



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, MAY 2, 2018

The May meeting of the Hopewell Township Zoning Board of Adjustment (ZBOA) was held in the Municipal Building on the above date.

The Agenda Meeting of the ZBOA was held at 7:00 p.m.

REGULAR MEETING

The Regular Meeting of the ZBOA was called to order by Chair Moser at 7:30 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. This meeting was audio recorded.

ROLL CALL

PRESENT: Cane, Hatke, Lockwood, Purandare, van Raalte, Rogers, Chair Moser

ABSENT: None

ALSO PRESENT: Attorney Kevin Van Hise, Township Engineer & Community Development Director Mark Kataryniak, Professional Planner Joanna Slagle

MINUTES FOR APPROVAL

None at this time.

ANNOUNCEMENTS

Chair Moser announced that Board Member, Jonathan Nicozisis had resigned effective April 27, 2018.

CASE 2014-12SP EXTENSION– 222 Rt. 31, LLC – 222 Route 31, Hopewell, New Jersey; Township Tax Map Block 69, Lots 10, 13, 14, 18- Extension of Vesting.

The Applicants requested a one year extension of vested rights, which were due to expire June 30, 2018. The extension, which is permitted under the MLUL, would be valid from July 1, 2018 to June 30, 2019.

There were no questions from the board.

MOTION BY Cane, seconded by Lockwood, to approve the extension of vested rights.

MOTION UNANIMOUSLY CARRIED

Chair Moser announced that the following application would be further continued to the June 6, 2018 regular meeting.

CASE 2017-16 – AB MULCH - 1569 Reed Road, Hopewell, New Jersey; Township Tax Map Block 91, Lot 18. Applicant is seeking a use variance along with a bulk variance for front yard setback to construct a wood mulch production facility on the property situated in the Special Industrial (SI) Zoning District.

CASE 2018-09- Keith Calandra – 30 Diverty Road, Hopewell, New Jersey; Township Tax Map Block 86, Lot 37. Applicant proposes to demolish the existing principal dwelling and is seeking Hardship/Bulk Variances for front yard setback and left and right side yard setbacks to construct a new principal dwelling situated in the R-100 Zoning District.

Attorney Van Hise stated that the notice was in order and the Board could take jurisdiction of the application. Witness; Keith Calandra, the Applicant was sworn in. Mr. James Raban, Attorney for the Applicant, gave an overview of the application and proposed plans. Discussion with the Board Members included:

- Septic System
- Bedroom count

Comments from the public included:

- **William Loveman, 28 Diverty Road.** Mr. Loveman expressed his opposition to the application and stated he believes the property is too small to build a larger home. Mr. Loveman then questioned the proposed location of the septic system and well, because of concerns that it will be too close to his well. Mr. Loveman stated he would prefer to see the home built taller rather than longer on the lot.
- **Victor Silvestrov, 32 Diverty Road.** Requested to view the proposed side yard setbacks. He then asked for confirmation that the proposed plans were for a single story ranch style home.

There were no further questions or comments from the public.

Cane moved to approve the application subject to the approval of the Health Department and compliance with the Township Engineer's Memorandum, dated April 26, 2018 and the Planning Memorandum dated, May 2, 2018. Which included requirements to remove the oil tank, provide signed and sealed architectural plans and a signed and sealed survey, as well as to obtain a letter of no interest from the D&R. Mr. van Raalte seconded the motion for approval.

ROLL CALL VOTE:

AYES: Cane, Hatke, Lockwood, Purandare, van Raalte, Rogers, Chair Moser

NOES: None

ABSENT: None

CASE 2018-03 – Ruth Mellk – 211 Blackwell Road, Hopewell, New Jersey; Township Tax Map Block 44, Lot 20. Applicant is seeking a Use Variance with Bulk Variance for setbacks and lot coverage to construct a second principal dwelling on a property with an existing residential dwelling situated in the Valley Resource Conservation (VRC) Residential Zoning District.

