

**ZONING BOARD OF ADJUSTMENT
CITY OF LAMBERTVILLE
REGULAR MEETING MINUTES
April 25, 2013**

The meeting was called to order by Pat Pittore, at 7:30 p.m. with a statement of compliance with the Open Public Meetings Act.

Roll Call

Mrs. Lawton called the roll as follows:

Present: Phil Mackey, Pat Pittore, Fred Eisinger, Maura Fennessy, Kate Dunn, Sara Scully and John Woods.

Absent: Georg Hambach.

Also Present: Attorney William Shurts, Planner Emily Goldman and Engineer Tom Cundey.

APPROVAL OF MINUTES – February 28, 2013

Fred Eisinger made a motion to approve the February 28, 2013 meeting minutes as submitted. Phil Mackey seconded the motion. A unanimous roll call vote in favor of the motion was taken by all members present. Sara Scully and John Woods were abstained from voting.

MOTION CARRIED.

NEW BOARD MEMBER

The Board welcomed new member John Woods as a new member to the Board of Adjustment. Mr. Woods will be sworn in at the next meeting by Mr. Shurts.

PUBLIC HEARING – 49 BRIDGE STREET BLOCK 1042 LOT 24

Larry Wohl, the applicant's attorney, and Michael Burns, the applicant's architect were present at the meeting. Also at the meeting was the applicant, Robert Torricelli.

Mr. Woods recused himself and took a seat in the audience.

Mr. Shurts marked the following exhibits into the record:

- A-1 Application
- A-2 Affidavit of Service, including list of property owners and receipts
- A-3 Survey and photos dated April 25, 2013 for slideshow, 11 pages
- A-4 Approval from D&R Canal Commission dated March 8, 2013
- A-5 Letter from Historical Preservation Commission dated March 6, 2013
- A-6 Minutes from the Historical Preservation Commission dated February 12, 2013

The application was before the Board for approval to reconstruct existing garages to allow for an 830 square foot second story one bedroom apartment with the garages to remain as is.

Mr. Burns and Mr. Torricelli were sworn in by Mr. Shurts as expert witnesses.

Mr. Burns stated that resolution 3-2004 granted approval for the building facing Bridge Street to allow for a mixed use with an apartment, office and retail. This building is in the Central Business District of the City of Lambertville.

To the rear of the property is a four car garage, which is located in the R-2 zone of the City that is used for parking for the building to the front of the property. The application is proposing to construct a second story, one bedroom apartment.

There will be no increase to the footprint of the existing garage.

The applicant has secured two parking spaces for the apartment at the Justice Center. The new apartment requires at least 1 ½ parking spots.

However, a variance is needed for the distance from the parking spot to the proposed apartment. The ordinance currently states that a maximum of 300 feet from the parking spot to the apartment is allowed. The proposed parking spots are a total of 483 feet from the apartment.

Access to the apartment will be from inside the garages. Mr. Torricelli stated there is also a right-of-way access from the main building to the proposed apartment. This right-of-way is not currently lit however there are lights on the existing building and the adjacent building that allows for adequate lighting.

Emily Goldman, the Board Planner, asked Mr. Burns where the second means of egress was located. Mr. Burns stated that the door and window are the two required means of egress. He also stated that they would be installed accordingly to comply with the Uniform Construction Codes.

Pat Pittore asked if the lighting fixtures on the exterior of the garages would be a nuisance to the neighbors. Mr. Burns stated that they would be 50 watt bulbs installed.

The ceiling of the garage will need to be fire rated, according to current codes and in doing so would help alleviate some of the noise from the garage doors as to not disturb the resident of the apartment.

Tom Cundy, the Board Engineer, asked if the garage doors would interfere with traffic on Ferry Street. Larry Wohl stated that the garage doors will be automatic, therefore no one would have to exit their car to gain access.

Mr. Woods stated that the applicant provided copies of the proposed plan to the neighbors on Ferry Street and that there were no objections to the proposed plans. It should be noted that no one from the public was present for the public hearing.

Mr. Pittore stated that the apartment seemed to have a taller appearance and asked if they were proposing an attic for the apartment. Mr. Burns stated that the living room and kitchen both have vaulted ceilings.

