

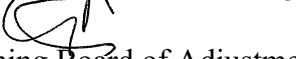
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MEMORANDUM

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: August 4, 2023

Re: West Windsor Township Zoning Board of Adjustment - Brian Young Use Variance Application No. ZB23-05: 969 Alexander Road; Block 63, Lot 154 Township of West Windsor Tax Map; R-1A Residential Zoning District

The West Windsor Township Zoning Board of Adjustment ("Board") will consider the above-referenced application at its meeting on September 7, 2023.

Brian Young ("Applicant") and his family reside in a single-family home located at 969 Alexander Road and designated as Block 63, Lot 154 on the West Windsor Township Tax Map ("Property"). The Applicant proposes improving their home by converting the existing attic space to a fourth bedroom. The improvements to the Applicant's home will not involve any exterior changes but rather converting internal, existing attic space to additional living area.

In order to construct the new bedroom, the Applicant seeks d(4) use variance relief from the Floor Area Ratio ("FAR") permitted in the R-1A Residential Zoning District. Pursuant to Section 200-170 (1) of the West Windsor Township Land Use Ordinance ("LUO"), the maximum permitted FAR in the zone is 13%. The Applicant's Property is located within the Berrien City neighborhood on an undersized lot. Within the R-1A Residential Zoning District, minimum lot area is required to be one and two-thirds acres of land. Like most of the lots within

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Berrien City, the Applicant's lot is undersized and consists of 0.178 acres of land. The existing FAR on the Property is 26.41%. With the conversion of the attic to a bedroom, the FAR percentage increases to 27.17%. The Applicant, therefore, needs use variance approval from the Board for the attic conversion.

From the architectural plans submitted by the Applicant's architect, Primiano Architecture, dated July 7, 2023, the conversion of the attic to a fourth bedroom would add approximately 200 sq. ft. of living space to the Applicant's existing home. The Applicant's existing home prior to finishing the attic consists of 2,077 sq. ft. of living space and has a 26.41% FAR. As indicated, if the attic conversion is approved by the Board, the Applicant's home would have approximately 2,277 sq. ft. of living space or a 27.17% FAR.

In evaluating this application, the Board should be guided by the Court decision, Coventry Square v. Westwood Zoning Board of Adjustment, 138 N.J. 285 (1994). To satisfy the positive criteria which would permit the variance relief, the Applicant must show "special reasons" for allowing more intense development on their Property than otherwise permitted by the FAR regulations. Special reasons can be demonstrated if a property is undersized within a zoning district and, therefore, cannot comply with the bulk regulations, including the maximum FAR percentage permitted within the zone. The Applicant must also demonstrate to the Board's satisfaction that their Property can accommodate any problems associated with an FAR ratio greater than that permitted in their zoning district. As indicated from the architectural plans and

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noted above, the FAR on the Applicant's Property now is significantly greater than that permitted in the zone. This appears to be commonplace with a majority of the homes located within the Berrien City neighborhood of the Township. The Board can evaluate allowing greater living area within the Applicant's existing home by considering the FAR study which the Applicant's architect has made and which will be presented to you at the hearing on this application.

The Applicant must also address the "negative criteria" to satisfy the Board that by allowing additional FAR on the Property due to the internal improvement proposed to the Property that there will be no substantial detriment to the public good and granting the variance relief sought will not substantially impair the intent and purpose of the R-1A Residential Zoning District Plan for the neighborhood wherein the Property is located. The Board, therefore, will be called upon to evaluate whether or not the attic conversion proposed by the Applicant will involve having any negative impact on any of the neighboring properties along Alexander Road nor be disruptive to the zone plan which exists within Berrien City.

The Board, in order to approve the requested d(4) FAR variance will require a positive vote by five (5) of the seven (7) Board members.

cc: *(via email):*

Samuel J. Surtees, West Windsor Township Land Use Manager
Patricia Thompson, Zoning Board of Adjustment Secretary
David Novak, P.P., Burgis Associates, Inc., Board Planning Consultants
Daniel Dobromilsky, CLA, Board Landscape Architect
Ian Hill, P.E., Van Cleef Associates, Board Engineering
Joseph Primiano, Applicant's Architect
Brian Young, Applicant