

**ZONING BOARD OF ADJUSTMENT  
CITY OF LAMBERTVILLE  
REGULAR MEETING MINUTES**

Thursday, March 27, 2014

The meeting was called to order by Bill Shurts, 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, Georg Hambach, Kate Dunn, John Woods, Marcus Rayner and Jane Wesby.

**Absent:** Phil Mackey, Fred Eisinger and Sara Scully.

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

**APPROVAL OF MINUTES**

John Woods made a motion to approve the January 30, 2014 meeting minutes, with minor corrections. Georg Hambach seconded the motion. A unanimous roll call vote in favor of the motion was taken by all members present.

**MOTION CARRIED.**

**OATHS OF OFFICE**

Mr. Shurts swore in Jane Wesby as a Zoning Board of Adjustment member with a term that expires December 31, 2015.

**COMPLETENESS – Continued**

South Franklin Street  
Block 1048 Lot 45.03  
Hardship / Bulk Variance

The applicant submitted the drainage report, site photographs and the recorded deeds that the Board Professionals requested. Per the Board Engineer, the applicant has met all the requirements for the checklist for the Board to deem the application complete.

Georg Hambach asked the Professionals if it would be beneficial for the members if the applicant submitted a map of the trees that he has already taken down without prior approval from the City of Lambertville.

Emily Goldman stated that the site map that was submitted by the applicant shows the trees that were been removed, however, they are hard to identify. According to Ms. Goldman's calculations, the applicant has removed a total of 24 trees from the property, 13 of those trees are considered Shade Trees.

Mr. Hambach suggested that the applicant provide the diameter of each tree that he removed. The City ordinance states that any tree that is 8" and over in diameter, requires approval before removing.

There is also a pending court case with Mr. Vrhano and John Barczyk, the City's Zoning Officer. Mr. Shurts confirmed that the Board has jurisdiction to proceed with this application even though there is a pending court case.

Should the Board grant any approvals, Mr. Shurts stated that a condition of the approval would be depend on the court ruling.

Emily Goldman advised the applicant to provide the size of each tree he has removed so that they Board Professionals can review this at the next meeting.

The applicant has met all requirements to deem the application complete and a public hearing is scheduled for April 24, 2014.

John Woods made a motion to deem this application complete. Kate Dunn seconded the motion. A unanimous roll call vote in favor of the motion was taken by all members present.

**MOTION CARRIED.**

#### **PAYMENT OF BILLS**

Georg Hambach made a motion to pay bills, so long as funding was available. Marcus Rayner seconded the motion. A unanimous voice vote in favor of the motion was taken by all members present.

**MOTION CARRIED.**

#### **PUBLIC COMMENT**

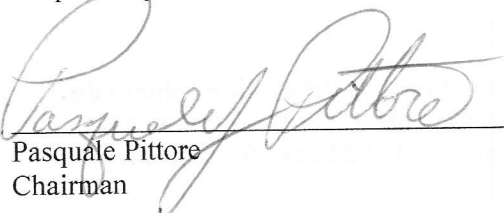
None

#### **ADJOURNMENT**

John Woods made a motion to adjourn the meeting at 7:51 pm. Georg Hambach seconded the motion. A unanimous voice vote of ayes was taken in favor of the motion by all members present.

**MOTION CARRIED.**

Respectfully submitted,

  
Pasquale Pittore  
Chairman

  
Crystal Lawton  
Administrative Officer

# REMINGTON & VERNICK ENGINEERS AND AFFILIATES

EDWARD VERNICK, PE, CME, President  
CRAIG F. REMINGTON, PLS, PP, Vice President

EXECUTIVE VICE PRESIDENTS  
Michael D. Vena, PE, PP, CME (deceased 2006)  
Edward J. Walberg, PE, PP, CME  
Thomas F. Beach, PE, CME  
Richard G. Arango, PE, CME

DIRECTOR OF OPERATIONS  
CORPORATE SECRETARY  
Bradley A. Blubaugh, BA, MPA

SENIOR ASSOCIATES  
John J. Cantwell, PE, PP, CME  
Alan Dittenhofer, PE, PP, CME  
Frank J. Seney, Jr., PE, PP, CME  
Terence Vogt, PE, PP, CME  
Dennis K. Yoder, PE, PP, CME, LEED  
Charles E. Adamson, PLS, AET  
Kim Wendell Bibbs, PE, CME  
Marc DeBlasio, PE, PP, CME  
Leonard A. Falola, PE, CME  
Christopher J. Fazio, PE, CME  
Kenneth C. Ressler, PE, CME  
Gregory J. Sullivan, PE, PP, CME  
Richard B. Czekanski, PE, CME, BCEE

