



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: January 24, 2023

RE: **Engineering Review #1 – ZBA 22-16**
Calin & Lucia Andrei
Bulk & Use Variance – R-100
Block 7, Lot 11.01; 251 Pennington Hopewell Road (Route 654)
VCEA File No. 78062221

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 November 2022.
- C. Plan entitled “Variance Plan”, Prepared by Goldenbaum Baill Engineering Inc., dated 11/30/2022, consisting of 1 sheet.
- D. Plan entitled “House Renovation for Mr. & Mrs. Andrei”, Prepared by William Charleroy - Architect, dated 11/30/2022, consisting of 4 sheets.

II. Completeness

The application is complete and a Board Hearing date may be scheduled.

III. Description

The property in question is a 116,305± square foot parcel located in the R-100 Zoning District. The property is served by an on-site individual septic system and well. The property is located at 251 Pennington Hopewell Road (County Route 654) and contains 150 feet of frontage. The property is improved with a single-family residential structure, containing approximately 1,835 square feet, a detached apartment, and a two (2) gravel driveways providing access from Pennington-Hopewell Road. The Board of Adjustment previously approved the two (2)

principal uses (single family dwelling and apartment) under Resolution 2003-13. Surrounding properties contain single-family residential structures of similar sizes, with a veterinary business located on the opposite side of Pennington Hopewell Road.

There are wetlands and a 150’ stream corridor buffer located on the north end of the property. The property is located in the Delaware and Raritan Canal Commissions Zone B.

The application proposes the construction of an addition to the existing dwelling, demolition of an existing apartment structure and construction of a new one bedroom dwelling (apartment). No new motor vehicle surfaces are proposed within the scope of work.

IV. Zoning

A. The property is located within the R-100 Zoning District and required to meet Section 17-159j of the Ordinance. Compliance with the applicable standards for the Zoning District is summarized as follows:

Bulk Requirements (Existing Dwelling)	Required	Existing	Proposed
Min. lot area (sf)	80,000 sf	116,411 sf	No Change
Min. lot width (ft)	150’	150’	No Change
Min. lot depth (ft)	200’	775.1’	No Change
Min. front yard (ft)	75’	113.9’	No Change
Min. side yard (ft)	40’	21.1’ (e)	No Change (e)***
Min. rear yard (ft)	50’	616.7’	No Change
Max. Building Height (ft)	35’	<35’	<35’
Max. lot coverage (%)	15%	6.92%	6.89%
Second Structure (Apartment)			
Min. front yard (ft)	75’	0’ (e)	75.5’
Min. side yard (ft)	40’	41’	40.5’
Min. rear yard (ft)	50’	754.4’	668.7’

(e): Existing non-conformity

***: Proposed addition does not change setback but requires variance for the expansion of an existing non-conforming structure

B. Variance(s) Required

- a. Section 17-99 of the Hopewell Township Ordinance prohibits two (2) principal uses on the same property. While a second residential dwelling was approved for the original subdivision as a d(2) variance under Resolution 2003-13, the demolition of that dwelling and the construction of the new dwelling will require Board approval to permit the expansion of a non-conforming use (namely, the second principal dwelling) as a d(2) use variance. Testimony shall be provided to support the use variance.
- b. In addition to the use variance, the application proposes a second-floor addition to the existing main dwelling which has a non-conforming side yard setback. Therefore, a bulk variance is required as an expansion of an existing non-conforming structure.

C. Variance Discussion

The applicant should provide testimony in support of the variances.

- a. **Use Variance:** The applicant must provide both positive criteria and negative criteria in support of the d(2) variance. I defer to the Planner’s report to provide more discussion of the use variance.
- b. **Bulk Variances:** 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.:
 - i. 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.
 - ii. 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 submitted plan has a reference note for the property’s boundary survey. A copy of the survey shall be submitted to confirm the lot dimensions as shown on the plan.
- B. The zoning chart has incorrect data shown for lot coverage and stream corridor setbacks. This information shall be revised.
- C. The zoning chart lists required setbacks for the apartment per the accessory setback standards. This shall be subject to the principal building requirements. It is noted that the proposed apartment meets the principal building setbacks, but the chart shall be updated to reflect this data.
- D. There appears to be an unlabeled easement in the driveway locations. This easement shall be identified on the plan.
- E. The proposed plan shows a net reduction in motor vehicle surfaces, therefore the plan does not meet the threshold to be considered minor development. No stormwater management facilities are required by ordinance.
- F. The plan shows wetlands per NJ Geoweb mapping. The wetlands are approximately

500 feet from the proposed improvements. Testimony shall be provided that no wetlands or transition areas will be impacted by this development.

- G. The property is subject to a 150' stream corridor on the northern portion of the property. It appears that improvements will not impact the corridor. The applicant shall provide testimony regarding the distance from the stream to the proposed improvements.
- H. Testimony shall be provided regarding the existing septic system and the placement of the proposed apartment. It appears the proposed apartment may conflict with the existing dwellings connection to the septic system. Detailed connections for both dwellings shall be provided.
- I. There is a conflict with an overhead utility lines to the existing dwelling and the proposed apartment. The plan shall be revised to show how this overhead connection will be rerouted to the existing dwelling.
- J. The applicant shall provide testimony on whether a new well will be provided for the apartment. This connection shall be shown on the plan.
- K. A construction detail for the gravel driveway shall be provided.
- L. The limits of disturbance shall be identified on the plan. Disturbance over 5,000 square feet will require review and approval by the Mercer County Soil Conservation District.
- M. The applicant shall provide testimony to confirm that the proposed addition will not increase the number of bedrooms and that the existing septic system will have capacity for the proposed improvements.
- N. A plot plan showing grades, utilities, well location and septic field location/connections shall be submitted for review and approval prior to a zoning permit being issued.
- O. An as-built plan shall be submitted for review and approval prior to any certificate of occupancy being issued.

VI. Outside Agency Approvals

- A. The following additional approvals or letters of no interest will be required:
 - 1. Delaware and Raritan Canal Commission
 - 2. Hopewell Township Health Department
 - 3. Hopewell Township Environmental Commission
 - 4. Mercer County Planning Board
 - 5. Mercer County driveway permit
 - 6. Mercer County Soil Conservation District

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. Obtain approvals from all required outside agencies
3. Applicant shall obtain all zoning and building permits before beginning any construction.

TOWNSHIP of HOPEWELL


MEMORANDUM

TO: Hopewell Township Zoning Board

FROM: Glen Belnay, Ph.D., PP, AICP, CEP
Part-Time Registered Environmental Health Specialist

DATE: February 1, 2023

SUBJECT: Andrei Use Bulk Variance
251 Pennington Hopewell Road
Block 7, Lot 11.01
Case 22-16



The applicants, Calin and Lucia Andrei propose the construction of a new roof on the two bedroom “main house” and the demolition of the existing one bedroom “cottage” with the construction of a one bedroom “replacement cottage” at their 251 Pennington Hopewell Road property, Block 7, Lot 11.01. The subject property is served by well and septic.

Therefore, the Hopewell Township Health Department block and lot file of the subject property does not have a plot plan prepared by a licensed professional engineer which would provide detailed information of the on site wastewater and water supply systems currently serving the site. The applicants must provide an amended site plan showing the existing location of all components of the septic system(s) and the proposed change to said components that will result from the proposed property development. An inspection of the existing septic system with hydraulic load test meeting NJDEP protocol must be provided. A study of the existing well including its physical condition and current yield is needed to assure that there is sufficient water quantity to serve both residences. A well test meeting the requirements of the NJ Private Well Testing Act is needed to assure that the well water quality complies with state requirements.

