

REPORT ON
PROPOSED SALE OF
SURPLUS RESIDENTIAL PROPERTY

BY
THE DEPARTMENT OF
ENVIRONMENTAL PROTECTION

IN THE
TOWNSHIP OF HOPEWELL,
MERCER COUNTY

[*N.J.S.A.* 13:1D-52]

PREPARED BY
DEPARTMENT OF ENVIRONMENTAL PROTECTION
GREEN ACRES PROGRAM
January 24, 2011

STATUTORY REFERENCE

Under *L. 1993, c. 38*, codified at *N.J.S.A. 13:1D-51* through *N.J.S.A. 13:1D-58*, no lands acquired or developed by the State with Green Acres funds, or developed by the State in any other manner and administered by the Department of Environmental Protection (“DEP”), may be conveyed unless the DEP first prepares a report on the proposed conveyance in accordance with *N.J.S.A. 13:1D-52a(1)*, transmits the report to the individuals listed at *N.J.S.A. 13:1D-52a(2)*, makes the report available to the public in accordance with *N.J.S.A. 13:1D-52a(3)* and conducts one or more public hearings as required by *N.J.S.A. 13:1D-52a(4)*. Public notice requirements for the hearings are specified at *N.J.S.A. 13:1D-53* and *-54*. A summary and/or transcript of the public hearing(s) is provided to the DEP Commissioner, the State House Commission and the public under *N.J.S.A. 13:1D-55*. The methodology for valuing lands to be conveyed and the terms of such conveyances are governed by *N.J.S.A. 13:1D-56*.

Once these procedural requirements have been met, the conveyance proposed in this report requires the approval of the DEP Commissioner and the State House Commission. *N.J.S.A. 13:1D-55*; *N.J.S.A. 13:8A-48*; *N.J.S.A. 13:8C-1 et seq.*

RATIONALE FOR CONVEYANCE

PROPOSED ACTION

On November 11, 2003 the DEP’s Green Acres Program acquired on behalf of the State approximately 55 acres of property for addition to the Washington Crossing State Park. The property, known locally as Blackwell Farm, contains two residences and outbuildings. Although the DEP wished to acquire the acreage surrounding the residences and outbuildings for addition to the State Park system, the DEP’s administering agencies (the Division of Fish and Wildlife, the Division of Parks and Forestry and the Natural Lands Trust) did not have a use for the structures on the property at the time of their acquisition. However, since the previous owners were unwilling to sell the bulk of the property without the structures, it was necessary for the Green Acres Program to acquire the parcels in their entirety in order to acquire the surrounding acreage.

Having determined through the Real Property Review (RPR) process that no other State agency or local government entity is interested in using or acquiring these buildings, the DEP now proposes to sell the residences and outbuildings, along with 8.5 acres of land, and return the proceeds of the sales to the Garden State Preservation Trust Fund.

A brief description of the property to be sold is as follows:

401 Pennington-Titusville Road, Block 62, part of Lot 6, Township of Hopewell, Mercer County

The portion of the property to be sold consists of 8.5 acres and contains the following structures:

- a 2-story 3 bedroom 1 bath (1584 square foot) frame farm house
- a 1-story duplex (2472 square foot) frame construction ranch type house
 - unit 1 = 1328 square foot 3 bedrooms, 1 bath
 - unit 2 = 1144 square foot 2 bedrooms, 1 bath
- a 1-story (400 square foot) 2 car block garage
- a 2-story dairy barn
- a 1-story (2000 square foot) Chicken House
- a 1-story block shed / pump house
- a 1-story (864 square foot) 3 bay block garage
- a 1-story (1620 square foot) metal barn

A general location map of the overall property is provided as Exhibit 1. An aerial map depicting the 8.5-acre lot and the relative positions of the structures proposed for sale is attached as Exhibit 2. Photographs of the structures are available online at www.nj.gov/dep/greenacres/notices.htm.

At this time, the DEP anticipates selling the property under one of two possible scenarios, as follows:

Scenario A—Direct Sale to Hopewell Township

In March 2009, the Township of Hopewell contacted the DEP to express an interest in purchasing the property as part of its Affordable Housing Program. In its letter, the Township stated that it would (1) use the property for no more than eight affordable housing units, (2) preserve the existing farmhouse on the property in consultation with the Historic Preservation Commission and maintain it under a historic preservation easement and (3) undertake all development on the site “in a manner consistent with the residential and rural character of the area and will include collaboration among applicable Township officials, boards, committees, and commissions having jurisdiction.”

Based on the above, the DEP’s preferred scenario for the disposal of the property is a direct sale to the Township, based on a value to be determined by appraisal (taking into account the intended use of the property for eight affordable housing units.) Although the DEP normally prefers to include a “no further subdivision” clause when it sells surplus properties, under Scenario A the DEP will collaborate with the Township to determine whether subdivision of the property is necessary to achieve its affordable housing objectives. However, as required by *N.J.S.A. 13:1D-56*, the deed for the property would also include statutory language requiring compensation to the State if the property is rezoned within 25 years of the purchase in a manner that increases the value of the lands.

Scenario B—Public Auction

In the event the Township of Hopewell does not wish to purchase the property for affordable housing purposes, the DEP will sell the property at public auction. As a condition of the sale, a no further subdivision restriction will be placed on the site. Under Scenario B, the DEP anticipates including in the deed restrictions and/or covenants limiting the future use of the property to 3 single family residential or agricultural uses (that is, the current number of residential units on the property), in order to prevent future uses of the proposed 8.5-acre lot from negatively impacting the surrounding State Park.

