

**ZONING BOARD OF ADJUSTMENT
CITY OF LAMBERTVILLE
REGULAR MEETING MINUTES
May 31, 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: Pat Pittore, Phil Mackey, Fred Eisinger, Georg Hambach, Kate Dunn, Sara Scully and John Woods.

Absent:

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

APPROVAL OF MINUTES – April 25, 2013

Phil Mackey made a motion to approve the April 25, 2013 meeting minutes as submitted. Fred Eisinger seconded the motion. A unanimous roll call vote in favor of the motion was taken by all members present. Georg Hambach was abstained from voting.
MOTION CARRIED.

NEW BOARD MEMBER

John Woods was sworn in by Board Attorney Bill Shurts as a new member to the Lambertville Zoning Board of Adjustment.

APPROVAL OF RESOLUTION # 2-2013 – 49 BRIDGE STREET, BLOCK 1042 LOT 24

Phil Mackey made a motion to approve resolution # 2-2013, as requested. Georg Hambach 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.

PUBLIC HEARING - 57 BRIDGE STREET, BLOCK 1042 LOTS 11 AND 28

Board members Kate Dunn and John Woods recused themselves and took a seat in the audience. Both members own property within 200 feet of this property or within 200 feet of the proposed parking lots.

Since losing two voting members for this application, the Zoning Board of Adjustment asked if two members from the Planning Board would be willing to sit in on the public hearing so that the Board was able to proceed with a public hearing. Planning Board Tim Korzun and Planning Board Vice Chairman Paul Kuhl were in attendance at the meeting.

The applicant's attorney, Rich Mongelli was present at the meeting. Also present were Kevin and Sherry Daugherty, the owners of 57 Bridge Street, Tanya Cooper, Tim Stout, Jed Bernstein, Michael Burns and Courtney Haviland, from Michal Burns Architect. All of the people who testified on behalf of the applicant were sworn in by Mr. Shurts.

Mr. Shurts advised the Board members and the public that all jurisdictional matters were in order and that the Board had the jurisdiction to hear this application.

Mr. Shurts marked the following exhibits into the record:

- A1 Application
- A2 Public notices in Lambertville – Church Street, Arnett Avenue and Coryell Street in particular.
- A3 Public notices in West Amwell Township
- A4 Proof of Publication
- A5 Public Notice published in papers
- A6 Affidavit of Service
- A7 Three Parking Agreements –
 - a) West Amwell ESC School, b) Finkles, c) Diamond Silver
- A8 Letter from St. Johns Church stating they do not oppose the application.
- A9 Will serve letter from JCP&L
- A10 Will serve letter from Verizon
- A11 Will serve letter from United Water
- A12 Will serve letter from Elizabethtown Gas
- A13 Will serve letter from MUA
- A14 Approval from D&R Canal Commission

Mr. Mongelli proceeded with the public hearing.

TESTIMONY'S:

The applicant is proposing two ADA Compliance ramps at the entrance of 57 Bridge Street.

To the rear of the property, Ferry Street side, the applicant is proposing to install a fire staircase as an additional means of egress. Between the two sets of fire stairs they are proposing to install an enclosed trash container. The trash will be taken from the rear of the property to Bridge Street on the daily basis. The applicant will have a garbage company come daily to pick up the trash. The applicant is proposing a transparent structure to help hide the trash containers and fire stair case. However, the stonework will still be exposed.

Mr. Mongelli stated that the existing building violates the City's side set back ordinance as well as the maximum building and lot coverage.

Additional lighting will be installed on the exterior of the building. The lighting will be installed over the proposed marquees and entrance doors.

A portion of the windows have been replaced with insulated glazing to alleviate some of the noise.

There are three levels of the building that will be used for the proposed business.

The Basement level will be used as an instruction area. The kitchen for the restaurant will be located in the basement as well. This will be updated to accommodate a restaurant and current Uniform Construction Codes.

The first level will open up to the entry for a waiting area. Two ADA ramps will be installed on the exterior of the building. There will also be a coat check and restrooms. The proposed 140 seat restaurant with a 28 seat bar will also be located on this level.

The second level will be used for the concert hall that is proposed to accommodate 339 people. The concert area will not have fixed seating. This will allow for different seating arrangements depending on the type of concert being held. There will also be an expanded lobby and coat check.

