

TOWNSHIP OF HOPEWELL

MEMORANDUM

TO: Zoning Board of Adjustment Members

FROM: Environmental Commission Members

DATE: July 18, 2023

RE: Case No. 22-11: **The Hopewell - Review Memo #3**
Block 133, Lot 14.01; 29 Fiddlers Creek Road;
MRC Zoning District
Use & Bulk variance

We are writing again to inform you of our concerns and recommendations regarding the subject application, which is currently under review by the Board.

During our Environmental Commission meeting on June 20, 2023, members Andrew Plunkett, Jim Gambino, Rex Parker, Mike Aucott, and Mark Bean discussed the subject application for a third time together with Uma Purandare.

During our initial review in fall 2022, we understood the use variance was mainly to operate a 27 room hotel on the property. However, recent testimony has emphasized other proposed uses beyond the hotel rooms, such as a restaurant with liquor license, an on-site spa, gym, pool, pickleball courts and other amenities that may also be open to the public beyond the hotel guests.

We understand the minimum lot size for a single family dwelling in the Mountain Resource Conservation zoning district is 14 acres. This is based in part on the availability of groundwater from the aquifer for personal use and wastewater dilution. The developable portion of lot 14.01 is 10.343 acres and is therefore undersized for this zone.

Of the existing gross lot area of 23.763 acres, 13.420 acres is a conservation easement area and 0.40 acres appears to be a freshwater wetland. Pursuant to the definition of lot area in 17-181, lot area shall not include wetlands and areas encompassed within any easements. Therefore the conservation easement area and what may be a wetland area cannot be included in a determination of the allowable impervious cover.

The existing lot coverage is more than 10% of the developable area, which exceeds the 6% limit for the MRC zone. The proposed expansion of the drives and parking lot would increase the impervious cover and exacerbate this issue. Since the existing impervious coverage already exceeds the allowable percentage for the MRC zone, additional impervious coverage should not be approved.

We are concerned that the estimated rates of water withdrawal from the local aquifer supporting the proposed uses could exceed the aquifer's carrying capacity, and the proposed uses may become unsustainable especially during periods of drought, which will be worsened by climate

change. We are especially concerned about wells on neighboring parcels, and that decreases in the base flow of Fiddlers Creek would harm the biology of the creek.

We understand that the aquifer testing regarding selection of observation wells for this parcel was not performed according to the Township's requirements, and we recommended the Board request the applicant satisfy 17-149 requirements before a zoning decision is made even if it is not generally required for a zoning decision. Also, it is not clear which geologic formation feeds the aquifer for this parcel; Passaic and/or Lockatong. Additionally, further analysis of groundwater and wastewater impacts should not include the conserved and developable parcels together.

This site is adjacent to the Fiddler's Creek and Baldpate Mountain Preserves. We believe that there will be a more intense use of this property if it is converted to a hotel, etc., and that the intensity of activities will have adverse environmental effects on the community and decrease the ecological integrity in the area due to increased lighting, sound, and significant, increased daily traffic on this quiet, rural, two-lane road.

It has been scientifically established that bird and insect populations are particularly sensitive to outdoor lighting at night. Furthermore, this region is a recognized site by the Audubon Society for species of concern. There has been testimony that at least two species of endangered bats may use this property and will need protection. We also understand there is an annual amphibian crossing at or near this parcel, and additional traffic may cause more casualties. The question about mitigating amphibian crossing deaths is a current topic in the Environmental Commission and we think it needs to be addressed directly here.

We reiterate our strong concerns about the proposed activities causing disturbances in noise and specific frequency sound levels (e.g., from pickleball), more light intrusion into the forest, and the negative effects on bird and insect populations which are vital to the ecosystem.

For all the reasons stated above, we are concerned that the environmental impacts may outweigh the potential benefits of the proposal.

The Commission emphasizes that the intensity of activities proposed is at the heart of the environmental issues. If the application goes forward we ask that you provide effective restrictions and mitigations for impervious cover, light, sound, number of rooms and activities permitted with respect to the environmental concerns outlined above.

Please consider our comments during your review.

Respectfully submitted: Jim Gambino, Secretary

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