The current Hopewell Township zoning ordinance already imposes restrictions on the property by virtue of its Valley Resource Conservation (VRC) zoning. The permitted uses in the Hopewell Township VRC zoning are listed in Attachment # 1 and include farming and single family residential use. Listed in the stated purposes of the zoning code for the VRC zone are the following objectives: protecting environmentally sensitive areas, recognizing development capacity limitations established by natural resource capabilities, maintaining the rural character and providing for sustainable development, protecting groundwater quantity and quality, maintaining surface water resources, conserving the scenic rural character, addressing limiting soil conditions and promoting continued agricultural use opportunities. The DEP does not believe that development that is compatible with these purposes would have a negative impact on the surrounding State Park.

Based on the above, the DEP has determined that the appropriate course of action under Scenario B would be to auction the property “as is,” subject to current zoning, and a “no further subdivision” clause. However, as required by *N.J.S.A. 13:1D-56*, the deed for the auctioned property will also include statutory language requiring compensation to the State if the property is rezoned within 25 years of the purchase in a manner that increases the value of the lands.

Upon successful completion of the public hearing process, this conveyance will require the approval of the DEP Commissioner and the State House Commission under *N.J.S.A. 13:8A-48* and *N.J.S.A. 13:8C-31*. The DEP hopes to secure these approvals by June 2011, after which it will either appraise the property for sale to Hopewell Township (under Scenario A) or refer these properties to the Department of Treasury for auction (under Scenario B). Under Scenario B, the auction will be for current fair market value, under terms and conditions established by DEP in consultation with the Department of Treasury. Under either scenario, as required by *N.J.S.A. 13:1D-57*, the proceeds of the sale will be deposited into the appropriate Green Acres fund and will be used by the DEP for the acquisition of lands by the State for recreation and conservation purposes.

Although the attached aerial map (Exhibit 2) already delineates a proposed lot size of 8.5 acres, the DEP reserves the right to adjust the proposed lot size, up to a maximum of 10 acres, in order to accommodate minor adjustments requested by the Division of Parks and Forestry, the successful bidder and/or the Department of Treasury. In addition, the block and lot numbers involved in this transaction are subject to change.

ADVANTAGES AND DISADVANTAGES

If the proposed conveyances do not occur, the DEP would be required to either maintain or demolish the buildings in question. Demolition of these structures would be quite costly, and would not be a high priority compared to other projects that are in line for capital construction funds. Therefore, these structures would be likely targets for vandalism.

Considering the locations of the two houses relative to the surrounding acreage and the generally good condition of the buildings, the DEP recommends separating out this proposed lot and recouping as much of the cost of the residential portion of these parcels as possible. Once this conveyance is completed, the DEP will not have to commit any financial and staff resources for the maintenance of the buildings. The surrounding land will continue to be managed by DEP and will remain undeveloped and available to the public for recreational purposes.

ENVIRONMENTAL ASSESSMENT

Assessment of Environmental Impact and Impact on Plants, Endangered and Non-Game Species

The DEP is not aware of any threatened or endangered plant or animal species or non-game species on the portion of the property proposed for conveyance. The area proposed for sale has been in continuous residential and farm use for over 100 years.

Assessment of Recreational Impact

The DEP does not anticipate that selling this residential envelope will have any adverse impact on the use by the public of the surrounding acreage acquired by the State in 2003. As discussed above, the DEP only acquired the buildings now proposed for sale in order to acquire the surrounding acreage for addition to the State Park system.

ECONOMIC ASSESSMENT

At the time of acquisition, the two appraisals commissioned by the Green Acres Program as part of the purchase established an averaged fair market value for the entire property of \$736,100, broken down as follows:

\$460,000	Structures (5.3 acres) averaged
\$276,100	Vacant (49.43 acres) averaged

The DEP does not have a precise appraisal figure for the current proposal to sell most of the structures on an 8.5-acre lot. Given current market conditions, it is unclear whether the value of the area to be sold has increased or decreased. However, even if the value of this area has decreased, selling off the structures will save the State money in the long run by avoiding maintenance, security and/or demolition costs. The fair market value of the property will be determined for sale or auction purposes by an appraisal commissioned by the Department of Treasury.

Returning the proceeds of the sale to the Garden State Preservation Trust Fund (or other appropriate Green Acres fund) as required by *N.J.S.A. 13:1D-57* will allow the State to acquire additional open space, consistent with the goals of the various Green Acres bond acts and the Garden State Preservation Trust Act, *N.J.S.A. 13:8C-1 et seq.*

In addition, the sale of this residential parcel will allow the Township of Hopewell to continue to collect residential property taxes on a portion of the property acquired by the State in 2003. In 2003, the taxes for all of Block 62, Lot 6 (55 acres) were approximately \$11,287.

PUBLIC HEARINGS

In accordance with *N.J.S.A. 13:1D-52a(4)*, public hearings have been scheduled on the proposed conveyance as follows:

The **first public hearing** will be held on Thursday, April 7, 2011 at 6:00 PM at:

Hopewell Township Municipal Building
201 Washington Crossing Pennington Road
Titusville, New Jersey 08560
(609) 737-0605

The **second public hearing** will be held on Monday, May 2, 2011 at 4:00 PM at:

New Jersey Department of Environmental Protection
3rd floor large conference room
501 East State Street
Trenton, New Jersey 08625

A copy of the public hearing notice for the proposed sale is attached to this report as Exhibit 3.

