7.88




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

<https://burgis.sharepoint.com/sites/BurgisData/Shared Documents/W-DOCS/PUBLIC/Pb-3900series/Pb-3908.05/Pb-3908.05>  
Ramesh Janga - d(4) Variance (ZB 22-03).docx

**MEMORANDUM**

TO: West Windsor Township Zoning Board of Adjustment

FROM: Ian L. Hill, PE   
Zoning Board Engineer

DATE: February 23, 2022

SUBJECT: **Ramesh Janga**  
**D-4 FAR and C Bulk Variances**  
**Block 33, Lot 40**  
**1781 Old Trenton Road (Mercer County Route 535)**  
**ZB22-03**

**Documentation:**

The following documents have been submitted for review:

- A. Drawing entitled "Variance & Plot Plan – Proposed Single Family Residence – Block 33; Lot 40 – 1781 Old Trenton Road - West Windsor Township, Mercer County, New Jersey", prepared by EDH Engineering Services, LLC, (Evan D. Hill, PE), dated December 10, 2021, revised through January 27, 2022;
- B. Survey entitled "Boundary Topographic Survey Prepared for Block 33 – Lot 40, 1781 Old Trenton Road – Situated in Township of West Windsor, Mercer County, New Jersey", prepared by American Layout & Land Surveying (Anthony Maltese, PLS), dated December 17, 2020, unrevised;
- C. Set of architectural drawings for a proposed single family dwelling, two (2) sheets total, consisting of floor plans and elevation drawings prepared by FG Architecture Studio, LLC (Francisco Grimaldi, AIA), dated November 4, 2021, unrevised;
- D. Photographs of and tax records for various nearby properties;
- E. Resolution of Memorialization for File No. ZB02-07 for a similar application seeking a "d-4" FAR variance and "c" bulk variance for Maximum Improvement Coverage on the subject property, which resulted in a denial by the Zoning Board of Adjustment;
- F. Development Application Package Including
  - Application to West Windsor Zoning Board of Adjustment;

**OFFICE LOCATIONS**

**[www.vancleefengineering.com](http://www.vancleefengineering.com)**

Lebanon, NJ 908-735-9500	Hamilton, NJ 609-689-1100	Toms River, NJ 732-573-0490	Freehold, NJ 732-303-8700	Bethlehem, PA 610-332-1772
Hillsborough, NJ 908-359-8291	Mt. Arlington, NJ 862-284-1100	Phillipsburg, NJ 908-454-3080	Doylestown, PA 214-345-1876	Leesport, PA 610-670-6630

- Zoning Board of Adjustment Checklist;
- Request for Bulk Variance;
- Request for Variance including, but not limited to a Use or Structure not Permitted in a Zoning District;

**Summary:**

The applicant is requesting an FAR (d-4) variance and a c bulk variance (Maximum Improvement Coverage) from the West Windsor Zoning Board of Adjustment for a project that involves the proposed development of Lot 40 in Block 33 with a single family home. The property is currently vacant and bounded by a residential property (B33, Lot 36 - 1777 Old Trenton Road - n/f Jeffrey & Lisa Krug) to the southwest, Old Trenton Road to the northwest and Township-owned open space along its other lot lines. The property is 0.75-acres in size and is located within the RR/C zoning district. The property is outside of public sewer or water service areas and would need to be serviced via well and septic.

The proposed development consists of a 1,648 square foot footprint two-story residence with a total of 2,749 square feet of living space and a 395 square foot 2-car garage for a total building area of 3,144 square feet per the Zoning Table on the architectural plans. The Architectural plans indicate the lot coverage to be 1,919 square feet (5.9%), whereas the Variance & Plot Plan indicates this number to be 15.6% (5,096 sf ±). The maximum allowed in the RR/C district is 10%; as such, a c variance is being requested. The proposed use also requires a D-4 Floor Area Ratio (FAR) variance where 5% is the maximum permitted and 8.3% is proposed. Commentary on the merits of the zoning and relief aspects of the application are deferred to the Board Planner.

I have reviewed the documents submitted and offer the following for the Board's consideration.

