



TOWNSHIP OF HOPEWELL
ZONING BOARD OF ADJUSTMENT
DEPARTMENT OF COMMUNITY DEVELOPMENT

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

**MEETING MINUTES
WEDNESDAY, FEBRUARY 2ND, 2022**

A regular meeting of the Hopewell Township Zoning Board of Adjustment was held via ZOOM at 7:00 p.m. on Wednesday, February 2, 2022.

REORGANIZATION REGULAR MEETING

The Regular Meeting of the ZBOA was called to order by Chairperson Eric Hatke at 7:15 p.m. in accordance with the Open Public Meetings Act, noting that proper notice of said meeting was posted on the Municipal Bulletin Board and forwarded to the Hopewell Valley News, The Times, The Trentonian, and the Hopewell Express on January 4, 2022. Notice of revisions to conduct this meeting as an electronic meeting only was further posted on the Hopewell Township website and forwarded to the official newspapers of the Township on January 28, 2022.

ROLL CALL

PRESENT: Cane, McInerney, Rao, Rogers, Sandom. Verdino, Hatke, Thedinga, Kolodziej

ABSENT: None

ALSO PRESENT: Attorney Kevin Van Hise, Zoning Officer/Twp. Engineer James Hutzelmann, Zoning Board Engineer Jim Bash, and Recording Secretary Amanda Bregenzer.

ANNOUNCEMENTS

None.

APPLICATIONS

CASE 21-20 -- Maccarone Subdivision – 58 Woosamonsa Road, Hopewell, New Jersey; Township Tax Map Block 49, Lot 3. Applicant is seeking a minor subdivision and use variance to create two new lots, one lot with two dwellings situated in the Valley Resource Conservation (VRC) Zoning District. *Carried from the January 5, 2022 meeting.*

Present: Dino Spadaccini, Attorney; Mr. & Mrs. Maccarone, Applicants; Allan L. Sampson, LS, Land Surveyor; James Miller, PP, Planner; Russell Smith, PE, PP.

This application was previously heard at the November 3rd, 2021 meeting. Applicants (Mr. & Mrs. Maccarone) are proposing to subdivide current lot into two lots however, creating two homes on one lot and keeping the current home on the other lot.

Mr. Spadaccini gives some background information regarding the previous hearing and the proposed subdivision.

Attorney Van Hise stated that the notice was in order and the Board could take jurisdiction of the application.

Kevin Van Hise states 3 board members were not present at the original hearing, however they have listened to the testimony and are eligible to vote.

Mr. Russell Smith, PE, PP, was sworn in by Mr. Van Hise. Mr. Russell Smith, PE, PP is a Licensed Professional Engineer in New Jersey, President of Hopewell Valley Engineering.

Mr. Smith discusses the Alternate Conforming Subdivision (dated January 5th, 2022). Kevin Van Hise introduces this as Pre-Marked Exhibit A-2 for February 2nd, 2022 hearing.

Mr. Smith discusses the plan:

- Different colors relating to the home (*tan*) and agricultural areas (*green*)
- Farmland assessment
- 3 conforming lots
- Existing environmental constraints
- Lot area (gross area/net area)

Mr. Smith discusses the Minor Subdivision Plan (revised January 1st, 2022). Kevin Van Hise introduces this as Pre-Marked Exhibit A-3.

Mr. Smith discusses the plan:

- Layouts for the 2 lots
- Lot areas (home & agricultural)

Chair Hatke turns questions to the Board Professionals for Mr. Smith's presentation.

Questions from the Board Professionals included:

- Sanitary & Septic
- Storm Water
- Setbacks; future home and driveway locations

Chair Hatke moves questions and/or comments to the Board Members.

Questions from the Board Members included:

- Septic system locations
- Riparian zone regulations
- Wetlands delineation renewal

Chair opens questions up to the public. Kevin Van Hise advises this is only for questions, no testimony during this so no need to swear any witnesses in. Anybody who has a question, limit to questions only for Mr. Smith.

Questions from the public included:

Mark Basine - 34 Woosamonsa Road; question related to flooding and future development and the impact.

Mr. & Mrs. Maccarone were sworn in by Mr. Kevin Van Hise.

Mr. Spadaccini asks Mr. & Mrs. Maccarone several questions relating to the following:

- When they purchased the home (2016)
- Reason for purchasing the property
- Proposed use of property

Chair Hatke turns over questions to the Board Professionals.

Frank Banish asks about deed restriction for future subdivision prior to selling the property, applicants are willing.

Chair Hatke turns over questions to the Board Members. No board members had any questions for these witnesses.