CONTACT INFORMATION

For further information, please contact:

Department of Environmental Protection

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Department of Environmental Protection
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DISTRIBUTION LIST

Assistant Commissioner Amy Cradic, Natural and Historic Resources Group, DEP
Assistant Director John Trontis, CPRP, Division of Parks and Forestry, DEP
Acting Administrator Daniel Saunders, State Historic Preservation Office, DEP
Richard Boornazian, Administrator, Green Acres Program, DEP
Ray Cantor, Esq, Chief Counselor, Office of the Commissioner, New Jersey DEP
Dave Chanda, Director, Division of Fish and Wildlife, New Jersey DEP
Judeth Yeany, Chief, Bureau of Legal Services and Stewardship, Green Acres Program, DEP

Hon. James Burd, Mayor, Township of Hopewell
Laurie Gompf, Clerk, Township of Hopewell
Paula Sollami-Covello, Clerk, County of Mercer

Hon. Paul A. Sarlo, Chair, Senate Budget and Appropriations Committee
Hon. Jim Whelan, Chair, Senate State Government Committee
Hon. Bob Smith, Chair, Senate Environment Committee

Hon. Nelson T. Albano, Chair, Assembly Agriculture and Natural Resources Committee
Hon. John F. McKeon, Chair, Assembly Environment and Solid Waste Committee
Hon. Nellie Pou, Chair, Assembly Appropriations Committee
Hon. Linda Stender, Chair, Assembly State Government Committee

Robert J. Shaughnessy, State House Commission

**Photographs
Existing Structures
Block 62 Lot 6 (p/o)
Hopewell Township, Mercer County**



**Building "A"-2-Story Farm House-Front
(1584 s.f., 3 bedrooms, 1 bath)**



Building "A"-2-Story Farm House-Rear



**Building "B"-1-Story-Duplex Dwelling-Front
(2472 s.f. total)**

**Unit #1 =1328 s.f., 3 bedrooms, 1 bath,
Unit #2=1144 s.f., 2 bedrooms, 1 bath**



Building "B"-1-Story-Duplex Dwelling-Rear



Building "C"-1-Story-2-Car Block Garage
(400 s.f.)



Building "D"-2-Story-Dairy Barn-East Side
(s.f. unknown)



Building "E"-1-Story-Chicken Coop
(2000 s.f.)



Building "F"-1-Story-Block Shed/Pumphouse
(s.f. unknown)



**Building "G"-1-Story-3-Bay Block Garage
(864 s.f.)**



**Building "H"-1-Story Large Metal Barn
(1620 s.f.)**

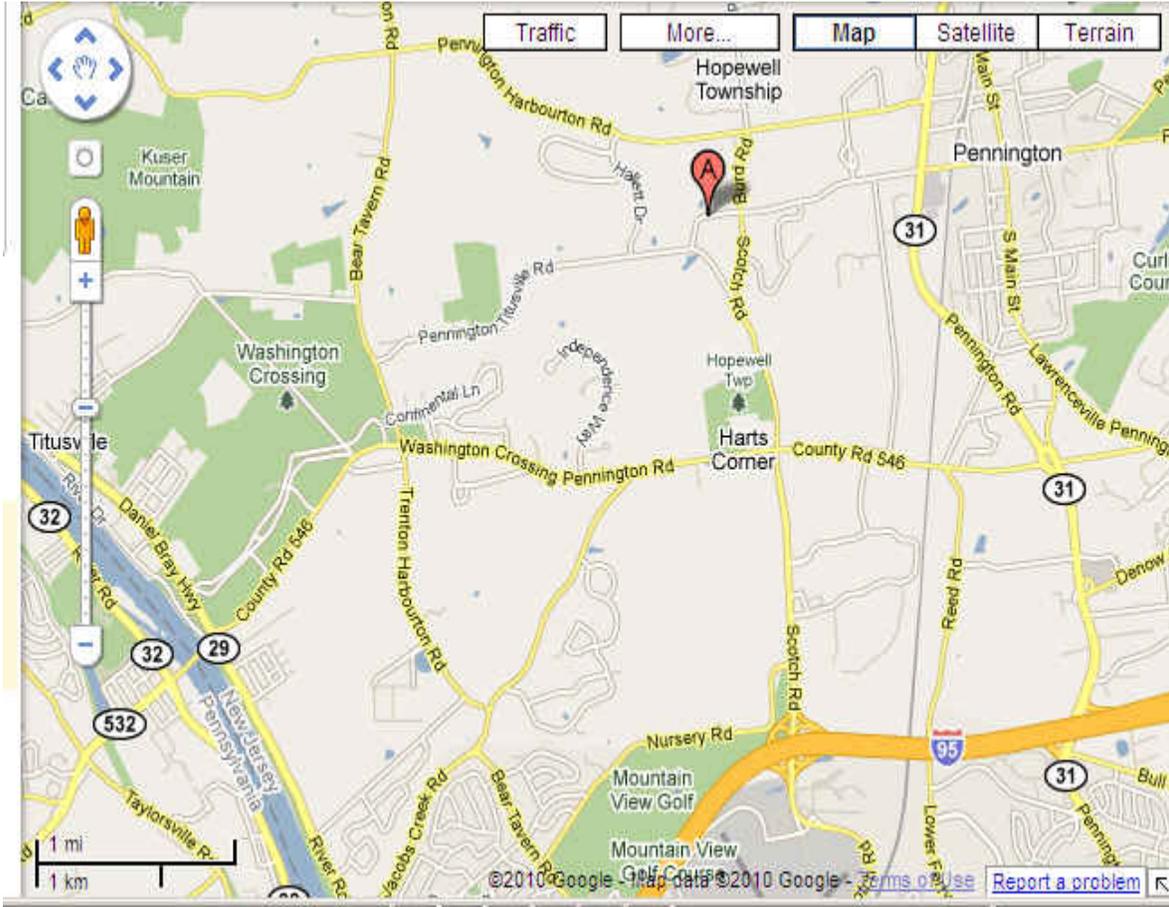


Exhibit 1

General Location Map For Proposed DEP House Auction:

