



# **TOWNSHIP of HOPEWELL**

**MERCER COUNTY**

**Department of Community Development**

**201 WASHINGTON CROSSING – PENNINGTON ROAD  
TITUSVILLE, NEW JERSEY 08560-1410**

## **MEETING MINUTES**

### **ZONING BOARD OF ADJUSTMENT**

**WEDNESDAY, JANUARY 8, 2020**

A reorganization/regular meeting of the Hopewell Township Zoning Board of Adjustment was held in the Hopewell Township Municipal Building Auditorium at 7:00 p.m. on Wednesday, January 8, 2020.

### **REORGANIZATION & REGULAR MEETING**

The Reorganization & Regular Meeting of the ZBOA was called to order by Mark Kataryniak at 7:02 p.m. in accordance with the Open Public Meetings Act, noting that proper notice of said meeting was forwarded to the Hopewell Valley News, The Times, The Trentonian, and the Hopewell Express and posted on the Municipal Bulletin Board.

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### **ROLL CALL**

**PRESENT:** Borders, Cane, Hatke, Purandare, Rogers, Sandom, Verdino, McInerney.

**ABSENT:** Stollow.

**ALSO PRESENT:** Zoning Board Attorney Kevin Van Hise, Zoning Board Secretary & Community Development Director Mark Kataryniak, Professional Planner Frank Banisch, Recording Secretary Jaimie Laird.

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## **REORGANIZATION**

Mr. Kataryniak asked for nominations for chairperson.

Mr. Cane moved and Ms. Rogers seconded a motion nominating Eric Hatke. There were no other nominations. It was voted on and passed unanimously by roll call vote.

Mr. Hatke took over chairmanship of the meeting.

Mr. Hatke asked for nominations for vice chairperson.

Mr. Hatke moved and Ms. Purandare seconded a motion nominating Bill Cane. There were no other nominations. It was voted on and passed unanimously by roll call vote.

Resolutions were adopted by the Board unanimously approving the following appointments for the calendar year 2020: 1) Kevin Van Hise, Zoning Board Attorney; 2) Mark Kataryniak, Zoning Board Secretary; 3) Jaimie Laird, Zoning Board Recording Secretary; 4) Frank Banisch/Banisch Associates, Zoning Board Planner; 5) Mark Kataryniak, Zoning Board Engineer.

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## **ANNOUNCEMENTS**

Mr. Kataryniak made the announcement that the Board Members whom haven't already completed the Zoning Board of Adjustment Mandatory training will be contacted by the Community Development Department to assist in scheduling.

Mr. Kataryniak also announced that NJDEP Storm Water Management requirements, as part of the new MS4 permitting process require all board members to take an introduction course. The training will be provided to the Board members at a future meeting date.

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## **APPLICATIONS**

**CASE 2019-12 – Eastern Pedorthics, LLC** – 70 Route 31 South, Hopewell, New Jersey; Township Tax Map Block 65, Lot 101. Applicant is seeking a Use Variance and Preliminary and Final Site Plan Approval to operate a retail and manufacturing facility situated in the Valley Resource Conservation (VRC) Zoning District.

Chair Hatke stated that the applicants requested the application be withdrawn from this evenings agenda. Mr. Kataryniak stated that the applicant's attorney will be re noticing for the February Meeting.

**CASE 2019-13 – Roger Miller** – 72 River Drive, Hopewell, New Jersey; Township Tax Map Block 135, Lot 22. Applicant is seeking a Bulk Variance for side yard setback to construct a two-story addition on a pre-existing nonconforming single family dwelling situated in the R-50 Zoning District.

Present: Robert Ridolfi, Esq.; Mr. Roger Miller & Mrs. Christine Miller, Applicants.

Mr. Van Hise stated that the notice was in order and the Board did have jurisdiction to hear the application.

Robert Ridolfi, Esq., attorney for the applicant, stated that his client was requesting a bulk variance for side yard setback to permit the construction of a two story addition on the existing residence. The existing residence currently sits 3.2 feet from the left side yard property line, the proposed side yard setback for the addition is 8.3 feet although, the Township Ordinance requires a minimum 10-foot setback therefore, requiring relief for 1.7 feet for left side yard setback. Mr. Ridolfi acknowledged the Township Health Department Memo dated December 19, 2019, which expressed no objection for the proposed project. Mr. Ridolfi also acknowledged that the Delaware & Raritan Canal Commission (D&RCC) reviewed the application due to the property backing up to the canal. Subsequently, a letter of approval from the D&RCC was issued on November 20, 2019 and submitted as part of this application.

Mr. Roger Miller and Mrs. Christine Miller, Applicants, were sworn in by Mr. Van Hise.

Mr. Kataryniak stated that the Township Health Department was the only professional review report issued due to the minor nature of the application. Mr. Kataryniak also expressed that Mr. Miller had originally applied for and been denied, a zoning permit for the proposed addition because the existing residence does not conform to current front and left side yard setback requirements. Section 17-143 of the Hopewell Township Ordinance allows non-conforming structures of a certain age to continue as such, as long as the non-conformity is not expanded and any addition to the structure must meet current zoning requirements.