Remington & Vernick Engineers  
232 Kings Highway East  
Haddonfield, NJ 08033  
(856) 795-9595  
(856) 795-1852 (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  
& Walberg Engineers  
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  
& Beach Engineers  
922 Fayette Street  
Conshohocken, PA 19428  
(610) 940-1050  
(610) 940-1161 (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 08037  
(856) 303-1245  
(856) 303-1249 (fax)

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

March 19, 2014

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

Attention: Crystal Lawton, Secretary

Re: Steep Slope Variance  
Vrahnos  
South Franklin Street  
Block 1048, Lot 45.03  
Our file #10-17-Z-011

Dear Board Members:

We have received a revised Steep Slope Variance application submission,  
received on March 17, 2014, consisting of the following:

Sheet	Title	Date	Latest Revised Date
1 of 2	Plot, SESC & Variance Plan	12-16-13	03-18-14
2 of 2	SESC & Construction Details	03-13-14	----

The plans were prepared, signed, and sealed by Eric B. Rupnarain, P.E.,  
Goldenbaum Baill Engineering L.L.C., 1509 Route 179, Lambertville, New  
Jersey 08530, (609) 397-1505.

## I. GENERAL INFORMATION

Applicant/Owner: Stavros Vrahnos  
28 York Street  
Lambertville, NJ 08530

Proposal: Construction of a house on a lot containing  
steep slopes along South Franklin Street.

t:\municipal\lambertville\1011 vrahnos, stavros\review 2.doc

Earning Our Reputation Every Day Since 1901  
www.rve.com

Zoning: R-2

## II. SUBMISSION INFORMATION

The applicant prepared the Application Submittal Checklist and requested a submission waiver for the following item:

- a) Four copies of existing deeds.

The Zoning Board may waive the item above or require its submittal.

The applicant submitted a Drainage Report and photographs of the site as required in the previous Board meeting.

## III. GENERAL COMMENTS

1. The following table shows the amount of steep slope disturbance on the lot. The proposed disturbance in the steep slope area is greater than allowable by ordinance; therefore, an exception is required from Section 519.5.

<u>Extent of Slope</u>	<u>Allowable Disturbance</u>	<u>Proposed Disturbance</u>
15.1% to 20%	30%	79%
20.1% to 30%	10%	39%
30.1%+	No disturbance permitted	40%

2. The application exceeds the limits of disturbance on slopes of 15%-20% and 20%-30%; therefore, the applicant shall provide testimony that this application meets the steep slope evaluation criteria provided in Section 519.6.B1 as follows:

- a. *The site cannot be reasonably utilized for its zoned use without the relief requested.*
- b. *The extent of relief is the minimum needed to permit reasonable utilization of the site.*

- c. *All applicable stormwater management standards will be satisfactorily addressed including the proper protection and stabilization of all disturbed areas consistent with the design techniques established by the Soil Erosion and Sediment Control Standards, adopted and amended by the New Jersey State Soil Conservation Committee.*
  - d. *The proposed development adheres to the design guidelines for steep slopes to the greatest practicable extent.*
- 3. The application exceeds the limits of disturbance on slopes greater than 30%; therefore, the applicant shall provide testimony to demonstrate that this application meets the steep slope evaluation criteria provided in Section 519.6.B2 as follows:
  - a. *All utility of the site for its zoned use would be effectively foreclosed without the relief requested.*
  - b. *The extent of relief is the minimum needed to permit reasonable utilization of the site.*
  - c. *All applicable stormwater management standards will be satisfactorily addressed including the proper protection and stabilization of all disturbed areas consistent with the design techniques established by the Soil Erosion and Sediment Control Standards, adopted and amended by the New Jersey State Soil Conservation Committee.*
  - d. *The proposed development adheres to the design guidelines for steep slopes to the greatest practicable extent.*
- 4. The steep slope design guidelines are provided in Section 519.9 of the ordinance as noted below. The applicant shall provide testimony that to the greatest extent possible, this application has been designed to minimize adverse environmental impacts and adhere to the guidelines outlined below.
  - a. *"Development on steep slopes should produce the minimum feasible site disturbance in areas of steep slope. Site improvements should be clustered on lands of relatively low slope."*
  - b. *"The development should be consistent with the natural contour of the site, and minimize grading and alterations of natural landforms" and*
  - c. *"Padding or terracing of building sites should be minimized."*