Mr. Robert Ridolfi, Attorney for the Applicant acknowledged that this case was a continuation from the April 4, 2018 meeting. Mr. Ridolfi went on to give a brief overview of the revisions made by the homeowner, which addressed the board members and professional's concerns and comments with the preliminary plans. Township Attorney, Kevin Van Hise had Board Member, Linda Rogers, certify for the record that she listened to the audio taping of this application from the April meeting, in which she was absent. Witnesses; Steve Derochi; Architect and Kevin Brakel; Professional Engineer, were sworn in. The Applicants Planner, Mark Cannuli remained under oath from the April meeting.

Architect; Steve Derochi gave his qualifications which were accepted by the board. Mr. Derochi addressed **Exhibit A3- Titled "Colored Plan/Elevations"** and began by addressing the board's question as to why the proposed home could not be added on to the existing dwelling. Mr. Derochi then explained what architectural revision's the homeowners have agreed to, which are as follows:

- Removal of attached garage
- Removal of screened in back porch

- Two story Floor Print
- Reduction of approximately 1,000+ Square Footage
- Removal of driveway
- Barn-like design

Ms. Lockwood questioned the loss of the driveway, in which Mr. Derochi explained there is only an approximately fifty foot walk from the existing parking area to the proposed home.

There were no comments or questions from the public for this witness.

Kevin Brakel; Professional Engineer with Princeton Junction Engineering, gave his qualifications which were accepted by the board. Mr. Brakel addressed **Exhibit A4 Titled: “Colored Rendering of Site Development Plan”** and gave a description of the engineering changes made to the preliminary plans, which are as follows:

- Smaller foot print
- Reduction of water run off
- Reduction of impervious coverage
- Storm water Basin moved out of Stream Corridor
- Site improvements for storm water management

Discussion with the board members and professionals included:

- Grading
- Tree removal
- Fencing changes
- Force main relocated out of basin
- Gravity line
- Septic System changes- no increase in size

There were no questions or comments from the public for this witness.

Professional Planner Mark Cannuli, gave his qualifications which were accepted by the board. Mr. Cannuli addressed **Exhibit A5 Titled: “2015 Aerial Photo of the subject parcel and surrounding area”**. Mr. Cannuli gave a summary of the application and its particulars. Mr. Cannuli furthermore gave testimony in respect to why the proposed plans for the Use and Bulk variance would not be a substantial detriment to the public good or substantially impair the intent and purpose of the Zoning Plan and Land Use Ordinance.

Chair Moser questioned if the rear yard setback had changed. Mr. Cannuli explained that the proposed plans now meet the sixty foot setback requirement, to aide in reducing the visibility of the proposed home from the road.

There were no questions or comments from the public.

Robert Ridolfi closed out the case’s testimony by reminding the board that there have been applications alike in the past and stated that the applicant had complied with all of the professional memorandums. Board Member, Lockwood, expressed her desire that there be a deed restriction for use of the proposed home by family members only, which was originally discussed at the April meeting.

ROLL CALL VOTE:

AYES: Cane, Hatke, Lockwood, Purandare, van Raalte, Rogers, Chair Moser

NOES: None

ABSENT: None

CASE 2018-07 – Wendy Myers – 308 Hopewell Amwell Road, Hopewell, New Jersey; Township Tax Map Block 8, Lot 74.01. Applicant is seeking a Use Variance to construct a second principal dwelling on a property with an existing residential dwelling situated in the Valley Resource Conservation (VRC) Residential Zoning District.

Attorney Van Hise stated that the notice was in order and the Board could take jurisdiction of the application. Witnesses; Applicant, Wendy Myers and her husband, Jedd Hillegass were sworn in. Mr. Hillegass gave an overview of the application and description of the subject property and surrounding area. The Applicant, explained the proposed structure would be used as a home for her aging parents, whom currently live a distance away.

Discussion with the Board Members and Professionals included:

- Visibility from the road
- Plans to remove an existing barn
- Location of proposed home
- Setback requirement concerns
- Well and Septic location
- Number of bedrooms
- Floor Print
- Deed Restriction
- Tree Removal
- Extension of driveway
- Health Office Memo Dated April 6, 2018
- Engineer's Memo Dated April 30, 2018
- Reason for detached home opposed to addition to existing home

The Board had many questions regarding the plans that were submitted, the applicant explained that the plans submitted were only preliminary and did not truly reflect their desires. The applicant stated that the purpose before the board at this meeting was solely for a variance to permit a second principal use on the property. The applicant expressed that it is their full intention to meet the setback requirement's and would return to the board for a Bulk Variance if necessary, once final detailed plans and elevations were completed.