Mr. Pittore also asked how the drainage for the new apartment would be installed. Mr. Burns stated that the proposed down spout would be tied into the existing drainage.

As a condition of approval, the applicant is to provide a diagram of the proposed downspouts and also an accessory structure table.

MOTION: Site Plan Waiver

Maura Fennessy made a motion to grant the Site Plan Waiver. Kate Dunn seconded the motion. A unanimous roll call vote in favor of the motion was taken by all members present. John Woods recused himself from voting.
MOTION CARRIED.

MOTION: Conditional Use Variances

Phil Mackey made a motion to approve the Conditional Use Variances as requested. Kate Dunn seconded the motion. A unanimous roll call vote in favor of the motion was taken by all members present. John Woods recused himself from voting.
MOTION CARRIED.

MOTION: Bulk Variances

Phil Mackey made a motion to grant the Bulk Variances as requested. Maura Fennessy seconded the motion. A unanimous roll call vote in favor of the motion was taken by all members present. John Woods recused himself from voting.
MOTION CARRIED.

MOTION: Parking Variance

Phil Mackey made a motion to grant the parking variance as requested. Fred Eisinger seconded the motion. A unanimous roll call vote in favor of the motion was taken by all members present. John Woods recused himself from voting.
MOTION CARRIED.


PAYMENT OF BILLS

MOTION: Phil Mackey made a motion to pay bills so long as funding is available. Kate Dunn seconded the motion. A unanimous voice vote in favor of the motion was taken by all members present.
MOTION CARRIED.

ADJOURNMENT

Phil Mackey made a motion to adjourn the meeting at 9:00 pm. Fred Eisinger seconded the motion. A unanimous voice vote of ayes was taken in favor of the motion by all members present.
MOTION CARRIED.

Respectfully submitted,



Pat Pittore
Vice Chairman



Crystal Lawton
Administrative Officer

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CRAIG F. REMINGTON, PLS, PP, Vice President

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Remington & Vernick Engineers
232 Kings Highway East
Haddonfield, NJ 08033
(856) 795-9595
(856) 795-1882 (fax)

**Remington, Vernick
& Vena Engineers**
9 Allen Street
Toms River, NJ 08753
(732) 286-9220
(732) 505-8416 (fax)

3 Jicama Boulevard, Suite 300-400
Old Bridge, NJ 08857
(732) 955-8000
(732) 591-2815 (fax)

**Remington, Vernick
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845 North Main Street
Pleasantville, NJ 08232
(609) 645-7110
(609) 645-7076 (fax)

4907 New Jersey Avenue
Wildwood City, NJ 08260
(609) 522-5150
(609) 522-5313 (fax)

**Remington, Vernick
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922 Fayette Street
Conshohocken, PA 19428
(610) 940-1050
(610) 940-1161 (fax)

73 West Main Street, Rear
Mechanicsburg, PA 17055
(717) 766-1775
(717) 766-0232 (fax)

1000 Church Hill Road, Suite 220
Pittsburgh, PA 15205
(412) 263-2200
(412) 263-2210 (fax)

Univ. Office Plaza, Bellevue Building
262 Chapman Road, Suite 105
Newark, DE 19702
(302) 266-0212
(302) 266-6208 (fax)

**Remington, Vernick
& Arango Engineers**
The Presidential Center
Lincoln Building, Suite 600
101 Route 130
Cinnaminson, NJ 08077
(856) 303-1245
(856) 303-1249 (fax)

300 Penhorn Avenue, 3rd Floor
Secaucus, NJ 07094
(201) 624-2137
(201) 624-2136 (fax)

February 20, 2013

City of Lambertville
Zoning Board of Adjustment
Dave Moraski, Chairman
18 York Street
Lambertville, NJ 08530-2093

Attention: Crystal Lawton, Secretary

Re: Variance/Site Plan Waiver - Completeness & Plan Review
Woodrose Properties, LLC
49 Bridge Street
Block 1042, Lot 24
Our file #10-17-Z-010

Dear Board Members:

We have received a Variance/Site Plan Waiver application submission, received on February 12, 2013, consisting of the following:

Sheet	Title	Date
1 of 11	Location Map, Existing Site Plan	01-29-13
2 of 11	Proposed Site Plan, Zoning Data, Parking Data	01-29-13
3 of 11	Proposed Garage Floor Plan	01-29-13
4 of 11	Proposed Apartment Floor Plan	01-29-13
5 of 11	Proposed South Elevation	01-29-13
6 of 11	Proposed Ferry Street Elevation	01-29-13
7 of 11	Proposed Ferry Street Perspective	01-29-13
8 of 11	Proposed Ferry Street Perspective	01-29-13
9 of 11	Property Owners Within 200'	01-29-13
10 of 11	Property Owners Within 200'	01-29-13
11 of 11	Property Owners Within 200'	01-29-13
1 of 1	Boundary and Topographic Survey	01-28-13

Sheets 1 of 11 through 11 of 11 were prepared, signed, and sealed by Michael Burns, R.A., Michael Burns Architects, 19 North Franklin Street, Lambertville, New Jersey 08530, (609) 397-5508.

T:\Municipal\Lambertville\2010 Woodrose Properties, LLC\review 1.doc

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Sheet 1 of 1 was prepared, signed, and sealed by John M. Dura, P.L.S., Site Works Consultants, Inc., 6 Village Row, Logan Square, New Hope, Pennsylvania 18938, (215) 862-9701.

I. GENERAL INFORMATION

Applicant/Owner: Woodrose Properties, LLC
49 Bridge Street
Lambertville, NJ 08530
(609) 773-0335

Proposal: Applicant proposes to construct a new one bedroom apartment over an existing four car garage.

Zoning: CBD and R-2

II. GENERAL COMMENTS

1. The applicant is requesting a conditional use variance from Section 404.4B in the R2 zone. This ordinance contains requirements for low and moderate income housing criteria. The applicant is also requesting a waiver from Section 406.8A which contains apartment location standards. We defer to the Board Planner for comment on these planning issues.
2. The applicant is requesting a site plan waiver. Since the proposed construction is above an existing structure and will not involve an expansion of the existing footprint, we would endorse the site plan waiver. Plans for the building construction will still be required by the Construction Code Official for the building permit.
3. The applicant must testify on the agreements concerning to whom the four (4) parking spaces in the garage/apartment structure are reserved.
4. The applicant must testify on how the garage parking will operate since each bay has its own garage door. Are the doors manual or will they have garage door openers? Who will have the door opener, or will there be a keypad, etc.? Will the vehicle block traffic while the person is opening the garage door?

5. There will be no drainage or stormwater measures needed since the footprint of the existing structure is not changing.
6. A waiver from Section 406.7D.3b is being requested. This ordinance requires off-street parking to be within three hundred (300) feet of the premise in question. Testimony must be given on the location of the proposed off-tract parking along with the distance from the apartment, if any is proposed.

III. SUMMARY OF VARIANCES AND WAIVERS

Variances:	Section 404.4B -	Moderate & low income housing criteria
	Section 406.7D.3b -	Location of off-tract parking
	Section 406.8A -	Apartment location

Waivers: Site Plan

IV. APPROVAL PROCESS

If the Zoning Board should grant final approval to this project, the following is applicable:

The applicant must contact the Zoning Board office to settle any outstanding review escrow accounts prior to the issuance of building permits.

V. OUTSIDE AGENCY APPROVALS

This plan may be subject to the review and approval of the following outside agencies, if not already received. Evidence of these approvals must be submitted to the City Zoning Department:

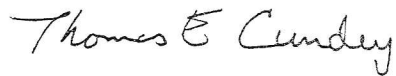
1. Hunterdon County Planning Board.
2. Lambertville Municipal Utilities Authority.
3. D & R Canal Commission.
4. Any others as may be necessary.

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City of Lambertville
February 20, 2013

If you have any questions concerning the above, please do not hesitate to call.

Sincerely yours,

REMINGTON, VERNICK & ARANGO ENGINEERS, INC.

A handwritten signature in cursive script that reads "Thomas E Cundey".

Thomas E. Cundey, P.E., C.M.E.