James Miller. Kevin Van Hise states Mr. Miller has already been sworn in at the previous meeting, so he does not need to be sworn in again. Just a reminder he does remain under oath.

Mr. Miller described the positive aspects of this application:

- Application is suitable for the site
 - Site improvements
 - Acreage & Density
 - Zoning District (VRC)
 - Purpose of Agricultural & Residential Use
- Municipal Land Use Law (Purpose A & G)
- Lot line –
- No subdivision is required at this point
 - As of right- conforming to environmental and zoning
- Burden of proof
- Definition of farm
- Multi-generational family of farming
- No substantial detriment to zone plan or ordinance
- Permitted uses in the VRC district

Chair Hatke turns over questions to the Board Professionals. Questions from Board Professionals include the following:

- Negative criteria; adjoining properties- include buffering
- Stream Corridor
- Farming activities, present & future

No further questions from the Board Professionals.

Chair Hatke turns over questions to the Board Members. Questions from Board Members include the following:

- Move proposed dwelling locations
- Septic locations; perc testing
- Buffering between proposed dwellings and neighboring property
- Farming Accessory Structures & Pastures
- Proposed application – creating one additional lot with two dwellings
- Fire sprinkler & fire safety
- Negative impacts

Chair Hatke turns over questions to the public. Kevin Van Hise states, this is for question only so no testimony will be permitted and is merely questions for any of the applicants witnesses.

Questions from the public include the following:

- Pamela Haberle, 50 Woosamonsa Road; Questions relating to current farm use and current animals on the property.

Chair Hatke opens questions up to the public to the Macaroons (Applicants). Questions from the public include the following:

- Robert Haberle (50 Woosamonsa Road); Questions relating to prior interest in the property with potential uses, applications in the future.

- Taylor Haberle (50 Woosamonsa Road); Questions relating to farmland assessment, what income is generated from the farm

Chair Hatke closed public questions and opened up to public comment.

Peter Steck, Licensed Planner in NJ, representing Mr. & Mrs. Haberle (50 Woosamonsa Rd).

Mr. Steck, was sworn in by Mr. Van Hise. Mr. Van Hise states recognizing that the haberle do not have an attorney assuming wish to provide expert attorney and the board must qualify you as an expert.

Kevin Van Hise states exhibits were provided ahead of time and shared with Mr. Spadaccini and applicants.

Mr. Steck discusses the exhibits presented:

- Property location and zoning
- Proposed two lot subdivision and restricted areas (easements/wetlands/setbacks)
- As-Of-Right Subdivision (Frontage/lot shape)
- Master Plan, Environmental Sensitivity & Historic Considerations
- Failure to satisfy the Burden of Proof

Chair Hatke turns questions over to Mr. Spadaccini. Questions to Mr. Steck include the following:

- Disturbance of sensitive areas
- Inconsistent with other properties total frontage
- Multigenerational housing

Mr. Spadaccini turns questions over to applicant's professionals:

Questions from Russ include the following:

- Disturbance of the riparian zone
- Pastures potential adverse impact on the streams
- Lot area definition

James Miller has no questions for Mr. Steck.

Chair Hatke turns questions over to the Board Professionals. No questions from the Board Professionals.

Chair Hatke questions the Board Professionals in regards to what the definition of total frontage is within Hopewell Townships Ordinance.

Chair Hatke turns questions over to the Board Members. Questions include the following:

- Pasture land permitted or not
- Environmental restrictions; other locations for the building lots/homes

Chair Hatke turns over questions and comments to the public regarding Mr. Steck's testimony. No questions or comments from the public. Chair Hatke closed public questions and comments.

Chair Hatke turns over comments to the public regarding this application. Comments from the public included concerns regarding the proposed development, density and impact on the neighborhood.

A motion to conditionally approve the application did not receive a second and was not considered by the Board.

MOTION by Sandom, seconded by Rogers, to deny the application.

ROLL CALL VOTE:

AYES: None

NOES: Cane, Rao, Rogers, Sandom, Verdino, Hatke, Thedinga.

ABSENT: McInerney, Kolodziej

RESOLUTIONS/MEMORIALIZATION

CASE 21-22 – Strycharz Addition – 22 Woosamonsa Road, Hopewell, New Jersey’ Township Tax Map Block 49 Lot 17.

CASE 21-23 – Ciocian Addition – 54 Dublin Road, Hopewell, New Jersey’ Township Tax Map Block 65 Lot 10.

ADJOURNMENT

At 10:42 p.m. **MOTION** by Hatke to adjourn the meeting.

MOTION UNANIMOUSLY CARRIED

Respectfully submitted,

Amanda Bregenzer

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Zoning Board Recording Secretary