



TOWNSHIP of HOPEWELL
MERCER COUNTY

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

PROJECT / APPLICATION

BLOCK:

LOT:

ADDRESS:

PROJECT NAME:

REVIEW REPORTS

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TOWNSHIP OF HOPEWELL

201 Washington Crossing-Pennington Road
Titusville, New Jersey 08560-1410
Phone 609.737.0605 Ext. 6280

MEMORANDUM

TO: Hopewell Township Zoning Board of Adjustment

CC: Applicant

FROM: James Hutzemann PE, PP - Board Engineer 

DATE: July 3, 2023

RE: **Engineering Review – Bulk Variance**
MRC Mountain Resource Conservation Zone
Block 60, Lot 19; 2 Fiddlers Creek Road

I. Application Submission Items

The following documents were received by the Township on June 2, 2023:

- A. Zoning Board Application Form EZ, dated 6/1/2023, with required fees, escrow and authorization forms.
- B. Lot Coverage Calculation Worksheet, dated 6/1/2023.
- C. Survey titled “Plan of Survey”, prepared by Brunswick Survey Incorporated, dated 4/5/2021.
- D. Plan showing architectural elevations, dated July 2022.

II. Completeness

The application is deemed complete on July 3, 2023. A hearing date may be scheduled.

III. Description

The property in question is a 2.4 acre parcel located in the MRC Mountain Resource Conservation Zoning District, and the property is served by an on-site individual septic system. The property contains 346.51 feet of frontage on Fiddlers Creek Road, which comprises the eastern boundary of the property and 293.6 feet of frontage on River Road, which comprises the southern boundary. The property is improved with a single-family residential structure, with a stone driveway providing access from Fiddlers Creek Road. There are no wetlands located on the property, but a stream does run through the middle of the property from north to south. This stream is identified on the Township’s Stream Corridor Buffer Map and has an associated 150’ buffer. This property is also located in the Delaware and Raritan Canal Commissions Zone A.

The application proposes the construction an addition over the existing garage. The proposed construction is an expansion of a dwelling with an existing non-conforming front yard setback.

The existing structure are located within the 150' Stream Corridor Buffer but does not create permanent disturbance in the corridor.

IV. Zoning

A. The property is located within the MRC Zoning District and required to meet Section 17-160 of the Ordinance. Compliance with the applicable standards for the Zoning District is summarized as follows:

Bulk Requirements	Required	Existing	Proposed
Min. lot area (acre)	3 acre	2.4 acre (e)	No Change (e)
Min. lot width (ft)	200'	346.51'	No Change
Min. lot depth (ft)	300'	293.60' (e)	No Change (e)
Min. front yard (ft) (garage)	100'	30' (e)	No Change (e)
Min. side yard (ft) (garage)	20'	140'	No Change
Min. rear yard (ft) (garage)	20'	160'	No Change
Max. lot coverage (%)	10%	3.07%	3.07%
Max. garage. height (ft)	18'	18'	No Change

(e): Existing non-conformity

B. Variances

a. A review of the existing conditions on the property reveal the following non-conformities that are proposed to remain with the current application:

i. The property does not meet the MRC Zoning District requirements for the minimum lot area, lot depth and front yard setback. These are existing non-conformities.

b. The proposed application creates the following variance:

i. It appears the new second story addition, which will not change any setback distance. This is an expansion of an existing non-conforming condition.

C. The applicant should provide testimony in support of the variance. Applicants may seek a variance from bulk zoning requirements under one of the following two statutory provisions of the NJ Municipal Land Use Law, N.J.S.A. 40:55D-1 et seq.:

a. C-1 Variances – Property “Hardship” Variances. The Board of Adjustment has the power to grant a bulk variance if, due to the unusual and unique features of the property - including the existing layout of buildings and improvements - denying the variance would impose an undue hardship. The applicant must also satisfy what is referred to as the “negative criteria”, by showing that a) the variance can be granted without causing substantial detriment to the public good, and, b) that the granting of a variance will not substantially impair the intent and purpose of the municipal master plan and ordinances.

b. C-2 Variances – “Flexible c”. The Board of Adjustment may grant a bulk variance if the Board determines that the benefits of granting the variance outweigh the detriments of noncompliance with zone requirements. The Board must determine that the purposes of zoning (N.J.S.A. 40:55D-2), such as

health, safety and welfare, or promotion of a desirable visual environment, will be advanced by a deviation from zoning ordinance requirements and that the benefits of the deviation will substantially outweigh any detriment. The “negative criteria” described above for c1 variances must also be satisfied.

V. Comments

- A. Testimony shall be provided to confirm that the building height will not exceed the allowable height of 18 feet. The garage drawing elevations do not have the height labeled, but it is noted that the addition will not increase the height of the existing garage.
- B. Testimony shall be given regarding the use of within the garage, including the expanding second story addition and whether it will generate any additional flow to the existing septic system.

VI. Recommended Conditions of Approval

- A. Should this application be approved, we recommend, at a minimum, the following conditions of approval:
 - 1. Continued payment of any required application and escrow fees.
 - 2. Delaware and Raritan Canal Commission Approval or letter of no interest.
 - 3. Floor plans for both floors of the garage shall be provided prior to issuance of a zoning permit. The floor plans should depict any partitioned rooms and their use, egress, and stairs.
 - 4. A Hopewell Township Floodplain Development Permit should be completed and submitted to the zoning office for approval.