TEC/mcb

cc: Woodrose Properties, LLC
Michael Burns, R.A.
John Dura, P.L.S.
Larry Wohl, Esq.
William Shurts, Esq.
Ken Rodgers, Construction Code Official

van note - harvey

777 Alexander Road
Princeton, New Jersey 08540
609-987-2323 Fax: 609-987-0005

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VIA E-MAIL
construction@lambertvillenj.org

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February 19, 2013

David Moraski, Chairman
City of Lambertville
Zoning Board of Adjustment
18 York Street
Lambertville, NJ 08530-2093

ATTN: Crystal Lawton, Secretary

RE: Variance – Completeness & Plan Review
Applicant: Woodrose Properties, LLC
Address: 49 Bridge Street
Block 1042, Lot 24
VNHA #41367-300-31

Dear Mr. Moraski:

In accordance with the City's request, I have reviewed the above captioned application and submitted material, and offer the following observations and comments for the Zoning Board of Adjustment's information and consideration.

A. Material Forwarded & Reviewed

1. One (1) set of Architectural Drawings, prepared by Michael Burns Architects, Sheet 1 of 11 through 11 of 11, dated January 29, 2013;
2. One (1) copy of the Boundary and Topographic Survey, prepared by Site Works Consultants, Inc., Sheet 1 of 1, dated January 28, 2013;
3. One (1) copy of the Board of Adjustment Application Submittal Checklist;
4. One (1) copy of the Board of Adjustment Application;
5. One (1) copy of the Escrow New Account Form;
6. One (1) copy of the W-9 Form;
7. One (1) copy of the Certification of Property Tax Status;
8. One (1) copy of the Deed;
9. One (1) copy of the Previous Resolution 3-2004;
10. One (1) copy of Site Photographs;
11. One (1) copy of the Application to the D&R Canal Commission; and
12. One (1) copy of the Application to the Hunterdon County Planning Board.

B. Description of Subject Property & Proposed Development

Applicant/Owner: Woodrose Properties, LLC

49 Bridge Street

Lambertville, NJ 08530

Existing Conditions: Per Resolution No. 3-2004, the subject property is already developed, containing a mixed use facility with a retail area, a business office, and an apartment. There is a four bay garage structure which abuts the sidewalk on Ferry Street. It is an accessory structure and will be used at this point only for parking for the uses which are located on site. The parking spaces which will serve the apartment (2) and the retail space (2) will be located in the garage.

Proposal: The Applicant proposes the construction of a one-bedroom apartment atop the existing four car parking structure currently fronting Ferry Street. The construction would require Conditional Use Variances and Bulk Variances. Furthermore, the Applicant is requesting a Site Plan Waiver.

Zoning: CBD / R-2

C. Completeness Review

The requirements for completeness are included in the Application Submittal Checklist, Sections 516.5, 516.6, and 516.7 of Lambertville's Ordinance. Since the improvement and site plan are minor in nature, the location of existing and/or proposed septic systems and wells on the property, the identification of trees to be removed, the property location forms, and the certification of new block and lot numbers and/or street addresses, as indicated on the completed Application Submittal Checklist, do not apply.

The Applicant failed to request a Bulk Variance per Section 404.5 for a proposed exceedance of the maximum height of an accessory structure, as discussed in Section D.3 below. The application should be updated to reflect the need for the additional variance request to be deemed complete. The requirement can be waived or the plan approved conditionally complete by the Board until the requirement is submitted or satisfied.

D. Site Plan Comments

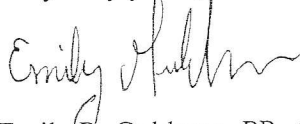
1. The applicant is requesting conditional use variances from Section 404.4B in the R-2 Zone and Section 406.8A in the CBD Zone.
 - a. The Board may grant a Conditional Use Variance from Section 404.4B since accessory apartments are permitted within accessory structures; the proposed apartment will be the only accessory apartment located on the lot; the proposed apartment exceeds the minimum unit size requirements for Neighborhood Preservation Balanced Housing Program (required 600 sq. ft.; proposed approx. 835 sq. ft.); and the proposed apartment has direct access to the rear exterior of the accessory structure.

