

PLANNING BOARD
CITY OF LAMBERTVILLE
REGULAR MEETING MINUTES
Wednesday, August 7, 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: Paul Kuhl, Steve Stegman, John Miller, Derek Roseman, Mayor David DelVecchio, Ken Rogers and Erin Keyes. Jackie Middleton arrived at 7:15 pm and Dave Morgan arrived at 7:50 pm.

Absent: Tim Korzun and Gina Fishetti.

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

APPROVAL OF MINUTES

Derek Roseman made a motion to approve the July 10, 2013 meeting minutes as submitted. Steve Stegman seconded the motion. A unanimous roll call vote in favor of the motion was taken by all members present.

MOTION CARRIED.

Ayes: Paul Kuhl, Steve Stegman, Mayor DelVecchio, Ken Rogers and Erin Keyes.

Nay:

Abstained: Derek Roseman.

Recused:

COMPLETENESS

11 Arnett Avenue, Minor Subdivision

Block 1006 Lot 46 & 47

Brian Sassman

Eric Rupnarain advised the Board members that his client, Brian Sassman, was seeking approval from the Board for a Minor Subdivision for Block 1006 Lot 46 & 47.

The property at 11 Arnett Avenue was part of the houses affected by the fire several months ago. Mr. Sassman owns 11 Arnett and also the empty parcel adjacent to the dwelling.

In Robert Clerico's letter dated July 31, 2013, he states several outstanding issues that the applicant must comply with before this application can be deemed complete.

The applicant should provide a Site Plan Application or request a Waiver from the Board. The plans submitted as part of this application do not show that the dwelling is located in the Flood Hazard Area. New revised plans are required showing the location.

In addition to the location of the Flood Hazard Area, the applicant must also include an accurate location of the culvert or sinkhole. Mr. Clerico stated that he had several maps that Mr. Rupnarain could review for this request.

Mr. Sassman should also supply the deed restrictions for this property and also the Hunterdon County Planning Board and Delaware and Raritan Canal Commission letters of approval.

A temporary waiver may be granted for the written verification from the Tax Assessor regarding the lot numbers.

Mr. Clerico also suggested that the Board could grant a conditional waiver for the topographic documents.

Emily Goldman stated that the applicant should also file an application with the Federal Historic Society and submit that to the Board for the next meeting. It is not required that approval be obtained prior to the next meeting, just proof that an application has been filed.

Mr. Clerico stated that the applicant should have this information for him to review at least two weeks prior to the next meeting.

MOTION: Derek Roseman made a motion to deem the application incomplete pending the information requested by the Board Professionals. Erin Keyes seconded the motion. A unanimous roll call vote in favor of the motion was taken by all members present. Jackie Middleton abstained from voting since she arrived late.

PUBLIC HEARING – Continued
26 Perry Street
Block 1011 Lot 10
William Barish

Vice Chairman, Paul Kuhl, lives within 200 feet of this property and has recused himself from voting.

Our Chairman, Tim Korzun, was absent for this meeting. Therefore a temporary Chairman needed to be appointed. Jackie Middleton nominated John Miller and Erin Keyes seconded the motion. A unanimous voice vote in favor of the motion was taken by all members present. MOTION CARRIED.

Mr. Barish revised the plans to show the relocated doors on the front of the building. The Board members were satisfied with the suggested changes made.

Mr. Barish has 190 days to record the deed for this property once the building has been demolished.

RELIEF FOR TWO PARKING SPACES:

Jackie Middleton made a motion to grant this relief. Erin Keyes seconded the motion. A unanimous roll call vote in favor of the motion was taken by all members present. John Miller recused himself from voting and Derek Roseman abstained from voting.

MOTION CARRIED.

Ayes: Jackie Middleton, Steve Stegman, Mayor DelVecchio, Ken Rogers & Erin Keyes.
Nay:
Abstained: John Miller and Derek Roseman.
Recused: Paul Kuhl.

VARIANCES & BULK VARIANCES

1. Lot Width
2. Lot Frontage
3. Lot Coverage for lot 10
4. Driveway extension for side yard
5. Partition wall in garage

Jackie Middleton made a motion to grant approval for the requested variances. Ken Rogers seconded the motion. A unanimous roll call vote in favor of the motion was taken by all members present. Paul Kuhl recused himself and John Miller and Derek Roseman abstained themselves from voting.

MOTION CARRIED.

Ayes: Jackie Middleton, Steve Stegman, Mayor DelVecchio, Ken Rogers & Erin Keyes.
Nay:
Abstained: John Miller and Derek Roseman.
Recused: Paul Kuhl.

CONDITIONS:

1. Demolition
2. Recording of Easements and Title

Jackie Middleton made a motion to grant approval for this application with conditions listed above. Erin Keyes seconded the motion. A unanimous roll call in favor of the motion was taken by all members present.

