

PLANNING BOARD
CITY OF LAMBERTVILLE
REGULAR MEETING MINUTES
Wednesday, April 3, 2013

The meeting was called to order by William Shurts, at 7:00 p.m. with a statement of compliance with the Open Public Meetings Act.

Roll Call

Mrs. Lawton called the roll as follows:

Present: Tim Korzun, Paul Kuhl, Steve Stegman, Dave Morgan, Mayor DelVecchio, Ken Rogers, Erin Keyes and Gina Fishetti.

Absent: Jackie Middleton, John Miller and Derek Roseman.

Also Present: Attorney William Shurts, Engineer Bob Clerico and Planner Emily Goldman.

APPROVAL OF MINUTES

Paul Kuhl made a motion to approve the March 6, 2013 meeting minutes as submitted. Ken Rogers seconded the motion. A unanimous roll call vote in favor of the motion was taken by all members present.

MOTION CARRIED.

Ayes: Tim Korzun, Steve Stegman, Mayor DelVecchio, Ken Rogers and Gina Fishetti.

Nay:

Abstained: Steve Stegman, Paul Kuhl and Erin Keyes.

Recused:

PUBLIC HEARING

26 Perry Street – Minor Subdivision & Variance

Block 1011 Lot 10

Bill Barish

Bill Barish, the owner of the property and also the applicant, was present at the meeting. Also present at the meeting was Mr. Barish's architect Ralph Finelli and engineer Eric Rupnarain.

Planning Board Vice Chairman recused himself from voting and took a seat in the audience.

Mr. Shurts reviewed the documents submitted from the applicant's engineer for the public notice. Mr. Shurts advised the Board that the public notice was in order and they could proceed with the public hearing.

Mr. Shurts marked the following exhibits as follows:

A-1 – Application.

A-2 – Affidavit of Service.

A-3 – Public Notice copies and receipts.

A-4 – List of Property Owners within 200 feet.

A-5 – Proof of Publication dated March 21, 2013.

A-6 – Revision Map dated March 19, 2013.

COMPLETENESS:

Mr. Clerico reviewed his letter dated March 20, 2013 with the Board and the Applicant.

Mr. Clerico recommended to the Board that they grant the requested permanent waivers per his report submitted for items 17e, 18a, 18b, 22, 23a, 23b, 32, 33a, 33b, and 33c.

MOTION FOR PERMANENT WAIVERS:

Dave Morgan made a motion to grant the permanent waivers as per Mr. Clerico's recommendation. Erin Keyes seconded the motion. A unanimous roll call vote in favor of the motion was taken by all members present.

MOTION CARRIED.

Mr. Clerico also recommended that the Board grant temporary waivers on the following items: 18d, 18e, 24a, 24b, 26, 35a, and 35b.

MOTION FOR TEMPORARY WAIVERS:

Dave Morgan made a motion to grant the temporary waivers as per Mr. Clerico's recommendation. Steve Stegman seconded the motion. A unanimous roll call vote in favor of the motion was taken by all members present.

MOTION CARRIED.

After the members voted on the permanent and temporary waivers, the application was considered complete and the public hearing was able to proceed.

PUBLIC HEARING:

Ralph Finelli, the applicant's architect, Eric Rupnarain, the applicant's engineer and William Barish, the applicant were all sworn in for testimony by Mr. Shurts.

The applicant is proposing to demolish the existing building that is currently on the property and construct a new two family structure. Lot 10, the larger of the lots is a total of 3200 square feet and includes the driveway. Lot 10.01, the smaller lot, has a total of 1,891 square feet, with off street parking.

The applicant is seeking a variance for the minimum lot width of twenty-three feet for the smaller lot.

Mayor DeVecchio asked about the parking for the new structure and what is required. Mr. Rupnarain explained that the applicant is seeking a waiver for two parking spaces.

The new project would require a total of four parking spaces be provided.

There is an existing garage in the rear of lot two. The applicant is not proposing to remove the garage at this time however, the applicant is not opposed to demolishing the garage.

The exiting paved driveway, which will also remain as is, needs to be extended at least twenty feet to the garage.

Tim Korzun asked why they are proposing to change a conforming lot to a non-conforming lot. Mayor DelVecchio also asked what the benefit of changing the lot would be to the neighborhood. He also stated that as the lot stands today, the applicant could build in conformance with the City's standards.

Mr. Finelli stated that by building a non-conforming dwelling it would eliminate the previous non-conforming use of the building, which was two separate apartments.

He also stated that the City Zoning Officer advised the applicant and himself that a new dwelling could be rebuilt as two apartments.

Steve Stegman asked why the plans show that a portion of the lot was removed. Mr. Finelli stated they were done in order to meet the required coverage.