**1.0 Variance and Plot Plan**

- 1.01 The subject property fronts on Old Trenton Road (Mercer County Route 535), which is classified in the Circulation Plan Element of the West Windsor Township Master Plan as a Secondary Arterial Roadway with a required right-of-way width of 80 feet. The current half-width along its frontage is already 40 feet, so it's unlikely that the County would require further dedication, but if they do, it would impact the FAR and MIC variances being sought by the applicant. I further note that the proposed driveway location is subject to the review and approval of the County Engineering Department.
- 1.02 The 20.5'-width of the driveway and turn-around area is excessive and should be reduced to 12 feet, with it flaring out to a 20'x20' apron in front of the 2-car garage. This will reduce the degree of MIC variance required/requested.
- 1.03 Should the Board grant the requested d and c variances, that does not entitle the applicant to begin construction. The applicant will then need to submit a Plot Plan to the Township Engineer for review and approval and have the septic design approved by the Health Department.
- 1.04 The previous FAR variance application (ZB02-07) that was denied sought approval of 13%, where 5% was allowed. The current application seeks a variance for 8.3%, with 5% remaining the required maximum. The applicant should provide testimony on the ability to reduce this further.

- 1.05 Because the property requires a septic system, the applicant will be required to submit a Letter of Interpretation from NJDEP confirming that there are no wetlands or transition areas that would impact the proposed design location at the time of submission for septic and plot plan approvals.
- 1.06 The proposed development will not involve the disturbance of 1-acre of land nor the introduction of ¼-acre of new regulated motor vehicle surfaces. As such, no structural stormwater management BMPs will be required per the Township Stormwater Control Ordinance. However, since the applicant is requesting a maximum improvement coverage variance, testimony regarding the ability to use porous asphalt/concrete or permeable pavers for the driveway should be provided to the Board.
- 1.07 The applicant should provide testimony on his amenability to providing buffer landscaping that would shield the adjacent homeowners, especially since the proposed dwelling is set significantly behind that existing dwelling which could create actual or perceived privacy issues when using the adjacent rear yard living space. Further comment is deferred to the Township Landscape Architect.
- 1.08 All discrepancies between the zoning tables on the architectural and engineering plans shall be resolved.
- 1.09 It is not apparent from the submission documents if the applicant has engaged the services of a NJ-licensed Professional Planner. Based on the approvals being sought, planning testimony will obviously be required and the applicant will need to be represented by a Planner at the public hearing.

This concludes my comments on the current submission. I will attend the ZBA meeting on March 3, 2022 to hear the applicant's presentation and offer additional commentary based on this report and the applicant's testimony.

ILH

cc: Lisa Komjati                      Dan Dobromilsky, LLA, PP, CTE  
Sam Surtees                        Francis Guzik, PE, CME  
Tim Lynch                            David Novak, PP, AICP  
Jeff L'Amoreaux, PE  
Evan Hill, PE

## **Memorandum**

**To:** Samuel J Surtees, Land Use Manager, Division of Land Use

**From:** Douglas J Davidson, Sr. REHS  
Manager, Environmental Health Services

**RE:** Ramesh Janga – ZB22-03  
Block 33, Lot 40  
1781 Old Trenton Road

**Subject:** Site suitability/Bulk Variances

**Date:** February 23, 2022

---

We have reviewed the land development proposal for the above referenced site and offer the following comments:

1. The existing lot is a 0.75-acre site. The area proposed for the septic system on this lot is classified by the Soil Survey Staff, Natural Resources Conservation Service, United States Department of Agriculture. Web Soil Survey. Available online at <http://websoilsurvey.nrcs.usda.gov/> accessed [February 18, 2022 to contain the following soil type:

**SadB**           Sassafras sandy loam, 5 to 10 percent slopes. No limitation for onsite sewage disposal; depth to seasonal high-water table = 6½ feet+.

**Note:** Note: In the proposed disposal areas neither ground water or soil mottling was encountered to a depth of 121 inches.

2. Soil logs and permeability sampling were performed by EDH Engineering Services, LLC on December 7, 2021. Onsite testing was witnessed by the administrative authority.

