



**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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**From:** [Gary Dorsi](#)  
**To:** [Jamie Bolles](#)  
**Subject:** RE: New Application  
**Date:** Tuesday, April 22, 2025 8:39:19 AM  
**Attachments:** [image006.png](#)  
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No comments from the Health Dept. Thanks

*Gary Dorsi*  
Health Officer  
Township of Hopewell, Mercer County  
201 Washington Crossing – Pennington Road  
Titusville, NJ 08560  
Office (609) 737-0120 x6390  
Cell (609) 414-3174  
Fax (609) 737-6836  
[gdorsi@hopewelltwp.org](mailto:gdorsi@hopewelltwp.org)



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**From:** Jamie Bolles <[jbolles@hopewelltwp.org](mailto:jbolles@hopewelltwp.org)>  
**Sent:** Thursday, April 17, 2025 2:04 PM  
**To:** Tara St. Angelo <[tstangelo@GKLEGAL.com](mailto:tstangelo@GKLEGAL.com)>; [jbash@vancleefengineering.com](mailto:jbash@vancleefengineering.com);  
[afosina@hopewelltwpfire.org](mailto:afosina@hopewelltwpfire.org); Gary Dorsi <[gdorsi@hopewelltwp.org](mailto:gdorsi@hopewelltwp.org)>  
**Subject:** New Application

Hello Everyone,

We have received a new Zoning Board application which is linked below. If appropriate, please review for completeness and provide a memo by May 1, 2025.

Thank you. Feel free to reach out if you have any questions. Have a Great weekend!

<https://www.hopewelltp.org/DocumentCenter/Index/919>

*Jamie Bolles*

Community Development Assistant

Zoning Board Secretary

Township of Hopewell, Mercer County, NJ

Office 609-737-0605 x6640



# Memorandum

**To:** Hopewell Township Zoning Board of Adjustment

**Cc:** Applicant

**From:** James Bash, PE  
Zoning Board Engineer

**Date:** April 24, 2025

**Re:** **Engineering Review #1 – ZBA 25-09**  
**Mavian Arbizu**  
Bulk & Use Var. – Construction Depot/Rental Facility; SI Zone  
Block 88, Lot 5.01, 17 & 42; 2377 Pennington Road & 3 Drake Lane  
VCEA File No. 78062512

## **I. Application Submission Items**

The following documents were received by the Township for review:

- A. Planning Board Application Form with checklists, required fees, escrow and authorization forms;
- B. Plan entitled “Major (Bifurcated) Site Plan with Use Variance, Prepared For, Lots 5.01, 17 & 42 In Block 88, Township of Hopewell, Mercer County, New Jersey”, prepared by D.S. Engineering, P.C., dated 04/08/2025.

## **II. Completeness**

The application is incomplete. A board hearing should not be scheduled at this time.

## **III. Description**

The properties in question total 2.199-acres and are located in the SI Special Industrial Zoning District. The properties are currently developed as single-family dwellings. Lots 17 and 42 contain wetlands onsite and a portion of a stream named Shabakunk Creek Tributary. There are no other environmentally sensitive areas located on the property. The property is located in the Delaware

### **OFFICE LOCATIONS**

[www.vancleefengineering.com](http://www.vancleefengineering.com)

Hillsborough, NJ  
908-359-8291

Mt. Arlington, NJ  
862-284-1100

Phillipsburg, NJ  
908-454-3080

Doylestown, PA  
215-345-1876

Pottstown, PA  
610-323-4040

Hamilton, NJ  
609-689-1100

Toms River, NJ  
732-573-0490

Freehold, NJ  
732-303-8700

Bethlehem, PA  
610-332-1772

and Raritan Canal Commissions Zone B. Surrounding properties contain farmland and single-family residential structures.

The applicant has received a notice of zoning violation for Hopewell ordinance sections 17-165, 17-14a, 17-29b, and 17-82.1c. The applicant has submitted an application to the Board in order to address the zoning violations.