Mr. Stegman also asked if the houses could be built more centered to the lot. Mr. Barish stated that if the garage were to be demolished it would allow the lots to be reconfigured.

Mr. Barish also stated that the previous dwelling was a total of 2,400 square feet and the proposed dwelling is a third larger and is a total of 3,200 square feet.

There is a proposed drywell that will be located between the existing garage and dwelling. This has been designed for storm water runoff from the roof.

Mr. Stegman asked the applicant how this project reflects the 2009 Design Guidelines that were adopted by the City. Mr. Finelli advised him that this project does conform to the adopted guidelines.

Mayor DelVecchio asked if the applicant had met with the neighbors prior to appearing before the Planning Board. Mr. Barish stated that he did not meet with them but was willing to do so.

It was decided that a Sub-Committee meeting be arranged so that the members of the public can meet with the applicant and his professionals to discuss their concerns.

A meeting date of April 17, 2013 was agreed upon.

The next public hearing will be held on May 1, 2013. No further notices will be required.

PAYMENT OF BILLS

Dave Morgan made a motion to pay the bills on the bills list so long as funding was available. Paul Kuhl seconded the motion. A unanimous voice vote of ayes was taken in favor of the motion by all members present.

MOTION CARRIED.

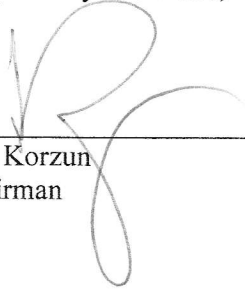
PUBLIC COMMENT

NONE


ADJOURNMENT

Dave Morgan made a motion to adjourn the meeting at 8:26 pm. Ken Rogers seconded the motion. A unanimous voice vote of ayes was taken in favor of the motion by all members present.
MOTION CARRIED.

Respectfully submitted,



Tim Korzun
Chairman



Crystal Lawton
Administrative Officer



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Neil I. Van Cleef, P.E., L.S. & P.P.
Robert J. Clerico, P.E. & P.P.
Robert B. Heibell, P.E., L.S. & P.P.
Daniel A. Nagy, L.S. & P.P.
Samuel D. Costanzo, P.E. & P.P.

March 29, 2013

City of Lambertville
18 York Street
Lambertville, New Jersey 08530

Attention: Crystal Lawton, Planning Board Secretary (Fax)

Reference: Block 1011 Lot 10 – 26 Perry Street
William Barish – Minor Subdivision & Variance – Report #2
City of Lambertville, Hunterdon County, New Jersey

Dear Crystal:

On March 20, 2013 I received revised documents for a site plan application submitted by the project engineer. The applicant previously submitted a 2 -lot minor subdivision plan and application that was reviewed in my March 1, 2013 report and discussed at the March 6th Board meeting. The application now consist of documents previously submitted (*Italic Type*) and the new documents (**bold type**) including the following:

1. *Subdivision application and City Checklist #1 (Minor Subdivision) form, dated February 01, 2013, prepared by the Applicant & by Project Engineer (Eric Rupnarain'- Goldenbaum Baill Assoc.).*
2. **Site Plan application & City Checklist #4 (Preliminary Site Plan) dated 3/20/13, prepared by the Project Engineer. The document includes requested waivers from several Checklist requirements.**
3. *A copy of the deed of record.*
4. **Minor Subdivision / Minor Site Plan, consisting of 4 sheets. Sheets #1, 3 & 4 are dated February 5, 2013 & Sheet #2 is dated February 1, 2013 with all sheets revised to 3/19/13. Sheets #1 & 4 are prepared by, Goldenbaum Baill Assoc.(Eric Rupnarain PE) and Sheets #2 & 3 are prepared by Land Map, Inc.(Vincent J Rigelon Jr. PLS)**
5. *Architectural Plan consisting of a single sheet dated January 8, 2013 by Ralph Finelli Arch. Showing the proposed building elevations and floor plans*
6. **Correspondence from the HCPB dated March 7, 2013 and from the D& R Canal Commission dated February 20, 2013.**

Please Reply To:

WESTERN NJ OFFICE • 1128 Route 31 • Lebanon NJ 08833 • 908.735.9500 • Fax: 908.735.6364

With Other Offices In:

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7. Drainage Report dated March 19, 2013 prepared by Goldenbaum Bail Assoc. ,
Eric Rupnarain PE

The property in question contains the remnants of a two family dwelling that recently has been destroyed or severely damaged by fire. There is an existing driveway located on the easterly side of the property leading to an existing garage at the Northeast corner of the property. The applicant proposes to demolish the structure and construct 2 semi-detached residential units while still retaining the existing garage. A minor subdivision of the property, creating to new lots is proposed. The subdivision will create two residential lots with the property line following the common wall of this structure. The easterly lot (remaining land lot #10) will include the driveway and garage while the westerly lot (#10.01) will contain the other adjoining residential dwelling unit. The applicant seeks variance relief from the lot width and frontage standards for proposed lot 10.01 along with a pre-existing rear and side yard setback relief for the existing garage structure.