A loft is also proposed for office use and an additional 136 seats for the concert hall.

The three entry doors will be replaced on the exterior of the building. Additional lighting will be located on the central marquee and the side door marquees.

The City's ordinance only allows for one marquee at a maximum of 16 square feet. The applicant is proposing an 81 square foot marquee at this time. This will be a major feature of the building.

Tanya Cooper, the President of the Foundation stated that they decision to have a concert hall came from research discovering that Lambertville had history in music. As it was where the Music Circus was located for some time.

Ms. Cooper stated that the restaurant and bar would help support the concert hall and allow the applicant to provide this at an affordable cost.

There will be no performances on Monday's. The main nights for concerts would be Thursday, Friday and Saturday nights. Sunday's will be a quieter night with a comedian or local musician.

Since the proposed project is within 500 feet of a public or private school and church, the applicant does not comply with this requirement. Therefore, they are required to obtain letters from the surrounding schools and church's stating that they are not opposed to this project. St. John's Church submitted a letter stating that they are not opposed to the new restaurant and bar at this location.

However, the applicant is still required to obtain approval from the State for this requirement.

The building would be required to have a sprinkler system installed because of the increase to potential fire hazards and other issues.

Mr. Burns testified that the entire building will be barrier free and accessible.

PARKING:

The parking requirement for a 136 seat restaurant is 46.7 spots and for a 28 seat bar it is 14 spots. The theater is 113, the Massine is 45.3, which brings the total to 219 parking spots required.

The applicant stated that there are 97 parking spots grandfathered.

Parking agreements have been set with Finkles and Sons and Diamond Silver in Lambertville and also at the ESC School in West Amwell Township.

The Finkles parking lot will accommodate 20 spots and the Diamond Silver parking lot will hold 100 spots. The ESC School will hold 100 as well.

The applicant stated that there are 67 public parking spaces available within the City of Lambertville.

Tanya Cooper stated that she would encourage ticket holders to walk as well.

A shuttle will run from each parking lot to the front entrance of the building on Bridge Street. There will be several shuttles running at one time. Each lot will be managed by a parking attendant and each driver on the shuttle will be equipped with a cell phone and radio to be able to keep in contact with one another.

Each lot will also have dedicated barrier free parking spaces.

The applicant stated that they are seeking approval from the City Council to dedicate two parking spaces on Bridge Street for the use of the Lambertville Hall. There was no feedback from the Council on this agreement presented at the meeting.

Mr. Mongelli also talked about shared parking, using the Lambertville Station as an example. At the Station the customers would be able to park for a fee. It is unclear at this time if this option would still be available to the applicant.

SHUTTLES:

Tim Stout, from Stouts Transportation testified that the shuttles would be running two hours prior to a concert and two hours after a concert is over. Each shuttle within the two hour period will run every 15 minutes from each lot. The wait time would be a maximum of 15 minutes

Mr. Stout stated that his company can accommodate up to 56 passengers in one shuttle.

The shuttles will not be dropping off on Bridge Street, instead they are proposing to use two metered parking spots on South Main Street. This still needs to be approved by the City Council.

The public was given the opportunity to speak. Many of the questions and concerns were regarding the parking and intensified noise due to the proposed project. Discussion ensued.

Several residents from West Amwell were present at the meeting. It was suggested that before the Lambertville Board of Adjustment make a decision, that West Amwell Township Zoning Board have an opportunity to review and comment on the parking at the ESC school.

MOTION:

Georg Hambach made a motion to continue the public hearing to June 27, 2013 at 7:30 pm at the Justice Center, with no further notices required. Phil Mackey seconded the motion. A unanimous voice vote in favor of the motion was taken by all members present.

MOTION CARRIED.

BILLS LIST


Fred Eisinger made a motion to pay bills. Georg Hambach seconded the motion. A unanimous voice vote in favor of the motion was taken by all members present.

ADJOURNMENT

Fred Eisinger made a motion to adjourn the meeting at 11:17 pm. Phil Mackey seconded the motion. A unanimous voice vote in favor of the motion was taken by all members present.

MOTION CARRIED.

Respectfully submitted,


Pat Pittore
Vice Chairman
Crystal Lawton
Administrative Officer