- d. *"The development should retain natural topographic features such as drainage swales, stream beds and banks, ridge line vistas, rock outcrops and mature plant formations"*
- e. *"The development should minimize the extent to which it impairs the visual integrity of the slopes when viewed from publicly accessible vantage points including but not limited to the developed area of Lambertville generally west of NJ Route 29."*
- f. *"The development should provide for the maximum feasible vegetation of the steep slope."*

Testimony should be provided. Methods of stabilizing the slopes should be detailed, such as matting.

- g. *"Mature trees should be retained and integrated into new hillside residential development. Existing live trees with a trunk diameter of at least 8 inches measured 4 feet above grade which are located within the area of the proposed site disturbance or within any portion of the site under 30% slope within 50 feet thereof shall be located on the site survey. The removal of any such trees is prohibited unless it is specifically permitted by the Planning/Zoning Board."*

Several trees were removed from the site prior to the Zoning Board application.

- 5. Section 519.9.L of the ordinance states that "all new structures should be set back a minimum of 50 feet from a ridge top". The location of the ridge top is difficult to ascertain. The proposed dwelling is about 57 feet from the start of the steeper 2:1 area of slope according to the plan.
- 6. The site construction will disturb less than one (1) acre of land and will not add more than a quarter acre of impervious area; therefore, it is not classified as a major development under New Jersey Department of Environmental Protection guidelines. The runoff from the site in the developed condition must still be less than in the existing condition.
- 7. The applicant has proposed a drywell to limit the developed condition runoff. The size/capacity of the drywell appears adequate to reduce the runoff; however, the location and drain time of the drywell is problematic. Because drywells work by saturating the surrounding soil to drain it, locating the drywell near the steep 2:1 slope at the back of the property may be detrimental to the stability of the slope. Secondly, the drainage report lists the existing soil as

K2 permeability soil. However, clay loam as found in the soil borings is K1 soil with a very low permeability. The drywell would not drain properly in this soil.

8. The plans do not indicate what material the driveway is constructed with. Gravel would produce the least runoff and provide the least erosion.
9. The applicant should give testimony on whether a garage is located adjacent to the driveway. If so, turning radius would appear to be a problem. Also, there is a one (1) foot to six (6) foot drop off from the retaining wall supporting the driveway to the surrounding ground. This is a safety hazard for those exiting the car on the driver's side. Details of this wall and any associated railings/curb must be shown.
10. Testimony should be given on the existing roadway and drainage improvements. In particular, the following should be addressed and the plans revised accordingly:
  - a. Was the roadway drainage pipe extended past the front of Lot 45.03?
  - b. Location of the depressed curb on the south side of the property is not shown. Does this coincide with the proposed driveway location? If not, new curbing will need to be installed to accommodate the driveway. Also, there may be roadway construction moratorium regulations that will affect this and other roadway associated items. The City Engineer must be contacted to address these issues.
11. The plan shows South Franklin Street to be a stone roadway in front of the subject property. It is a bituminous roadway.
12. The top of the sewer pump "station" will require a top suitable for vehicle traffic. A detail is required.
13. Many trees were removed from the site prior to the application. New trees should be planted on the site. We defer to the Planner for comments on the landscaping aspects of the plan.
14. Several construction details are missing from the plans such as retaining wall details and depressed curb details. There is a detail for a detail for permeable paver walkway but no walkways are shown on the plan.



#### IV. SUMMARY OF VARIANCES AND WAIVERS

Variance: Section 519 - Steep slope disturbance

Waiver: Checklist - Submission Information

#### V. APPROVAL PROCESS

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

1. The applicant's engineer must make appropriate revisions to the plan pursuant to the Zoning Board of Adjustment action.
2. Ten (10) copies of the final plan should be submitted to our office for review, approval and signature.
3. A bond will be required, prior to issuance of a building permit, of an amount to restore and/or stabilize a site that has been disturbed and not properly stabilized for more than six (6) months (Section 519.6.B).
4. The applicant must contact the Zoning Board of Adjustment office to settle any outstanding review escrow accounts prior to the issuance of building permits.