- b. Per Section 404.4B, the following criteria for an Accessory Apartment are recommended as conditions of approval.
 - 1. The apartment shall be occupied only by a low and moderate income household as defined by N.J.A.C. 5:39-1.3;
 - 2. The apartment shall conform to the requirements for maximum rent level in N.J.A.C. 5:93-5.9(a)3.
 - 3. The apartment shall be affirmatively marketed in accordance with N.J.A.C. 5:93-11.
 - 4. Controls on the affordability of the accessory apartment shall remain in effect for a minimum of 10 years in accordance with N.J.A.C. 5:93-5.9(e), as it may be amended or superseded.
 - c. Per Section 406.3A, a Conditional Use Variance for the conversion of an existing building for apartment use may be granted if the proposal conforms to the criteria of Section 406.8 and Section 517 of Lambertville's Ordinance.
 - d. Per Sheets 3 of 11 and 4 and 11, a stairway is provided from the first floor garage area to the exterior of the second floor. It then appears as though the inhabitant of the proposed apartment shall walk to a separate doorway located along the rear of the building to access the apartment. The Applicant should provide evidence that two means of ingress and egress to the proposed apartment is provided per Section 406.8D.
 - e. The Applicant shall address the evaluation criteria for a conditional use per Section 517.1.
 - f. Per Section 517.2B, the Applicant shall establish that the criteria for granting the Conditional Use Variances have been met.
 - g. If the Board grants the Conditional Use Variances, the Applicant shall secure a building permit, or, in the case where no building permit is required, a certificate of occupancy, within one (1) year from the date of approval, otherwise the granting of the conditional use shall be deemed null and void.
- 2. The Applicant is requesting a bulk variance from Section 406.7D3.b in the CBD Zone since the required off-street parking for the proposed apartment will be greater than 300 feet from the premises. The Applicant should address where the required parking (1 ½ spaces for a one-bedroom apartment) will be provided and the proposed distance to such parking.
 - 3. While not requested by the Applicant, a Bulk Variance is required from Section 404.5 in the R-2 Zone. The proposed apartment is to be constructed on an accessory structure. Therefore, the Accessory Building Minimum Yard Depths and Height Limitations apply. The accessory building side yards are existing nonconformities and shall not require a variance. However, the accessory building maximum height requirement is fifteen (15) feet, and the Applicant is proposing a height of approximately thirty-four (34) feet. Therefore, an additional Bulk Variance should be requested by the Applicant.

4. The Applicant is requesting a Site Plan Waiver as any new construction is proposed above the existing garage structure and will not involve the expansion of the existing footprint.
 - a. Per Section 516.3, the Board may waive the requirements for site plan approval whenever it determines that the proposed development, alteration, repair, or change of use or occupancy does not affect the existing conditions of the lot or premises, including: topography; vegetation; drainage; floodplains; marshes and waterways; open space; walkways; means of ingress and egress; utility services; landscaping; structures; signs' lighting and screening devices; and other considerations of site plan review.
 - b. The Applicant shall present sufficient credible evidence to allow the Board to reach such conclusion as would permit a waiver.
 - c. The Board may render a decision to permit a Site Plan Waiver based on the evidence presented by the Applicant and may attach conditions to any waiver so granted.
5. Per Section 501, the Applicant should address the additional requirements and performance standards for accessory buildings.
6. Per Section 601.1, testimony should be provided that the variances may be granted without substantial detriment to the public good and will not substantially impair the intent and purpose of the zone plan and the Zoning Ordinance.

If you have any questions concerning the above, please do not hesitate to call.

Very truly yours,



Emily R. Goldman, PP, AICP
City Planner

ERG/dr

Y:\VNHADATA\PROJECTS\41367\WOODROSE PROPERTIES - PLANNING MEMO.DOCX

- ec: Larry Wohl, Esq., Archer & Greiner, PC (LWohl@archerlaw.com)
Robert Torricelli, Woodrose Properties, LLC (Woodroseprop@aol.com)
Michael Burns, Michael Burns Architects (Michael@michaelburnsarchitects.com)
Thomas Cundey, Remington & Vernick (thomas.cundey@rve.com)
William Shurts, Esq., Felter, Cain & Shurts, (fcslegal@netcarrier.com)
- c: Ken Rodgers, Construction Code Official, 18 York Street, Lambertville, NJ 08530