Mr. Ridolfi introduced and Mr. Miller identified Exhibit A1, a photograph of the front of the house which overlooks the river. Exhibit A2, photograph of the side view of the house looking toward the north “river side”, showing the existing garage and carport which was constructed in the late thirties. Exhibit A3, photograph of the rear view of the house, showing the existing garage and carport in the rear of the house in which the addition will be constructed. Mr. Miller stated that they intend to replace the existing garage and carport with a two car garage with living space above. Chair Hatke asked the applicant to identify where the additional encroachment will be, to address this question Mr. Ridolfi introduced Exhibit A4, a plan showing the existing setbacks. Mr. Hatke then clarified that when viewing Exhibit A3 (rear view of the home) the encroachment will be located on the right side.

Under Mr. Ridolfi’s questioning, Mr. Miller stated that he and his wife are current owners of the property which they recently acquired through family. The property has been in the Miller family for 62 years, Mr. Miller’s parents purchased the property in January 1958. The home was built in 1874 and has four bedrooms, one and a half bathrooms. The garage was built on the home in the

late thirties, vinyl siding was added to the home in 1992, other than that no other structural renovations have been made to the home. Mr. Miller states that it is impractical for he and his wife to move into the home as is, because in its current configuration, it is not habitable as a modern home. Mr. Ridolfi introduces Exhibit A5, large scale set of the architectural plans submitted as part of the application packet. Mr. Miller takes the board through the elevations and structural details of the plans as well as the floor plans, indicating and explaining the proposed changes. Mr. Kataryniak asks the applicant to identify how far the current and proposed structure extends from the rear wall of the house; Mr. Miller states that the existing garage extends 27 feet from the rear wall of the house and the proposed structure will be an addition of one foot, for a total of 28 feet from the rear wall of the house, which is not accurately shown on the submitted drawing.

Mr. Ridolfi asks the applicant to explain to the board why the side yard setback requirement cannot be complied with. Mr. Miller states that he and his wife extensively reviewed multiple different plans at an attempt to conform to the requirements, although it was determined that said plans were not feasible for numerous reasons including; inadequate room sizes, hallway configurations, roof line concerns, material efficiency, etc. Mr. Miller also states that moving the entire structure to the south side would restrict turning radius into the garage, and would take away from the historic aesthetic of the overall structure. Mr. Ridolfi asked the applicant if he had a discussion with the neighbors to the north, the Loesch's, about their proposed plans as well as the Loesch's upcoming project that will also require a variance before the Zoning Board. Mr. Miller states that he did have a discussion with the Loesch's about both of the proposed projects, and although the Millers have not yet seen plans for the Loesch's project, from what has been described to them, they do not have any objection.

Mr. Borders asks the applicant how many total bedrooms and bathrooms will exist with the proposed plans, Mr. Miller states that there will be a total of four bedrooms and two and half baths. Mr. Borders then questions what will be in the 8.3 feet of space between the proposed addition and the neighboring property to the north, Mr. Miller states that there will be two air conditioning condensers and possibly a generator. Mr. Border asks if there is anything in between the view of the neighbor and the proposed addition, Mr. Miller explains that there is an existing two car garage within two feet of the property line on the neighboring property to the north and that the view is blocked by that existing garage. It is then clarified that there is no living space directly across from the proposed addition, the house for that lot is located across the road on River Drive, approximately 85 feet from the proposed addition. Mr. Kataryniak states that the applicant has not shown a plan for the air conditioning condensers or generators which would require zoning approval as an accessory structure. Mr. Kataryniak strongly advises that the applicant include them in the plans now, and further explains that accessory structures are required to be one half of the side yard setback, which would be five feet. Mr. Cane, explains that he himself lives nearby (more than 200 feet from the property) and understands the unique predicament the applicant is in as his neighbor's house is only setback three feet from his property line. Mr. Cane goes on to explain that the plans as shown for this application "is totally in keeping for the way the properties are in Titusville". Mr. McInerney asks the applicant what the projected use of the addition is, if the applicant is currently living there or plans to move in. Mr. Miller expresses that they plan to move in once the work is completed.

Mr. Hatke opens the hearing to the public for questions. Mr. Daniel Kelly of 66 River Drive was sworn in by Mr. Van Hise. Mr. Kelly, whom resides within two hundred feet of the property, expresses his support for the application, stating that the plans go with the neighborhood by maintaining the historical character while adding functional living space to the structure.

Mr. Hatke, seeing no other members of the public, closes public questions and comments and asks the board for a motion.

Mr. Cane motions to approve the application as presented. Mr. Borders seconded this motion.

**ROLL CALL VOTE:**

**AYES:** Borders, Cane, Purandare, Rogers, Sandom, Verdino, Chair Hatke.

**NOES:** None.

**ABSTAIN:** None.

**NOT VOTING:** McInerney.

**ABSENT:** Stelow.

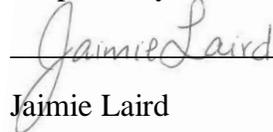
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**ADJOURNMENT**

At 7:39 p.m. **MOTION** by Cane, seconded by Rogers, to adjourn the meeting.

**MOTION UNANIMOUSLY CARRIED**

Respectfully submitted,

  
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Jaimie Laird

Recording Secretary