#### VI. 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 and this office prior to the final signature of plans:

1. Hunterdon County Soil Conservation District.
2. Any others as may be necessary.

When plans are resubmitted, they are to be accompanied with a point by point response to all underlined items.




Page 7  
City of Lambertville  
March 19, 2014

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

Sincerely yours,

REMINGTON, VERNICK & ARANGO ENGINEERS, INC.

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

TEC/mcb

cc: Stavros Vrahnos  
Eric Rupnarain, P.E.  
Anthony Danzo, 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

www.vannoteharvey.com



Since 1894

### VIA EMAIL

March 21, 2014

construction@lambertvillenj.org

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

Attention: Crystal Lawton, Secretary

**RE: Steep Slope Variance Request**  
**Applicant: Stavros Vrahnos**  
**123 S. Franklin Street, Block 1048, Lot 45.03**  
**VNHA #41806-300-31**

Dear Crystal:

I have reviewed the above-cited hardship and bulk variance request and offer the following comments for the Board's consideration

#### 1.0 Materials Reviewed

This office is in receipt of the following additional information from the applicant:

1. One (1) copy of the plan entitled "Plot, SESC & Variance Plan Prepared for Lot 45.03, Block 1048, City of Lambertville, Hunterdon County, New Jersey", prepared by Goldenbaum Baill Engineering, LLC, Sheet 1 of 1, dated December 16, 2013, last revised March 13, 2014;
2. One (1) copy of the plan entitled "SESC & Construction Details Prepared for Lot 45.03, Block 1048, City of Lambertville, Hunterdon County, New Jersey", prepared by Goldenbaum Baill Engineering, LLC, Sheet 1 of 2, dated March 13, 2014;
3. Site Photographs; and,
4. One (1) copy of the Drainage Report prepared by Goldenbaum Baill Engineering, LLC, dated March 13, 2014.

Additionally, this office is also in receipt of the Zoning Board Engineer's review letter, dated March 19, 2014.

#### 2.0 Overview of Application

The applicant is proposing to construct a house on an existing 10,758 square foot lot (0.25 acres) on South Franklin Street in the R-2 Downtown Residential Zoning District. The lot is just southwest of Highland Avenue where South Franklin Street turns into an

unpaved road. This section of South Franklin Street is wooded and has a rural character unlike most areas of the City.

The construction of the house will disturb hillside slopes in violation of the City's Steep Slope ordinance, Section 519. The steep slope requirements and the applicant's proposal are summarized in Table 1.

Table 1 – Steep Slope Compliance

Category	Area	Maximum % Permitted	Disturbance Proposed	Proposed % Disturbed	Variance Required
0 – 15%	2,505 sf	No Limit	740 sf	30%	No
15.1 – 20%	4,303 sf	30%	3400 sf	79%	Yes
20.1 – 30%	2,127 sf	10%	830 sf	39%	Yes
30.1% +	1,823 sf	0%	730 sf	40%	Yes

The applicant is seeking action of the Board to grant a variance to the steep slope ordinance. According to the Municipal Land Use Law, NJSA 40:55D-70, *no variance or other relief may be granted under the terms of this section, ..., without a showing that such variance or other relief can be granted without substantial detriment to the public good and will not substantially impair the intent and the purpose of the zone plan and zoning ordinance.*

### 3.0 Completeness Review

I understand that a "completeness review" will be held at the Board's meeting on March 28, 2014. In that regard I have reviewed all of the submitted documents against the Application Submission checklist and Steep Slopes ordinance requirements.

The applicant submitted a Drainage report, the locations of the trees previously removed, the soil erosion sediment control measures, and photographs of the site as required in the previous Board meeting.

The applicant is requesting a submission waiver for the following items:

- (4) Copies of existing deed

While it is ultimately the Board's decision to grant the above submission waivers, due to the nature of the proposed Project, I would suggest granting a temporary waiver until the merits hearing.

If a temporary waiver is granted, the applicant shall provide four (4) copies of the existing deed prior to the merits hearing.

#### **4.0 Purpose of Steep Slope Ordinance**

Lands which slope greater than 15% are widely recognized to warrant special development standards in order to protect properties below the steep slopes from nuisances, such as stormwater flooding and slope erosion with sediment and debris deposition, to minimize the cost of public services and facilities related to new development, to preserve significant woodlands and wildlife habitat and to preserve natural visual amenities such as ridgelines and scenic vistas.

