



**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 Hutzelmann PE, PP - Board Engineer 

**DATE:** December 28, 2022

**RE:** **Engineering Review #1 – ZBA 22-15**  
**Ray Disch**  
Bulk Var. Generator/Propane Tank; MRC Mountain Resource Conservation Zone  
Blocks 1, Lot 1; 207 Hopewell Amwell Road  
VCEA File No. 78062220

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#### **I. Application Submission Items**

The following documents were received by the Township for review:

- A. Zoning Board Application Form EZ, with required fees, escrow and authorization forms.
- B. Lot Coverage Calculation Worksheet, dated 11/19/2022.
- C. Sketch Plan, untitled (not title block), showing location of propane tank.

#### **II. Completeness**

The application was deemed complete on December 28, 2022 and a hearing date may be scheduled.

#### **III. Description**

The property in question is an 8.72 acre parcel located in the MRC Mountain Resource Conservation Zoning District. The property is served by an on-site individual septic system and well. The property is a corner lot and contains frontage on Hopewell Amwell Road. The property is improved with a single-family residential structure, barns, and a gravel driveway providing access from Hopewell Amwell Road. There are wetlands located on the property, but they are not in the immediate area of the proposed dwelling. The property also contains a stream that is subject to a 150-ft buffer; however, it does not appear to impact the proposed improvements. The property is located in the Delaware and Raritan Canal Commissions Zone B. Surrounding properties contain single-family residential structures of similar sizes.

The application proposes a generator and propane tank. No new motor vehicle surfaces are proposed.

**IV. Zoning**

A. The property is located within the MRC Mountain Resource Conservation 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:

<b>Bulk Requirements - Accessory Structures</b>	<b>Required</b>	<b>Proposed</b>
Min. front yard (ft)	100'	10'(V)
Min. side yard (ft)	30'	>30'
Min. rear yard (ft)	30'	>30'

(V): Proposed Non-Conformity

**B. Variances**

a. The proposed application creates a variance to permit a propane tank with a 10' setback, where 100' 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.

**V. Comments**

A. The applicant shall provide testimony as to the improvements that will be constructed. The application indicates this is for a proposed generator. The sketch plan provided shows only the location of a proposed propane tank. If a generator is proposed, testimony should be provided as to the locations and setbacks to property lines to

determine if additional relief from the bulk zoning requirements is necessary.

- B. The property is subject to a 150 foot stream buffer. The applicant shall confirm the improvements will not be within 150 feet of the stream. In the event that it is within 150 feet, a permit will be required by the Environmental Commission. It is noted that aerial imaging shows the location of the proposed propane tank is approximately 190 feet from the stream.
- C. The application indicates that the lot is 39,750 square feet and the tax map shows it as an 8.72 acre parcel. Testimony shall be provided to clarify the discrepancy. It is noted that using the smaller lot size, impervious coverage is 8%, where 10% is allowed.
- D. The applicant shall provide testimony in support of the bulk variance and why the propane tank cannot be relocated to a part of the property where it will comply with all setback requirements.
- E. The applicant shall provide testimony regarding the view of the tank and potential generator from the public right-of way and any neighboring properties. Is there any existing screening or will any screening of the tank be installed as part of this application.
- F. Testimony shall be provided regarding whether any trees require removal. All tree removal shall be in accordance with the ordinance and all applicable permits must be obtained.

**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. The applicant must obtain all applicable zoning and building permits.



**HOPEWELL TOWNSHIP FIRE DISTRICT NO. 1**  
**Board of Fire Commissioners**  
MERCER COUNTY

201 Washington Crossing-Pennington Road  
Titusville, New Jersey 08560-1410

January 15, 2023

Jim Hutzelmann PE, PPE, CME  
Director of Community Development/Township Engineer  
Township of Hopewell  
201 Washington Crossing-Pennington Rd  
Titusville, NJ 08560-1410

VIA ELECTRONIC MAIL

RE: Block 1, Lot 1 – 207 Hopewell Amwell Rd  
Disch Generator / Propane Tank  
Zoning Board Application

Dear Jim:

The Office of Fire Safety in conjunction with The Hopewell Fire Department & EMU have reviewed the application documents and offer the follow comments for consideration by The Board.

We have no comments on this application.

Please feel free to contact me at any time directly at (609) 537-0212 with any questions that may arise. On behalf of the Board of Fire Commissioners I would like to thank you for your assistance.

Regards,

Andrew J. Fosina, Jr., BS, CFPS  
Fire Official – Hopewell Valley Bureau of Fire Safety

CC: Hopewell Township Board of Fire Commissioners  
Hopewell Fire Department & EMU  
Matthew Martin – Chief of Emergency Services  
File

# TOWNSHIP of HOPEWELL

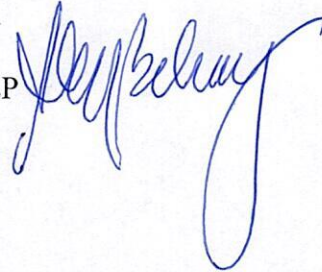
## MEMORANDUM

TO: Hopewell Township Zoning Board

FROM: Glen Belnay, Ph. D, PP, AICP, CEP  
Part-Time REHS

SUBJECT: Disch Generator/Propane Tank  
207 Hopewell Amwell Road  
Block 1, Lot 1  
Case 23-15

DATE: January 17, 2023



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The applicants, Raymond and Erica Disch propose the installation of an electrical generator and propane tank on their 207 Hopewell Amwell Road property, Block 1, Lot 1. A site visit confirmed that the proposed location of the generator and supporting propane tank does not conflict with either the septic system components or the on site well. As such, the Health Department has no objection to the proposal as presented.

**TOWNSHIP OF HOPEWELL**

**MEMORANDUM**

**TO:** Zoning Board of Adjustment Members

**FROM:** Environmental Commission Members

**DATE:** January 19, 2023

**RE:** Case No. 22-15: **Disch Generator/Propane Tank**  
Block 1, Lot 1; 207 Hopewell-Amwell Road;  
MRC Zoning District  
Bulk variance

We are writing to inform you of our concerns regarding the subject application, which is scheduled to be reviewed by the Zoning Board of Adjustment.

During our Environmental Commission meeting on January 17, 2023, members Rex Parker, Iclal Atay, Jim Gambino, Mark Bean, Andrew Plunkett, Vanessa Sandom, Paul Kinney, and Mike Aucott, reviewed and discussed the subject application together with Jim Hutzelmann and Uma Purandare.

We are concerned about the proposed propane tank location near the road and whether the tank is required to be anchored to the ground.

We also ask that if the Board decides to approve this application and relocate the propane tank elsewhere on the property, that it shall not be located within the 150 foot stream corridor buffer in the rear yard area.

Please consider our comments during your review.

Respectfully submitted: Jim Gambino, Secretary

cc: J. Hutzelmann, U. Purandare, EC Members