



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, JULY 11, 2018

The July 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, Chair Moser

ABSENT: Rogers

ALSO PRESENT: Zoning Board Attorney Anthony Todaro, Zoning Officer Mark Kataryniak, Planner Frank Banisch

MINUTES FOR APPROVAL

Regular Meeting of May 2, 2018

Chair Moser announced that the following application would be continued to the August 1, 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.

Chair Moser announced that the following application was withdrawn without prejudice.

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 the property with an existing residential dwelling situated in the Valley Resource Conservation (VRC) Residential Zoning District.

CASE 2018-12 – Stephen Zarodnansky- 2551 Pennington Road, Hopewell, New Jersey; Township Tax Map Block 85, Lot 4. Applicant is seeking a Use Variance and waiver of site plan to operate an automotive detail shop in conjunction with an existing fuel service station on the property situated in the Neighborhood Retail Commercial (C-1) Zoning District.

Attorney for the Zoning Board, Anthony Todaro stated for the record that the notice was in order and the board could take jurisdiction of the application. Attorney for the applicant, Christopher Costa from Kenny Chase and Costa law firm, began by giving a brief description of the existing auto detail business and the variance in which was applied for. A series of photos were distributed to the board members and professionals which were marked in as exhibits A1-A4 and discussed throughout testimony. Mr. Steve Zarodnansky, Applicant and Business owner of Old Glory Detailing, was sworn in by the Zoning Board Attorney and gave an in depth description of the business operations including business hours, employees, site layout, cleaning products that are used, as well as circulation of the site. The Township Zoning Officer, Mark Kataryniak, explained that the application shows no plans to make any physical changes to the site which constitutes the waiver of site plan. The Zoning Officer also stated for the record that the replacement of an existing four foot by two foot (4'x2') sign was previously approved by means of zoning permit.

Discussion with the board members and professionals included:

- Exterior Lighting
- Site entrances
- Mobile unit/employee parking
- Cleaning products
- Mobile Tinting Vehicle
- Positive Criteria

There were no questions or comments from the public.

ROLL CALL VOTE:

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

NOES: None

ABSENT: Rogers

CASE 2018-10 – Glenmoore Farm, LLC – 105 Pennington Hopewell Road, Hopewell, New Jersey; Township Tax Map Block 34, Lot 19. Applicant is seeking a Use Variance to utilize the existing barn for an event space on the same property as an existing residential dwelling situated in the Valley Resource Conservation (VRC) Residential Zoning District.

Attorney for the Zoning Board, Anthony Todaro stated for the record that the notice was in order and the board could take jurisdiction of the application. Attorney for the applicant Graig Corveleyn of Corveleyn Law Firm, began by giving the board a history on the property and the applicants as well as a brief description of the proposed plans. Anne and Mike Ellery, Applicants and Owners of the subject property were sworn in. The Zoning Board Attorney marked in exhibit A1- PowerPoint Presentation, which was presented throughout testimony. Mr. and Mrs. Ellery described the history of the property they purchased in 2014, along with the barn in which they hold events in. The applicants go on to explain that they currently work with the Township each time they hold an event, and that they are limited to the number fifteen (15) events per year. The Zoning Officer further explains the process in which the applicants are required to obtain a Temporary Activity Permit, as well as Fire Safety Permits through the Township for each event. Discussion with the board members include:

- Police Protection
- Fire Safety
- Cooking not permitted in the barn

The Applicants Attorney clarifies that the current use of the building is not intended to change with the granting of a use variance, and that they still intend to comply with any and all requirements that are currently imposed through the Temporary Activity Permit and Fire Safety Permits. The sole purpose of requesting the use variance is so that they may hold events more regularly. The Ellery's explain that they have already spent funds to restore the barn to its current

state and would like to continue to do so, but would need to see an increase in events so that they are able to fund more renovations. Further discussion with the board members included:

- Building capacity (125 People)
- Restriction on the size of tents
- Fire suppression system
- Fundraising events
- Septic
- Restroom facilities
- Trash disposal
- Parking
- Fire lanes

Board Member, Mr. Hatke, expressed concerns based on the plans and photos presented, that a fire engine could not fit through the driveway when filled with cars. Mr. Kataryniak clarified for the board, that the application is solely for a Use Variance and that the applicant will be required to come back for Site Plan Approval. The board members and the applicants continued to discuss the current parking situation, as well as the residential units that currently exist on the property which include; a four (4) bedroom main house, a one (1) bedroom apartment above the garage and a two (2) bedroom farm cottage. A series of photos were then marked into evidence as Exhibit A2. The applicants presented and described the photos which showed a variety of events they have held in the barn, as well as a number of improvements they have made to the barn thus far. Professional Planner for the applicant, James Kyle, was sworn in. Mr. Kyle began by passing out Exhibit A3 described as a 2017 aerial photo and tax parcel base map, with the subject property outlined in yellow. Mr. Kyle gave an overview of the aerial photo to provide the board members with an image of the layout of the site as well as the properties that surround the farm. Mr. Kyle went on to give an in depth description of the positive and negative criteria for the application. Additional discussion with the board members included:

- No events are held in the winter months
- Number of events proposed
- Number of staff
- Size of the barn (4,800 Square Feet)
- Noise disturbance
- Building Insulation
- Farm land assessment
- Permanent Restroom Facilities

A few of the board members indicated having a hard time determining the definition of an event space and what type of restriction's the board could put on an approval of such, as to prevent the space from becoming a year round, undefined, unrestrained event space. It was suggested by the applicant's professional planner that the applicant take time to prepare a written document of suggested restrictions that could be agreed on, including a detailed schedule and number of events as well as types of events they would like hold. Chair Moser agreed with Mr. Kyle and

expressed the need for more detailed information. The board offered further details in which they would like more information.