#### IV. Zoning

- A. The property is located within the SI Special Industrial Zoning District and required to meet Section 17-165e of the Ordinance. Compliance with the applicable standards for the Zoning District is summarized as follows:

<b>Bulk Requirements</b>	<b>Required</b>	<b>Existing Lot 5.01</b>	<b>Existing Lot 17 &amp; 42</b>	<b>Proposed Lot 5.01</b>	<b>Proposed Lot 17 &amp; 42</b>
Min. lot area (ac)	3	3.8256	8.6863	No Change	No Change
Min. lot width (ft)	300	250 ±(e)	345 ±	No Change	No Change
Min. lot depth (ft)	300	600 ±	980 ±	No Change	No Change
Min. front yard (ft)	100	143.24	116 ±	No Change	No Change
Min. side yard (ft)	50	83.62	9.9 (e)	No Change	No Change
Min. rear yard (ft)	50	384 ±	796 ±	No Change	No Change
Max. Building Height (ft)	40	< 40	< 40	No Change	No Change
Max. lot coverage (%)	50	19.6	2.4	82.0 (v)	12.8
Max. Building coverage (%)	20	Undetermined	Undetermined	No Change	No Change
Max. Floor Area Ratio (FAR)	0.20	Undetermined	Undetermined	No Change	No Change

(e): Existing non-conformity

(v): Proposed Non-Conformity

#### B. Variances

- a. A review of the existing conditions on the property prior to zoning violation reveals the following non-conformities that are proposed to remain with the current application:
- Lots 17 & 42 does not meet the SI Special Industrial Zoning District requirements for minimum side yard.
  - Lot 5.01 does not meet the SI Special Industrial Zoning District requirements for minimum lot width.

- b. The zoning violation creates the following variance:
  - i. The property will require a variance from maximum lot coverage requirements. The proposed lot coverage is 82.0%, where 50% is required.
- 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.
- D. The application also seeks a D(1) Use Variance to utilize the site as a construction equipment depot and dumpster rental facility in the SI zone. I defer to the Township Planner’s review for comment on the Use Variance.

**V. Comments**

- A. The project has created over 0.25 acres of impervious surface and has disturbed over an acre of land. Therefore, it meets the definition of Major Development and requires stormwater management measures be implemented.
- B. Zoning table doesn’t provide accurate setbacks. The zoning table shall be revised to provide exact numbers.
- C. A Shabakunk Creek tributary stream is located in the rear of Lot 42 and shall be shown on the plans. The plan shall show the location of the top and bottom of bank and its associated riparian zone.
- D. Wetlands are present on lots 17 and 42. Wetland transition areas shall be shown on the plans.

- E. Past aerial imagery shows trees that appear to have been removed for the placement of millings. It shall be confirmed that all requirements set forth in Hopewell ordinance section 12-4 have been met. If required a tree replacement plan shall be prepared and provided for review. Additionally, testimony shall be provided.
- F. A soil erosion and sediment control plan has not been provided. A SESC plan shall be provided for review.
- G. The project site will require NJDEP approvals. A Fresh Water Wetlands Letter of Interpretation and Transition Area Waiver shall be obtained and provided as a condition of approval.

**VI. Required Approvals**

The applicant shall obtain the following approvals or letter of no interest as a condition of any approval the Board may grant:

- 1. Mercer County Soil Conservation District
- 2. New Jersey Department of Environmental Protection
- 3. Delaware and Raritan Canal Commission

**VII. 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. All NJDEP permitting has been obtained.



## **TOWNSHIP OF HOPEWELL**

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

### **MEMORANDUM**

**TO:** Hopewell Township Planning Board

**CC:** Applicant

**FROM:** Wendy A. Birkhead, PE, CME  
Director of Community Development/Township Engineer

**DATE:** February 2, 2026

**RE:** **Engineering Review #2 – ZBA 25-09**  
**Mavian Arbizu**  
Bulk & Use Var. – Construction Depot/Rental Facility; SI Zone  
Block 88, Lot 5.01, 17 & 42; 2377 Pennington Road & 3 Drake Lane  
VCEA File No. 78062512

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#### **II. Completeness**

The application is complete. A board hearing may be scheduled at this time.

#### **III. Description**

The properties in question total 2.199-acres and are located in the SI Special Industrial Zoning District. The properties are currently developed as single-family dwellings. Lots 17 and 42 contain wetlands onsite and a portion of a stream named Shabakunk Creek Tributary. There are no other environmentally sensitive areas located on the property. The property is located in the Delaware and Raritan Canal Commissions Zone B. Surrounding properties contain farmland and single-family residential structures.

The applicant has received a notice of zoning violation for Hopewell ordinance sections 17-165, 17-14a, 17-29b, and 17-82.1c. The applicant has submitted an application to the Board in order to address the zoning violations and a bifurcated application for the requested Use



Variance. Should the requested use be approved, the applicant will still need to obtain preliminary and final site plan approval from the Board.