Commentary from the public included:

Kathryn Richards, 306 Hopewell Amwell Road – Richard Preston of 318 Hopewell Amwell Road read a statement of opposition prepared by Ms. Richards due to a speech difficulties. Ms. Richards had concerns with the use of the property, and potential of what it could become. Ms. Richards also spoke against the size of the proposed structure, lot size issues, and the threat to the surrounding preserved lands.

Michelle Preston, 318 Hopewell Amwell Road – Ms. Preston explains that her property neighbors the subject property to the west. Ms. Preston expressed her opposition to the case for many reasons, some of which included concerns with the size of the proposed project, visibility from her property, potential of subdivision, possibility of becoming a rental opportunity, encroachment of the stream corridor, along with decreasing the neighboring properties value by effecting the open space and natural feel that the area offers.

Robert Ryan, 307 Hopewell Amwell Road – Mr. Ryan voiced his objection to the application, he stated the application shows no special reason to be granted relief against the land use ordinance, and he feels that the proposed plan is a detriment to the zone and goes against land use ordinance for the zone.

Rebecca Sylvan Jaffe, 300 Hopewell Amwell Road – Ms. Sylvan Jaffe expressed her objection to the application because of her concerns for the preservation of the land that surrounds the subject property. Ms. Sylvan Jaffe is fearful of development in the zone and the loss of the beauty of the land the zone offers.

Richard Preston, 318 Hopewell Amwell Road – Mr. Preston, in objection, makes mention that the subject property is surrounded by woodland and streams that could hold historic value.

There were no further comments from the public.

Further discussion with the Board Members and Professionals included:

- Addition to the existing home vs. detached structure as proposed
- Distance between the proposed structure and stream corridor
- Size of proposed structure

Several board members agreed, that they would like to see size modifications, along with more detailed plans and elevations in order to vote on the use variance. Mr. van Raalte stated he felt the objections from the public would remain, no matter the size or location of the proposed structure and felt it would be imperative, if approved in the future that there be a deed restriction in place, to help alleviate the public's concern that the property may turn into a rental opportunity. Kevin Van Hise, Zoning Board Attorney, gave the Applicants their options to move forward; first of which would be to request the application be carried to a near future meeting date to give them time to make revisions. The second option given to the applicant was to withdraw the application without prejudice which gives the Applicants the opportunity to obtain revised plans at their own pace, and re- apply for the variance once they are prepared to do so. The Applicant and Mr. Hillegass subsequently requested that the application be carried two months, to the July 11, 2018 Meeting in which the board accepted. No further noticing was required.

CASE 2018-08 – Alicia Lambert – 44 Wilfred Avenue, Hopewell, New Jersey; Township Tax Map Block 117, Lot 44. Applicant is seeking Hardship/Bulk Variances for right side yard setback and rear yard setback to construct a sunroom enclosure on the rear of the residential dwelling situated in the R-50 Zoning District.

Applicant; Ms. Lambert was deemed absent from the meeting. The board took jurisdiction of the case and carried the application to the June 6, 2018 meeting. No further notice was required.

MEMORIALIZATION OF RESOLUTIONS

CASE 2018-04 – Hopewell Special, LLC – 85 Stony Brook Road, Hopewell, New Jersey;
Township Tax Map Block 5, Lot 34.

CASE 2018-06 – Fahmy, Michael – 14 Cheyenne Drive, Hopewell, New Jersey; Township Tax
Map Block 75, Lot 4.11.

ADJOURNMENT

At 10:00 p.m. **MOTION** by Cane, seconded by Purandare, to adjourn the meeting.

MOTION UNANIMOUSLY CARRIED

Respectfully submitted,

Jaimie Williamson

Jaimie Williamson

Acting Secretary