**Note:** All soil-testing and permeability data must be submitted under a Professional Engineers signature and seal.

3. Two acceptable soil logs and permeability data have been submitted for lot 40.
4. A digital septic design for a four (4) bedroom dwelling was submitted for review by EDH Engineering. All design parameters were consistent with the provisions of NJAC 7:9A (STANDARDS FOR INDIVIDUAL SUBSURFACE SEWAGE DISPOSAL SYSTEMS).

**Note: Signed and sealed copies are required for formal approval.**

5. The property will utilize a Category 1 Potable Water Supply Well to supply water to this property. The installation of this well will require a permit and inspections from this office. Construction standards must be in conformance with NJAC 7:9D. There should be no issue with yield/output for this proposed well.

**Conclusions:**

Based on the information submitted and the site evaluation conducted, the above referenced site is favorable for onsite subsurface sewage disposal. The wastewater requirements have been addressed through standard engineering practices. It is noted that a hard copy of the septic design has not been reviewed. Final determination of septic system design will be made when a formal signed and sealed drawing is submitted. Prior to the issuance of building permits approved septic designs must be on file in this office.

**Recommendation:**

This office does not take exception to the proposed development application if the board is so inclined to grant approval. This recommendation, neither stated nor implied, guarantees the development potential of this parcel or shall any way be construed as such.






# WEST WINDSOR TOWNSHIP

## DEPARTMENT OF COMMUNITY DEVELOPMENT DIVISION OF ENGINEERING

### MEMORANDUM

DATE: February 23, 2022

TO: West Windsor Township Zoning Board of Adjustment

FROM: Dan Dobromilsky, LLA,PP,CTE  
Township Landscape Architect 

SUBJECT: **RAMESH JANGA – ZB 22-03**  
Block 33, Lot 40, 1781 Old Trenton Road RR/C Zone  
**Landscape Architectural Review Comments**  
d-4 (FAR) & c (MIC) Bulk Variances

A site visit has been conducted and the landscape architectural aspects of the submitted plans (prepared by EDH Engineering Services LLC., dated last revised 1-27-2022) have been analyzed. The following comments are offered consideration by the Board as this application is reviewed:

1. This property is not within or adjoining the Township Master Plan Greenbelt. It is adjoining a large area of Township owned open space that is presently farmed. The existing Boundary and Topographic Survey Plan indicates that 57 existing trees measuring between 6" and 34" diameter breast height (dbh) are present on this property and the Old Trenton Road frontage of the lot. The Variance and Plot Plan does not indicate proposed tree removal or preservation relative to the proposed construction of a new single family home. Based upon the proposed grading indicated to fit the new home, drive and septic field onto the property it is estimated that at least 37 of the 57 existing trees, measuring between 7" and 20" dbh, will need to be removed, including 12 of the 17 existing trees in the road right of way.

The applicant should indicate if alternative designs for the type, size, or location for the new home were considered, with an objective of preserving the existing trees, which mostly occur as a linear hedgerow extending north to south through the middle to east side of the property? It would appear possible to develop a home that exhibits a greater depth and narrower width, placed on the east half of the property, within the setbacks, which could enable greater tree preservation.

2. The applicant is seeking a 'd' use variance to construct a relatively large single-family residence on an undersized lot. Thus, bulk variances for improvement coverage and floor area are requested. The application suggests that the new home will not substantially impair the character of the community, and will be similar to some nearby residential properties. However, the necessity for a variance is indicative of bulk condition or appearance of higher intensity. Township ordinance landscape standards (200-91.6.a.) suggest that a nuisance buffer may be appropriate along the property bounds that abut the existing home on lot #36. A nuisance buffer would consist of evergreen trees planted at 6'-8' height and spaced at 10' on center and/or an 8' high fence. It is recommended that planting of approximately 20 evergreen trees (6'-8' height) and a privacy fence at 100' length and 6' ht. be implemented along the western side yard of the property as a landscape buffer.

MEMORANDUM

ZB 22-03  
February 23, 2022  
Page 2 of 2

3. The proposed conforming setback of the house from Old Trenton Road will negate the need for buffering between the road and house.
4. The open space designation of property to the rear and east of this lot does not impose any apparent need for buffering relative to this proposal.

Upon review of the applicant's presentation and testimony before the board, additional commentary may be offered at the request of the Board.

cc: Applicant