**401 Pennington Titusville Road
Titusville, New Jersey**

**Hopewell Township, Mercer County
Block 62, Lot 6 p/o**

Blackwell Property Auction Site Map
401 Pennington-Titusville Road
Titusville, New Jersey 08560
Block 62 (P.O.) Lot 6

Exhibit 2

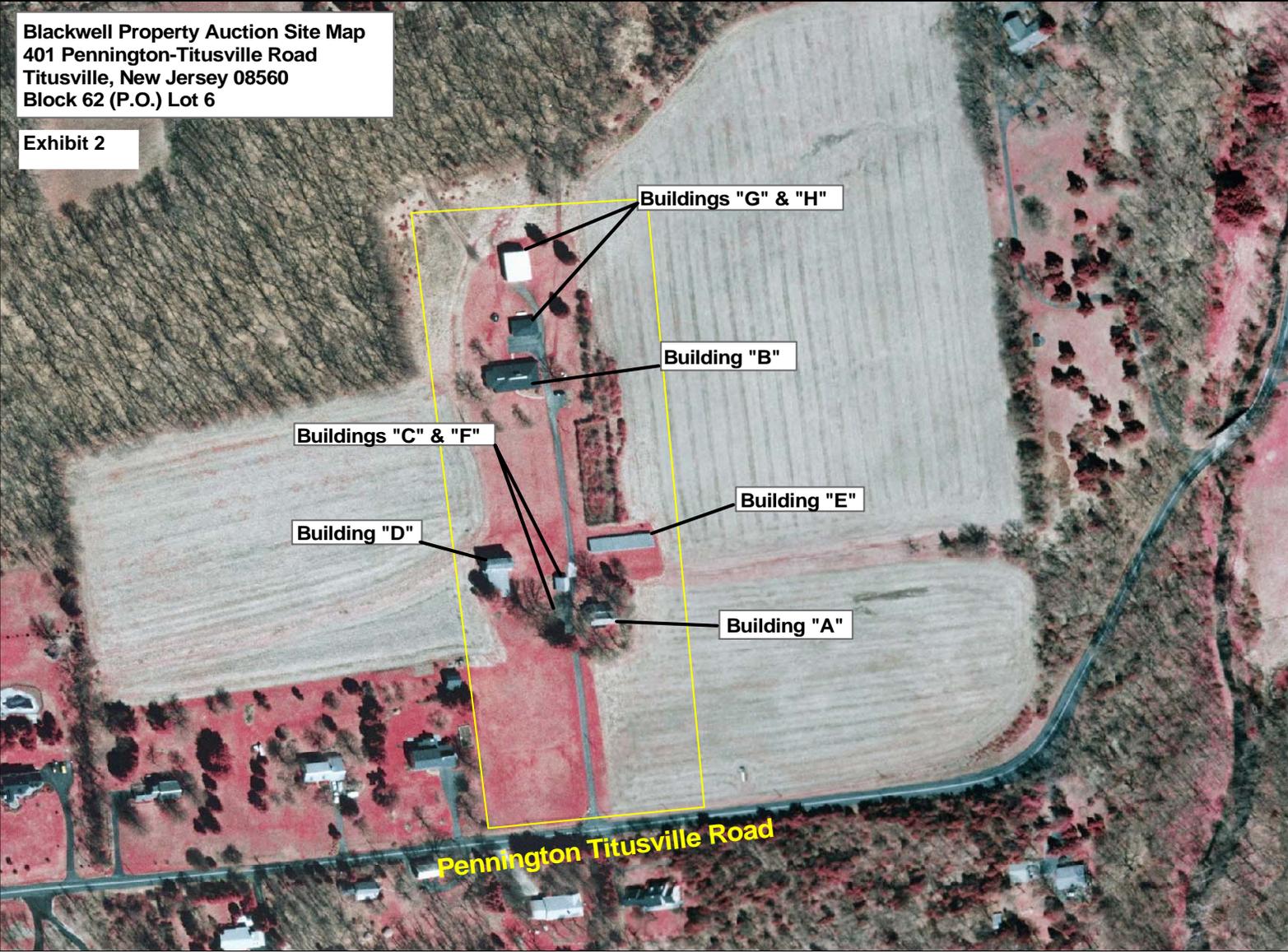


Exhibit 3

PUBLIC HEARING NOTICE

**Department of Environmental Protection
Green Acres Program
Notice of Public Hearings on Proposed Sale of Surplus Residential Property in the
Township of Hopewell, Mercer County**

Take Notice that in accordance with *N.J.S.A.* 13:1D-51 through –58, the State of New Jersey, Department of Environmental Protection, Green Acres Program, will hold two **public hearings** to seek comments on the proposed sale of surplus residential property in the Township of Hopewell, Mercer County.