As such, the purpose of the steep slope ordinance is to protect the health, safety and welfare of people and property within the City of Lambertville from improper construction and site development on steep slopes and hillside areas within the City. The removal of vegetation on steep slopes and the re-grading of the land frequently cause an increase in the rate and velocity of stormwater runoff. This in turn can cause a series of potentially serious problems including hillside erosion, siltation of streams, flooding, soil slippage, surface water runoff, elimination of mature woodlands and wildlife habitat and destruction of unique and predominant views. The impact is a result of both individual site development and the cumulative effect of hillside development in any given area.

#### **5.0 Comments and Recommendations**

- 5.1 *Steep Slopes.* The applicant should explain how the steep slope analysis was performed.

Professional Planning testimony should be provided to address the items listed in Section 519.6B and outlined within the Zoning Board Engineer's March 19, 2014 letter.

The applicant must demonstrate that the proposed development adheres to the design guidelines for steep slopes to the greatest practicable extent. Those design guidelines are outlined in Section 519.9 of the local ordinance and listed within the Zoning Board Engineer's March 19, 2014 letter.

- 5.2 *Trees.* The applicant previously removed trees onsite during the summer 2013 without prior approval. Per my January 29, 2014 letter, the applicant has identified the locations of the twenty-four (24) trees removed without prior approval. Additionally, it appears the limit of disturbance has been expanded to include the locations of said trees.

The applicant should identify any additional trees that may be removed to construct the proposed project.

Per Section 519.9(G), the removal of any trees with a trunk diameter of at least 8 inches measured 4 feet above the grade which are located within the area of the proposed site disturbance is prohibited unless it is specifically permitted by the Board. The applicant shall demonstrate how these trees will be replaced. Furthermore, per Section 510.1C, the Board may require additional landscaping to create an appropriate landscaping scheme for the site given the nature of the site and the proposed development.

Per Section 510.11(C), landscaping of the area of all cuts and fills and/or terraces shall be sufficient to prevent erosion, and all roadway slopes steeper than 3:1 shall be planted with ground covers appropriate for the purpose and soil conditions, water availability, and environment.

Of the twenty-four (24) trees removed, it appears that thirteen (13) of the trees are considered street trees. Per Section 201, "street trees" are defined as a tree in a public place, street, special easement or right-of-way adjoining a street constituting a large tree in size when mature. Per the City's Ordinance 3-16.3(b), no person shall cut, trim, break, climb with spikes, disturb the roots of, or otherwise injure, or spray with chemical, or remove any living shade or ornamental tree or shrub, or injure, misuse or remove any structure or device placed to support or protect such shade or ornamental tree or shrub without the written permit of the Shade Tree Commission. As permission from the Shade Tree Commission was not provided for the removal of the thirteen (13) street trees, the Applicant shall require an after-the-fact approval from the Shade Tree Commission.

- 5.3 *Drainage.* The applicant is proposing a drywell on the property to mitigate for any stormwater impacts down grade from the proposed project. I defer to the Engineer for comments on the stormwater management aspects of the plan.
- 5.4 *Building Height.* The applicant should explain how the proposed building height was calculated. Per Section 519.9(K), the maximum height of a proposed building should not exceed the mid-point of the tallest building on the adjacent uphill lot. Furthermore, per the 2009 Lambertville Design Guidelines section 5.1.2(a), the height of new buildings shall not exceed the average height of buildings on the street block, as defined by all of the structures on either side of the proposed building (including across the street) to the nearest intersections in both directions. The shortest and highest structures shall be omitted from the averaging calculations.
- 5.5 *Impervious Coverage.* The applicant shall note, that per Section 519.6(B)2e, for every 250 square feet of 30% or over steep slope disturbed, the maximum allowable impervious cover shall be reduced by 10%. Whereas, the R-2 Zone permits maximum lot coverage of 80%, and the applicant is proposing to disturb 730 square feet of 30% or over steep slopes; the allowable impervious cover shall be reduced by 30% resulting in an allowable maximum impervious cover of 50%. The applicant has demonstrated that the project is proposing maximum lot coverage of 20.3% and is still in compliance with the maximum impervious coverage limits.
- 5.6 *Variance Request.* Per Section 601.1, Professional Planning 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.