



**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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## MEMORANDUM

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

**CC:** Applicant

**FROM:** James Bash, PE  
For Herbert Seeburger, PE, CME, CPWM  
Interim Township Engineer

**DATE:** September 3, 2021

**RE:** **Engineering Review #1 – ZBA 21-19**  
**Christopher & Allison Larthey**  
Bulk Var. – Front Porch Addition; R-100 Well and/or Septic  
Block 92.02, Lot 32; 5 State Park Drive  
VCEA File No. 7806-2109

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

The following documents were received by the Township on July 26, 2021:

- A. Zoning Board Application Form EZ, dated 7/22/2021, with required fees, escrow and authorization forms.
- B. Lot Coverage Calculation Worksheet, dated 7/21/2021.
- C. Sketch Plan showing the proposed improvements on as-built survey of the property, undated.

### **II. Completeness**

The application was deemed complete on September 3, 2021.

### **III. Description**

The property in question is a 0.51± acre parcel located in the R-100 Well and/or Septic Zoning District, and the property is served by an on-site individual septic system. The property contains 110 feet of frontage on State Park Drive, which comprises the northern boundary of the property. The property is improved with a single-family residential structure, containing approximately 1,700 square feet, with a paved driveway providing access from State Park Drive. There are no wetlands or environmentally sensitive areas located on the property. Surrounding

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properties contain single-family residential structures of similar sizes.

The application proposes the construction a front porch addition, located on the northern side of the dwelling. This are permitted accessory structure to the permitted use in this zone.

**IV. Zoning**

A. The property is located within the R-100 Well and/or Septic 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:

<b>Bulk Requirements</b>	<b>Required</b>	<b>Existing</b>	<b>Proposed</b>
Min. lot area (sf)	80,000 sf	22,216 sf	No Change (e)
Min. lot width (ft)	150'	103'± (e)	No Change (e)
Min. lot depth (ft)	200'	265.4'±	No Change
Min. front yard (ft)	75'	81.9'	78.95' (
Min. side yard (ft)			
East:	40'	16' (e)	No Change***
West:	40'	17.7' (e)	No Change (e)
Min. rear yard (ft)	50'	110'±	No Change
Max. Building Height (ft)	35'	<35'	No Change
Max. lot coverage (%)	15%	18% (e)	18% (e)

- (e): Existing non-conformity
- (V): Proposed Non-Conformity
- \*\*\*: Proposed improvement does not change setback but requires variance for the expansion of an existing non-conforming structure

**B. Variances**

1. A review of the existing conditions on the property reveal the following non-conformities that are proposed to remain with the current application:
  - a. The property is does not meet the R-100 Well and/or Septic Zoning District requirements for the minimum lot area, lot width, side yard, setback and maximum lot coverage. These are existing non-conformities with no changes proposed.
2. The proposed application creates the following variance:
  - a. Although the proposed porch does not decrease the existing, non-conforming side yard setback, a variance is required as it is an expansion of an existing non-conforming structure.

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.:

1. 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.
2. 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 proposed porch is being installed over the existing driveway; therefore, there is no increase of impervious coverage. The applicant shall provide the exact amount of impervious surface that is existing and the exact amount proposed, as it is unclear in the submitted materials. It is noted that the property presently does not conform to the maximum allowable impervious coverage (18% existing, 15% max. allowable). Any additional coverage would require stormwater management measures as described in LUDO Ordinance Section 17-82 to treat all impervious coverage over the allowable 15%.
- B. Testimony shall be provided regarding the view of the proposed porch from the home on the neighboring property and if any screening is provided by the existing trees.

**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.

**TOWNSHIP OF HOPEWELL**

**MEMORANDUM**

**TO:** Zoning Board of Adjustment Members

**FROM:** Environmental Commission Members

**DATE:** September 21, 2021

**RE:** Case No. 21-19: **Larthey Deck**  
Block 92.02, Lot 32; 5 State Park Drive;  
R-100 Zoning District  
Bulk Variance to expand Front Porch

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 via Zoom on September 21, 2021, members Nora Sirbaugh, Rex Parker, Vanessa Sandom, Mark Bean, Jim Gambino, and Paul Kinney reviewed and discussed the subject application together with Jim Bash.

We understand the existing property exceeds the allowable impervious lot coverage area of 15% for properties located in the R-100 zone. The proposed project may exacerbate this issue if the addition increases lot coverage.

If that is the case, we ask that mitigation be provided into the future for any additional impervious cover.

Lots exceeding the maximum impervious coverage area have an adverse affect on our community and environment by increasing storm-water run-off and flooding, sedimentation of our streams, and other impacts to water bodies including loss of biodiversity and degradation of water quality. The cumulative effects of multiple approvals are of serious concern.

Respectfully submitted: Jim Gambino, Secretary

cc: Jim Bash, C. Peters-Manning, EC Members

# T O W N S H I P of H O P E W E L L

## MEMORANDUM

TO: Hopewell Township Zoning Bored

FROM: Dawn Marling, Health Officer

DATE: September 27, 2021

SUBJECT: Larthey Deck – Case 21-19  
Block 92.02, Lot 32  
5 State Park Drive

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The applicants, Christopher and Allison Larthey, propose the construction of a covered front porch on their residence located at 5 State Park Drive. The subject property is served by a septic system and is connected to the public water supply. The proposed covered front porch does not encroach on the existing septic system, which is located in the backyard. As such, the Health Department has no objection to the applicants' proposal.