There were no questions or comments from the public.

The case was carried to the August 1, 2018 Regular Meeting.

CASE 2018-14 – F. Nicholas Pirone – 1652 Reed Road, Hopewell, New Jersey; Township Tax Map Block 85, Lot 2. Applicant is seeking a Use Variance with Preliminary and Final Site Plan to construct a residential dwelling on the same property as an existing landscaping business situated in the R-100 Residential Zoning District.

Attorney for the Zoning Board, Anthony Todaro stated for the record that the notice was in order and the board could take jurisdiction of the application. Attorney for the applicant, Robert Ridolfi, began by giving a brief overview of the application. Nicholas Pirone, Applicant and property owner, was sworn in. Mr. Ridolfi questioned Mr. Pirone about the purchase of the property from the previous owner whom also ran a landscaping business. Mr. Pirone gave an explanation of what existed on the property at the time of purchase and his intentions to continue to run his landscape business as well construct a home for himself on the property, inciting the need for a Use Variance. Mr. Ridolfi continued to question Mr. Pirone and discussed the following:

- Operating hours
- Equipment
- Type of work
- Employees
- Well & Septic
- Trash Disposal
- Neighbors

During this discussing, Mr. Ridolfi confirmed with the applicant that the proposed home is to be used for his own personal use and that the applicant would be willing to agree with a condition of approval stating that the business owner is to reside in the proposed home. The applicant also expressed agreement with all comments listed in the professional review memorandums.

Public comment included:

Henry Sufnar, 1656 Reed Road- Mr. Sufnar, neighbor to the subject property expressed his support of the application although, requested clarification on the location of the newly proposed well.

Township Zoning Officer and Engineer, Mr. Kataryniak, questioned the applicant on the lighting of the site and expressed that the ordinance indicates all lights need to be turned off by 10:00 PM, the applicant agreed to comply. Mr. Kataryniak also questioned the storage of any materials on the site, in which the applicant stated a small amount of excess mulch may be stored on the property to be recycle, the applicant agreed to identify the location of such on the site plan. The

applicant also expressed that no deliveries of material are made to the site by any other business. Board Member, Ms. Purandare, requested further details on the storage of mulch on the property such as the quantity and length of time the materials stay on site. It was clarified for the board that mulch is not being produced on site. Mr. Hatke then questioned the positioning of the proposed home on the site. Professional Surveyor for the applicant, Frank Falcone was sworn in and began by marking in Exhibit A1, described as a rendering of the site plan. Mr. Falcone went on to describe exhibit A1 in detail to the board members. Mr. Falcone confirmed the applicant is willing to comply with all comments in the professional review memorandum and explained they will provide the Township Engineer with a grading plan. Mr. Kataryniak states he is satisfied with the waivers the applicant has requested, other than the grading plan in which the applicant has already indicated he will provide. Mr. Ridolfi introduced the applicants Professional Planner, James Kyle, whom remained under oath from the previous application. Mr. Kyle gave in depth testimony of the positive and negative criteria for the application. There were no further questions or comments from the board members, professionals, or public.

ROLL CALL VOTE:

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

NOES: None

ABSENT: Rogers

CASE 2018-15 – Kevin & Joyce Driver – 106 Johnstone Drive, Hopewell, New Jersey; Township Tax Map Block 69.01, Lot 10. Applicant is seeking a Use Variance with Bulk Variance for lot area, lot coverage, and left side yard setback to construct an addition to the existing single-family dwelling to be used as an In-Law Suite situated in the R-100 Residential Zoning District.

Attorney for the Zoning Board, Anthony Todaro stated for the record that the notice was in order and the board could take jurisdiction of the application. Applicant, Andrea Driver, was sworn in. Mrs. Driver gave the reasoning for the variance requested, and the unique circumstances that creates a need for them to construct an In-Law Suite addition to the existing single family dwelling. Discussion with the board members and professionals included:

- Lot coverage total
- Driveway
- Placement of addition
- Mitigation
- Setbacks

The applicant agreed to provide the Township Engineer with a storm mitigation plan for review and approval as a condition of a Zoning Board approval. The applicant also agreed to a deed restriction stating only family members may reside in the proposed addition and the addition may not be used as a rental opportunity. There were no question or comment from the public.

ROLL CALL VOTE:

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

NOES: None

ABSENT: Rogers

MEMORIALIZATION OF RESOLUTIONS

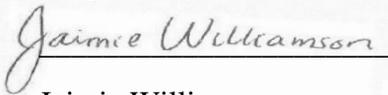
CASE 2018-01 – Disch & Sons Distillers, LLC – 130 Hopewell-Rocky Hill Road, Hopewell, New Jersey; Township Tax Map Block 14, Lot 15.01.

ADJOURNMENT

At 10:17 p.m. **MOTION** by Cane, seconded by Lockwood, to adjourn the meeting.

MOTION UNANIMOUSLY CARRIED

Respectfully submitted,

A handwritten signature in cursive script that reads "Jaimie Williamson". The signature is written in black ink on a light-colored background.

Jaimie Williamson

Acting Secretary