#### IV. Zoning

- A. The property is located within the SI Special Industrial Zoning District and required to meet Section 17-165e of the Ordinance. Compliance with the applicable standards for the Zoning District is summarized as follows:

<b>Bulk Requirements</b>	<b>Required</b>	<b>Existing Lot 5.01</b>	<b>Existing Lot 17 &amp; 42</b>	<b>Proposed Lot 5.01</b>	<b>Proposed Lot 17 &amp; 42</b>
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Min. lot width (ft)	300	250 ±(e)	345 ±	No Change	No Change
Min. lot depth (ft)	300	600 ±	980 ±	No Change	No Change
Min. front yard (ft)	100	143.24	116.1	No Change	No Change
Min. side yard (ft)	50	83.62	9.9 (e)	No Change	No Change
Min. rear yard (ft)	50	382.7	798.6	No Change	No Change
Max. Building Height (ft)	40	30 ±	30 ±	No Change	No Change
Max. lot coverage (%)	50	19.59	2.32	61.22 (v)	9.3
Max. Building coverage (%)	20	1.77	1.45	No Change	No Change
Max. Floor Area Ratio (FAR)	0.20	0.019	0.019	0.0064	0.0064

(e): Existing non-conformity

(v): Proposed Non-Conformity

#### B. Variances

- a. A review of the existing conditions on the property prior to zoning violation reveals the following non-conformities that are proposed to remain with the current application:
- Lots 17 & 42 does not meet the SI Special Industrial Zoning District requirements for minimum side yard.
  - Lot 5.01 does not meet the SI Special Industrial Zoning District requirements for minimum lot width.

- b. The zoning violation creates the following variance:
  - i. The property will require a variance from maximum lot coverage requirements. The current lot coverage is 82.02%, where 50% is required. The application seeks to reduce coverage to 61.22%, which still requires relief be granted.
- 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.
- D. The application also seeks a D(1) Use Variance to utilize the site as a construction equipment depot and dumpster rental facility in the SI zone. I defer to the Township Planner’s review for comment on the Use Variance.

## V. Comments

- A. The project has created over 0.25 acres of impervious surface and has disturbed over an acre of land. Therefore, it meets the definition of Major Development and requires stormwater management measures be implemented. ***The application states that this is a bifurcated application for the Use Variance and shows the location of several Bio retention basins. I offer no objection for this design to be finalized during preliminary and site plan approval, however, testimony shall be provide as to an overview of how stormwater will be treated and how all applicable regulations will be complied with.***
- B. Zoning table doesn’t provide accurate setbacks. The zoning table shall be revised to provide exact numbers. ***This has been addressed, however the application shows a reduction in the Floor Area Ratio. Testimony shall be provided as to where this reduction comes from.***
- C. A Shabakunk Creek tributary stream is located in the rear of Lot 42 and shall be shown

on the plans. The plan shall show the location of the top and bottom of bank and its associated riparian zone. ***This has been addressed and is pending NJDEP verification.***

- D. Wetlands are present on lots 17 and 42. Wetland transition areas shall be shown on the plans. ***This has been addressed and is pending NJDEP verification.***
- E. Past aerial imagery shows trees that appear to have been removed for the placement of millings. It shall be confirmed that all requirements set forth in Hopewell ordinance section 12-4 have been met. If required a tree replacement plan shall be prepared and provided for review. Additionally, testimony shall be provided.  
***Landscaping has been added to the plan. Please note that this landscaping will be required whether or not the Use Variance is granted. A schedule with species from the Township's approved native species list should be provided. It is noted that 45 trees have been removed and 150 trees are to be planted. Testimony should be provided as to how those numbers were determined and how they comply with the tree removal/replacement ordinances.***
- F. A soil erosion and sediment control plan has not been provided. A SESC plan shall be provided for review. ***This has been addressed and is subject to review and approval by the Mercer County Soil Conservation District.***
- G. The project site will require NJDEP approvals. A Fresh Water Wetlands Letter of Interpretation and Transition Area Waiver shall be obtained and provided as a condition of approval. ***This is subject to NJDEP review and approval.***

## **VI. Required Approvals**

The applicant shall obtain the following approvals or letter of no interest as a condition of any approval the Board may grant:

- 1. Mercer County Soil Conservation District
- 2. New Jersey Department of Environmental Protection
- 3. Delaware and Raritan Canal Commission
- 4. Mercer County Planning Board
- 5. NJDOT

## **VII. 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. Preliminary & Final Site Plan approval shall be obtained if the Use Variance is approved.