The property proposed for sale is an 8.5 acre parcel located within 55 acres of property acquired by the Green Acres Program for the Division of Parks and Forestry in 2003 as an addition to the Washington Crossing State Park. The property, known locally as the Blackwell Farm, is designated for tax purposes as Block 62, part of Lot 6 in the Township of Hopewell, Mercer County. The street address for the property to be sold is 401 Pennington-Titusville Road, Hopewell Township, Titusville, New Jersey 08560.

The 8.5-acre parcel to be sold includes the following structures:

- a 2-story 3 bedroom 1 bath (1584 square foot) frame farm house
- a 1-story duplex (2472 square foot) frame construction ranch type house
 - unit 1 = 1328 square foot 3 bedrooms, 1 bath
 - unit 2 = 1144 square foot 2 bedrooms, 1 bath
- a 1-story (400 square foot) 2 car block garage
- a 2-story dairy barn
- a 1-story (2000 square foot) chicken house
- a 1-story block shed / pump house
- a 1-story (864 square foot) 3 bay block garage
- a 1-story (1620 square foot) metal barn

The DEP is considering two possible scenarios for the sale of this property: (1) direct sale to the Township of Hopewell for affordable housing purposes (Scenario A) or (2) public auction of the property for residential and/or agricultural purposes (Scenario B). A copy of a report analyzing both scenarios, including photographs of the structures and a more detailed description of each structure, is available online at www.nj.gov/dep/greenacres/notices.htm. The exact lot size, minimum bid price and other conditions of the sale will be determined in consultation with the Department of Treasury prior to the sale.

As required by *N.J.S.A.* 13:1D-57, the proceeds of the sale will be returned to the Garden State Preservation Trust Fund (or other appropriate Green Acres bond fund) for

use in future open space acquisitions. State House Commission approval is required for this proposal. If approved, the Department anticipates that the sale will occur in late 2011.

The **first public hearing** on the proposed sale of this property will be held on:

Thursday, April 7, 2011 at 6:00 PM at the
Hopewell Township Municipal Building
201 Washington Crossing Pennington Road
Titusville, New Jersey 08560
(609) 737-0605

The hearing record for the first public hearing will close on Thursday, April 21, 2011. Interested persons may obtain information from Richard Osborn in the Green Acres Program or John G. Trontis in the Division of Parks and Forestry at the addresses below and may submit written comments to Mr. Osborn until the close of business on Thursday, April 21, 2011.

The **second public hearing** will be held on:

Monday, May 2, 2011 at 4:00 PM at the
Department of Environmental Protection
4th floor large conference room
501 E. State Street
Trenton, New Jersey 08625

The hearing record for the second public hearing will close on Monday, May 16, 2011. Interested persons may obtain information from Richard Osborn in the Green Acres Program or John G. Trontis in the Division of Parks and Forestry at the address below and may submit written comments to Mr. Osborn until the close of business on Monday, May 16, 2011.

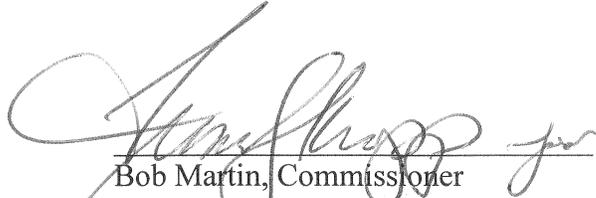
Persons wishing to make oral presentations at either of the public hearings are asked to bring a written copy of their comments to the hearing for use by the Department. For further information on the proposal, please contact:

Richard Osborn, Team Leader
Green Acres Program
Department of Environmental Protection
Mail Code 501-01
P. O. Box 420
Trenton, NJ 08625-0420
(609) 984-0557
richard.osborn@dep.state.nj.us

John G. Trontis, CPRP, Assistant Director
Division of Parks and Forestry
Department of Environmental Protection
Mail Code 501-04
P.O. Box 420
Trenton, NJ 08625-0420
(609) 292-2772
john.trontis@dep.state.nj.us

DATE:

12/28/10



Bob Martin, Commissioner
Department of Environmental Protection

Attachment 1

ARTICLE IX ZONING DISTRICTS

17-160 MOUNTAIN RESOURCE CONSERVATION (MRC) AND VALLEY RESOURCE CONSERVATION (VRC) DISTRICTS.

- a. *Purpose.* The purpose of these districts is to implement the goals, objectives and principles of the 2002 Master Plan relative to protecting environmentally sensitive areas, recognizing development capacity limitations established by natural resource capabilities, maintaining the rural character and providing for sustainable development. These districts have been designed to comprehensively address the interrelated goals of protecting groundwater quantity and quality, maintaining surface water resources, conserving the scenic rural character, addressing limiting soil conditions and promoting continued agricultural use opportunities, while also providing a range of development opportunities that offer alternatives for the landowner.
- b. *Permitted Principal Uses.*
 1. Single-family dwellings and conversions (for conversions, see section 17-145), including housing for low and moderate income households.
 2. All permitted principal uses in section 17-159b,2 to 5. (Note # 1)
- c. *Permitted Accessory Uses.* Any accessory use permitted in section 17-159c is permitted in the VRC and MRC Districts. (Note # 2)
- d. *Permitted Conditional Uses.* Conditional uses permitted in section 17-159d,2 to 6, 8 and 9. (Note # 3)

Note # 1

17-159 RESIDENTIAL: R-150, R-100, R-75, R-50, R-5 AND R-6.