A "completeness review" of the Minor Subdivision was held at the March 6th Board's meeting at which time the Board voted to:

- a) Grant permanent waivers for Items #17e & 22
- b) Grant temporary waiver on item #14 (assignment of lot numbers by Assessor)
- c) Grant Temporary Waivers on a portion of item #30 & 32 (receiving utility service letters from LMUA & United Water)
- d) **Require that the applicant address items 17a, 23, 29 & 30/32 (showing new utility connections.**

The revised plan submission addresses these items so the Minor Subdivision portion of the application can now be deemed complete at the next meeting on April 3rd. However, the Board must also determine if the new Site Plan application can be deemed complete. In that regard I have reviewed the submitted documents against the various Site Plan checklist requirements and determined the following:

Items 1, 2, 3, 9 & 12- Administrative items - you should advise the Board whether the applicant provided items including certification on payment of taxes (9)

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Item 17e, 22, 23a, 23b- The applicant seeks a waiver under the site plan checklist for criteria that had previously been waived under similar items from the Minor Subdivision Checklist. I recommend that the Board again grant the requested waivers.

Item 18a & 18b – The applicant seeks a waiver from providing existing street cross sections and profiles. I recommend that the Board grant the requested waivers.

Item 18d & 18e - The applicant seeks a waiver from obtaining a letter of service feasibility from Gas Co. and from showing the proposed Electric, Telephone & Cable service connections. I recommend that the Board grant a Temporary Waiver. Ultimately the plan must reflect how new services will be provided.

Item 24a & 24b – The applicant seeks a waiver from providing landscape plans I recommend that the Board grant a temporary Waiver. Ultimately the plan must reflect any proposed landscaping or street trees required by the Board.

Item 26 –The applicant seeks a waiver from providing a SESC Plan. I recommend that the Board grant a temporary Waiver. Ultimately the applicant will need to either obtain a SESC Certification or a waiver from the HC-SCD.

Item 32 -The applicant seeks a waiver from providing lighting plans I recommend that the Board grant the requested Waiver.

Item 33a, 33b, 33c - The applicant seeks a waiver from providing an NRI, EIS & Wetland report. I recommend that the Board grant the requested Waivers.

Items 35a, 35b - the applicant seeks a waiver from the requirement to provide off street parking details. I recommend that the Board grant a temporary Waiver. Ultimately the plan must reflect any proposed driveway improvements required by the Board.

If the Board is in agreement with the above they would take the following action at the meeting on Wednesday:

- Grant the requested Waivers on items 17e, 18a, 18b, 22, 23a, 23b, 32, 33a, 33b & 33c
- Grant Temporary Waiver on item 18d, 18e, 24a, 24b, 26, 35a & 35b.
- Deem the site plan application to be complete

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I have completed my review of the submitted documents and offer the following comments for consideration by the Board:

- 1) The applicant seeks variance relief from several zoning ordinance standards. The zoning issues were reviewed and detailed in Emily Goldman's report dated March 6, 2013. The applicant must offer testimony and justification for the required variance relief outlined in Emily's report and the Board must vote on the requested variances. If the variances are not granted then the subdivision and site plan application would be denied.
- 2) The applicant requires additional variance and design waiver relief under the following:
 - a) The existing driveway on lot 10 does not meet the 3-foot setback acquired from the property line as specified in the table under Section 509.11. Since it appears that this driveway area is being extended some variance relief may be required
 - b) The applicant proposes to construct two separate three-bedroom dwelling units. RSIS would require that 2 parking spaces be provided for each unit. The proposed dwelling on lot 10.01 does not meet that requirement variance relief would be required.
- 3) The proposed shape of the "remaining lands" lot 10 is somewhat unusual in that it creates a small (18+/- ft. x 21+/- ft.) parcel of land that is located behind proposed lot 10.01 and to the west of the garage on Lot 10. Except for a proposed passage door in the garage, this parcel is isolated from the main portion of lot 10. The applicant should indicate why they have proposed this layout and the Board should decide if it is acceptable.
- 4) The engineer has provided a Drainage Report that assesses the impacts and proposes a drywell to address requirements under the Section 522 of the City's Stormwater Regulations. My comments relative to the he proposed plan are as follows:
 - a) The roof leaders from the easterly unit (Lot 10) will connect directly into a concrete seepage pit that will be installed within an 11 ft. Wide by 40 ft. long by 4 deep stone drywell beds. The Drywell Bed will extend across the rear yards of both Lot10 & Lot10.01. A Maintenance Easement covering over both lots must be

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established to encumber this installation and establish the “maintenance” responsibilities between the future property owners.