- a. *Purpose.* The purpose of this section is to recognize the existing pattern of detached dwellings, to preserve environmentally critical areas as identified in the adopted master plan and the natural resources inventory, and to allow the township to provide a variety of housing, including lower income housing in
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the identified areas. The selection of dwelling unit types in the R-5 District should provide a balance of housing choices attractive to all income and age segments of the community as part of the township's fair share of the regional housing needs. The criteria are intended to provide flexibility in the design of developments to aid in reducing housing costs, encouraging lower income housing, allowing construction to avoid environmentally critical areas, and removing residences from busy highways and other potential nuisances created by noise and visual blight.

b. *Permitted Principal Uses.*

2. Community residences for the developmentally disabled, community shelters for victims of domestic violence, community residences for the terminally ill and community residences for persons with head injuries shall be a permitted use in all residential districts of the township, and the requirements shall be the same as for single-family dwelling units located within such districts.
3. Cemeteries; golf courses with accessory club house, eating facilities, tennis courts, swimming pools and similar usual accessory structures; public library, public parks and playgrounds; municipal buildings including school bus shelters; fire houses.
4. Farm and agricultural uses including, as accessory uses, horse riding lessons and a farm stand offering facilities for seasonal sale of products or produce in accordance with the township's Right-to-Farm Ordinance. (Chapter 22 of the Township Code).
5. Model homes are permitted to be used as a sales office within a residential development only during the period necessary for the sale of new homes within that development. In addition to the model homes, the developer of a property with more than ten dwelling units may be permitted to use one trailer, or manufactured home, or modular building, or similar structure as a sales office. Where a development contains a mix of dwelling unit types (dwelling unit types are defined as single family homes, and/or townhouses, and/or apartments), the developer may be permitted one sales office, as described above, for each housing type as defined above provided there are more than ten dwelling units of each housing type, but in any event no more than three such sales offices shall be permitted in any one development regardless of how many dwelling unit types are in the development. Site plan review and approval shall be required for the sales operation area(s) in order to review parking, access, landscaping, the placement of the structures, and plans and guarantees to remove any temporary structures and/or pavement or parking areas upon completion of the sales operation.

c. *Permitted Accessory Uses.*

1. Private garages, swimming pools, parking areas, tennis courts, trellises, fences, walls, lamp posts, storage structures and animal shelters and similar facilities, which in total occupy less than ten percent of the lot, are permitted provided they are accessory and subordinate to the principal use of the lot.
2. One earth terminal antenna with an associated reflector (or dish) is permitted on a residential lot only if located either in the rear yard, or on the roof of a residence positioned below the ridge of the roof, both locations to be such as to have the antenna and reflector screened from view from the street. The dishes shall be an appropriate color to match the background. The setbacks shall conform to the setbacks for principal buildings for the zone in which it is located. If necessary to screen the antenna and reflector from the street, additional planting of shrubs, trees or other plants shall be required. Said plantings shall be of a type and be located so as to provide sufficient year-round foliage to provide the year-round screen. Servicing wires and cables shall be installed underground. The main reflector shall not exceed a diameter of eight feet and the overall height of the reflector, the base, and other associated installation equipment shall not exceed ten feet.
3. Home Occupation. Structures in which not more than 25 percent of the net floor area of the structure is used in the conduct of the home occupation; there is no change in the exterior appearance of the structure or premises as a dwelling and no external visible evidence of the conduct of the occupation; no sales may be made at the premises; no part of the home occupation may be conducted in any accessory building; no person may be employed who is not both a member of the family of the person conducting the occupation and an actual resident of the dwelling; no traffic may be generated by the occupation beyond that normally generated by the use of the premises as a single family dwelling; no machinery, equipment or process may be used which creates noise, vibration, glare, fumes, odors or electrical interference detectable at the property lines or which causes any interference with radio or television reception by neighboring residences or fluctuation in line voltages beyond the premises.
4. Tennis Courts. One tennis court is permitted as an accessory use on a single family dwelling subject to the following restrictions:
 - (a) To be constructed only on a lot with a minimum area of 60,000 square feet containing a single family dwelling.
 - (b) The allowable maximum percentage of lot coverage may be increased only by the area of the tennis court, provided, however,

said increase does not impact any public stormwater management system.

- (c) Fencing around the tennis courts is permitted and shall not exceed 12 feet in height.
 - (d) Site plan approval by the planning board is required for construction of any tennis court in front of the principal structure.
 - (e) No tennis court, fencing, or lighting may be constructed within the setback requirements.
 - (f) Illumination of any tennis court shall be prohibited except under the following conditions:
 - (1) The lot area shall be at least five acres.
 - (2) Lighting fixtures shall be full cutoff.
 - (3) Lighting fixture height shall not exceed 20 feet, and shall be located on the side of the court 30 feet from the centerline.
 - (4) Average maintained horizontal illumination on grade shall not exceed 50 fc. Maximum to minimum uniformity ratio shall not exceed 4:1.
 - (5) No light trespass shall be generated from any fixture used to illuminate the tennis court. Contribution to vertical illuminance at any point along all property lines shall be zero at grade and all points above.
 - (6) Lighting fixtures must be turned off between the hours of 10:00 p.m. and 7:00 a.m.
5. Family day care homes providing child care services to no less than three and no more than five children at any one time, exclusive of family members, for no less than 15 hours a week, and registered as a family day care home pursuant to the "Family Day Care Provider Registration Act," shall be permitted as an accessory use to a single family dwelling unit. The zoning requirements shall be the same as for a single family dwelling unit.

Note # 3

- d. *Permitted Conditional Uses.* The following uses are permitted as a conditional use:
 - 2. Pumping stations, transformers and similar utility facilities which are needed in order to provide utility services directly to the consumer, but not repair facilities, offices, open storage, work areas or other aspects of utility

operations. Such facilities shall be landscaped and screened to be appropriately integrated into a residential neighborhood in accordance with section 17-89 and, where safety dictates, shall be enclosed with landscaped fencing. Communications and wireless telecommunications towers, antennas, facilities and equipment are not included as a conditional use herein, and are specifically governed by section 17-148 of this chapter.

3. Conversion of Existing Accessory Buildings to Residences. In an effort to preserve the existing character of these rural areas and to preserve old farm buildings and old materials, accessory buildings existing as of July 1, 1986 in the MRC, VRC, and R-150 Districts may be converted to a residence, with or without subdividing the lot so as to create a separate lot for each dwelling provided the following conditions are met:
 - (a) The maximum number of dwelling units allowed in a converted building shall be one so that the maximum number of dwelling units on a lot as a result of the conversion shall be two, e.g. the original principal dwelling unit plus the conversion. Any further conversions of additional accessory buildings shall be permitted only following an approved subdivision that places each additional residence on a separate lot.
 - (b) The original lot on which both buildings are located shall be at least twice the minimum lot size required for the district in which it is located to assure the conversion does not exceed the maximum density of the development permitted under the zoning provisions.
 - (c) If the converted building is not subdivided into a separate lot, the original dwelling shall be occupied by the owner of the tract.
 - (d) Because original farm accessory buildings may not have been spaced to meet current setback requirements, any subdivision that will place these structures on a separate lot may be approved provided the minimum front, side or rear yards, individually or in some combination, are not less than half the setback distance required for the zone in which the property is located, except that in any event no building shall be converted that is either closer than 25 feet to a street right-of-way or another building on the site, or within a required sight triangle, whether being subdivided on a separate lot or not.
 - (e) No building intended for conversion shall be in the 100-year flood plain and the building being converted shall be located in an area where slopes and other physical conditions permit proper access to the site, where there is proper sight distance at the driveway intersection with the street right-of-way, and where there is sufficient area for adequate off-street parking.

- (f) The converted building shall be designed to meet the definition of a dwelling unit, including all area, space, health and construction requirements set forth in other codes and ordinances.
 - (g) The converted building shall have an approved well and septic system prior to a certificate of occupancy.
4. A nursery outlet offering facilities for the sale of farm products from trees and ornamental shrubs provided the nursery is on a parcel used for agricultural purposes and meets the minimum requirements of subsection 17-159g. (standards for an agricultural lot).
 5. Public and private nonprofit schools and churches shall be permitted provided such uses have access from a primary local, collector, secondary arterial, or primary arterial road as identified on the adopted circulation plan or, if constructed on a new street system not shown on the circulation plan, shall have access from a road having design standards meeting one of these road classifications. Such uses shall be permitted only when the site can be designed so the recreational facilities, parking areas, and other yard spaces which would be used for groups of people or cars shall be buffered from adjoining residences via environmental conditions, topography, densely landscaped areas, distance, or similar design criteria to protect adjoining residential neighborhoods, meeting at least the minimum requirements of subsection 17-159g. and section 17-89. Primary access to these uses shall not be through local streets in residential neighborhoods.
 6. Resident professional offices in which not more than 25 percent of the net floor area of the structure is used for office purposes and there is no alteration visible from the street or adjacent property lines, and not more than one person may be employed at one time in addition to residents of the dwelling and members of the family of the resident professional.
8. Airport Hazard Area. In recognition of the existing airports located adjacent to the Pennington-Lawrenceville Road in the VRC District and the Mercer County Airport off Scotch Road in Ewing Township, these existing airports shall be considered a permitted use in accordance with N.J.A.C. 16:62-2.1(e). Additional buildings, additions to existing buildings, runway extensions, additions to parking areas and other improvements serving to increase the capacity of these airports with respect to the number of aircraft able to be parked at the airports, or the number of take-offs and landings resulting from the increased number of aircraft, shall be permitted as a conditional use. The conditions for approval of any airport operations located in Hopewell Township shall be as follows:

- (a) No building located within the runway subzone and the runway end subzone shall have a building height higher than permitted under the "Air Safety and Hazardous Zoning Act." In addition, no building may have a building height higher than 40 feet, or one foot of vertical height for each seven feet of horizontal distance when measured from any property line, whichever is lower.
- (b) The end of the runway shall be no closer than 400 feet to the property line of the airport.
- (c) For each aircraft parking space, there shall be at least one off-street parking space for a motor vehicle. Said vehicular parking spaces shall be located at least 100 feet from the property line.
- (d) Additional structures for the purpose of mechanical repairs may be approved provided they are located at least 400 feet from any property line.
- (e) Take-offs and landings shall be limited to daylight hours and no beacons, runway lights or other lighting in support of night flying shall be permitted.
- (f) Development Limitations in Airport Hazard Areas. In recognition of the existing airport located adjacent to Pennington-Lawrenceville Road in the VRC District and the portion of the airport hazard area extending into Hopewell Township from the Mercer County Airport located in Ewing Township, and in accordance with the requirements of N.J.A.C. 16:62 et seq., notwithstanding the permitted uses, building heights, and other area, yard and bulk requirements permitted in this section, development in the airport hazard area surrounding the airport shall be as follows:
 - (1) The "airport hazard area" is any area of land or water, or both which may create a dangerous condition for persons or property in or about an airport or aircraft during landing or take-off at an airport. It consists of the following areas surrounding the airport runway:
 - [a] The "runway subzone" is that rectangular area along both sides of the runway extending 1,175 feet from the centerline along both sides of the runway. No structures, buildings or trees within this area shall be so high as to penetrate a plane having a slope that rises from the side of the runway at a slope of seven feet horizontal to one foot vertical. The beginning point shall be 125 feet off the side of, and parallel to, the centerline of the runway. The beginning elevation shall be the elevation of the runway.
 - [b] The "runway end subzone" is that trapezoid area at both ends of the runway. Its length shall be 3,000 feet from the