- b) The drywell bed should include some type of perforated pipe distribution system that would insure the equal conveyance of water that is being discharged directly in the from the concrete seepage pit located on the east side of the bed. The stone drywell bed should be resized to account for only a 33% void ratio.
 - c) The plan notes the location of an old cesspool within the area of the proposed drywell bed construction. This unit must be removed prior to the issuance of any building permits for either property. The removal of the old cesspool must be completed with appropriate permits and supervision from the HC Health Department
 - d) Since the roof leaders from the easterly dwelling unit on Lot 10 are being connected to the seepage pit the existing 4” PVC pipe located along the driveway that currently discharges into the Perry St gutter can presumably be eliminated. The Project Engineer should indicate if that pipe will now be removed.
 - e) The plan calls for the proposed roof leaders from the westerly dwelling unit on Lot 10.01 to discharge directly onto the ground. The plan must include details of those discharge points and indicate how that water is being conveyed off this property.
 - f) The plan proposes the installation of a new 4” PVC pipe along the westerly property line for connection into the gutter of Perry St. The plan needs to identify the purpose of this pipe.
 - g) Any proposed discharge of water into the gutter of Perry St will require the applicant to obtain a Street Opening Permit from the City Road Department. Since there is an existing catch basin located approximately 65 ft. T the west of the applicant's property (corner of Perry and North Union) the City may want any discharge of water from this property to be connected directly into that basin. Any approvals granted by the Board should be conditioned upon the applicant obtaining a City Street Opening Permit that would allow them to excavate within the Public ROW for the purpose of discharging any water into the City's system as directed by the City Engineer and/or Public Works Director.
- 5) The February 20, 2013 report from the D&R Canal Commission indicates that the applicant must provide additional documentation before they can consider the

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application. They also note that the applicant may be required to document compliance with the D& R Stormwater requirements.

- 6) The location of doors for vehicles access to the garage should be shown along with some documentation indicating the ability of vehicles to exit the garage without the necessity of backing out the driveway. The detail for the extended driveway must be added to the plan
- 7) The applicant is now showing that they will need to undertake a substantial excavation within the public ROW of Perry St. in order to install new water, sanitary sewer and gas service lines for these two new units. I verified with the City Clerk that the reconstruction of Perry Street was just completed in 2012 and that a five-year moratorium on nonemergency related excavations is in effect. Accordingly, the applicant would not be able to obtain a City Street Opening Permit until 2017. This limitation should be discussed with the Board since any subdivision and site plan approval must acknowledge this restriction.
- 8) The plan shows that the existing overhead electric service to the current dwelling comes in from a line at the rear of the adjoining properties located to the east of the PQ. The plan needs to document how electric service will be provided to the two new units. Confirmations from the Electric Company as to service connections must be provided before the deeds can be recorded since additional easements crossing the proposed lots may be necessary.
- 9) Since the applicant is proposing a Minor Subdivision he would be required to meet the conditions of approval and record the new deeds within the statutory 190 day period from adoption of a resolution of approval. Any approval granted by the Board would need to acknowledge that the remains of the existing dwelling on this property must be demolished prior to the recording of any new subdivision deeds. Under that type of condition the applicant would be required to obtain demolition permits and complete the removal of the current structure and restoration of the site prior to the expiration of the 190 day period allowed for the recording of the subdivision deeds.
- 10) Any ordinance requirement or recommendation by the Planning Board relating to the planting of street trees should be incorporated into any resolution of approval for this project.
- 11) The current proposal is to create a separate parcel as a "fee simple" dedication of the front portion of this property to the City for the Perry Street ROW. Although it

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requires clarification, it appears that this existing ROW currently exists as an easement dedication. I have communicated with the City Engineer to see if they prefer to keep the dedication in easement format or to accept is a fee simple parcel. Any action taken by the board should be conditioned upon the applicant revising this plan if necessary to reflect easement dedication of the existing right-of-way.

12) The applicant must also obtain approval from the City Historic Commission. The City Clerk has advised me that the applicant did not attend the April meeting that was scheduled to consider their proposal.

I will attend the Board's meeting on Wednesday, March 6, 2013 to discuss these issues with the Board. If you have any questions or require additional information, please feel free to contact me.

Very truly yours,



Robert J. Clerico, P.E.

Board Engineer

R-5040181-03-29-13-Rpt #2 doc

RJC

cc: All Planning Board Members

William A. Shurts, Esq. -email (fcslegal@netcarrier.com)

Emily Goldman, P.P. email (egoldman@vannoteharvey.com)

Eric Rupnarain PE – email (ebr@gbamail.com)

William Barish email (cpnweb@aol.com)