end of the runway measured in a straight line along an extension of the centerline of the runway. Its width at the end of the runway shall be equal to the width of the runway subzone as described above, and then narrows uniformly to a width of 850 feet at the far end located 3,000 feet from the runway. No structures, buildings or trees within this area shall be so high as to penetrate the lower elevation of either of the following two planes. The elevations shall be measured from the elevation of the runway and should be measured from, or along the extension of, the centerline of the runway: (i) a plane rising along both sides of the extension of the runway centerline having a slope that rises one foot vertically for each seven feet moved horizontally moving away from one side of the extended centerline of the runway. The beginning point shall be 125 feet off to the side of, and parallel to, the centerline of the runway; (ii) a plane that rises from the end of the runway that widens as the distance from the end of the runway increases. The slope of this plane follows the extended centerline of the runway and rises one foot vertically for each 20 feet moved horizontally up to a maximum height of 150 feet located at the end of the "runway end subzone." This plane shall begin with a width of 250 feet at the end of the runway (125 feet on either side of the centerline of the runway) and widen uniformly to 850 feet at the end of the "runway end subzone."

- [c] The "clear zone" is that trapezoid area at both ends of the runway. Its length shall be 1,000 feet from the end of the runway measured in a straight line along an extension of the centerline of the runway. Its width at the end of the runway shall be 250 feet, then widens uniformly to 450 feet at the end of the clear zone located 1,000 feet from the end of the runway. Half its width shall be on either side of the extension of the centerline of the runway.
- (2) Notwithstanding the permitted uses allowed within the affected VRC, R-100 and R-5 Districts, uses permitted within the "clear zone" of the airport hazard area shall be limited to the yard areas of the permitted uses, highways, open spaces and agriculture. Uses permitted in the airport hazard area (but outside the clear zone) shall be residences on lots of at least three acres, yard areas of permitted uses, highways, open spaces and agriculture. Applications submitted for permitted uses in the applicable zoning district that are other than those noted above shall be reviewed in the interest of eliminating, or

at worst minimizing, the intrusion into the airport hazard area through the use of cluster zoning or similar design techniques. For locating highways, they shall be considered developments with vertical heights as follows: interstate highways, 17 feet; other public roads, 15 feet; private roads, ten feet; and railroads, 23 feet. Where the permitted development can only be achieved with an intrusion into the airport hazard area, the township shall grant only conditional approval, conditioned on the applicant applying for and receiving a permit from the Commissioner of the Department of Transportation in accordance with the procedures of N.J.A.C. 16:62 et seq. If the commissioner denies the request, the township's conditional approval shall be void and the application shall have been considered to have been denied.

9. Child Care Centers. Child care centers serving six or more children at any one time shall be permitted as a conditional use in the MRC, VRC, R-150, R-100, R-75, R-50, and R-5 residential districts conditioned on the facility being licensed by the State Department of Human Services, Division of Youth and Family Services; the use being a principal use on the lot and not part of a residential property; the use having no more than 100 children at any one time; the minimum lot area being the smaller of either six acres or two times the minimum lot size required in the zoning district in which the property is located; and the property shall have access from either an arterial or collector street. The matters in paragraphs (a) and (b) below shall be normal zoning and design issues and are not conditions for the conditional use.

- (a) The lot requirements shall be:

Min. Lot Width	250 ft.
Min. Lot Depth:	200 ft.
Min. Front Yd:	75 ft (Bldgs and recreation areas)
Min. Side Yd:	75 ft (Bldgs)
Min. Rear Yd:	75 ft (Bldgs)
Max. Building Hgt:	35 ft; 2 story
Max. Floor Area Ratio:	0.05
Max. Lot Coverage (Bldg. & Paving):	15%
Min. Setback for driveways and parking areas from any lot line	40 ft
Min. Setback for recreation areas	50 ft from side and rear lot lines None permitted in front yard

- (b) Drop-Off Area. Each child care center shall designate at least six parking spaces as "No Parking: Student Drop-Off and Pick Up

Only". No drop-off area shall be located so it requires students to cross a street, driveway or aisle to get to the sidewalk entering the building. Each space shall be located adjacent to the sidewalk in front of the facility so a child may exit or enter the vehicle either directly to or from the sidewalk, such as from parallel parking spaces, or to or from the space between vehicles in angled parking spaces.

- (c) The space between the recreation area and the abutting lot lines shall be planted with evergreen material spaced so as to provide a dense visual screen. The recreation area shall be enclosed with a fence at least five feet high. Access to the recreation area from the building shall not require the children to cross a street, driveway, aisle, or loading area.