MOTION CARRIED.

Ayes: Jackie Middleton, Steve Stegman, Mayor DelVecchio, Ken Rogers & Erin Keyes.
Nay:
Abstained: John Miller and Derek Roseman.
Recused: Paul Kuhl.

SITE PLAN APPROVAL WITH CONDITIONS:

1. Installation of new piping
2. Street opening permit for utilities
3. Party wall to be in place before the deeds are recorded
4. Approval from outside agencies

Jackie Middleton made a motion to grant approval for the Site Plan with the conditions listed above. Ken Rogers seconded the motion. A unanimous roll call vote in favor of the motion was taken by all members present.

MOTION CARRIED.

May 1, 2013
Planning Board Meeting

MEETING DATE CHANGED

The Board members voted on changing the date of our next meeting from September 4, 2013 to September 11, 2013.

Jackie Middleton made a motion approving the date change. John Miller seconded the motion. A unanimous voice vote in favor of the motion was taken by all members present.

MOTION CARRIED.

PAYMENT OF BILLS

Derek Roseman made a motion to pay bills. Steve Stegman seconded the motion. A unanimous voice vote in favor of the motion was taken by all members present.

MOTION CARRIED.

PUBLIC COMMENT

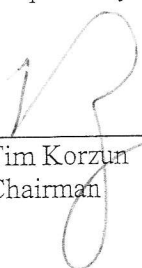
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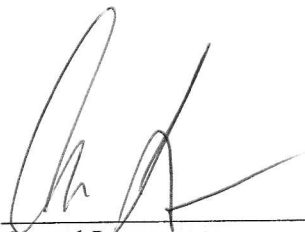
ADJOURNMENT

Ken Rogers made a motion to adjourn the meeting at 8:01 pm. Jackie Middleton 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.

July 31, 2013

City of Lambertville
18 York Street
Lambertville, New Jersey 08530

Attention: Crystal Lawton, Planning Board Secretary (construction@lambertvillenj.org)

Reference: Block 1006 Lots 46 & 47- 11 Arnett Ave.
Sassman -Lot Line Adjustment Application
City of Lambertville, Hunterdon County, New Jersey

Dear Crystal:

I am in receipt of various documents submitted by the applicant for a lot line adjustment (2 -lot minor subdivision) application, including the following:

1. Subdivision application form and City Checklist #1 (Minor Subdivision) form, dated July 17, 2013, prepared by the Applicant & by Project Engineer (Eric Rupnarain'- Goldenbaum Baill Assoc.).The application package also included copies of the Tax Payment Certification, Certified Owner's List and escrow agreement.
2. Minor Subdivision Plan, consisting of 4 sheets, dated July 17, 2013 with no revisions noted. The plans are prepared by, Goldenbaum Baill Assoc. Vincent J Rigelon Jr. PLS (sheets 2 & 3) and Eric Rupnarain PE (sheets 1 & 4).

Lots 46 and 47 are both owned by Daniela Sassman and are located in the R-2 Zone.

- Lot 46 contains the end unit of a 6 unit Row House (Townhouse) structure located on the south side of Arnett Avenue. The other units in this complex are on Lots 41 through 45.
- Lot 47 is a vacant parcel that only contains a shed structure

The applicant (Brian Sassman) proposes to relocate the common property line between lots 46 and 47, moving it 6.2 feet to the West and placing it near the East wall of the existing end unit on lot 46. Architectural plans of the existing dwelling on Lot 46 or the proposed dwelling on Lot 47 have not been provided. There is an existing driveway located on the easterly side of the existing Lot 46 but there are no garages serving any of the current townhouse units (Lots 41-46). It appears that the proposed new structure on lot 47 would include a garage with driveway access off of Arnett Avenue.

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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July 31, 2013

Block 1006 Lots 46 & 47– 11 Arnett Ave.
Sassman –Lot Line Adjustment Application

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The application has been scheduled for a “completeness determination” at the Board’s next meeting on August 7, 2013 however, there are several zoning and procedural issues that will need to be considered and discussed with the Board before this application can be reviewed against the minor subdivision requirement outlined under City Checklist #1.

- A. Townhouses are a permitted use in the R-2 Zone and the applicant indicates that the adjusted lot layout will comply with the bulk standards. The R-3 Zone also permits townhouses under identical bulk standards; however, Section 405.6 of the ordinance limits townhomes in a single linear plan to a maximum of 6 units. Since the applicant is proposing to construct a 7th unit the Board (with input from Emily and Bill) should decide if this is permitted under the ordinance or any of the other more recent Design Guidelines adopted by the City.
- B. The Applicant has only applied for Minor Subdivision approval; however, he is proposing to construct an additional townhome unit on Lot 47 and possibly modify the existing unit on Lot 46. Construction associated with these units would also be subject to Site Plan review under Section 516.1 and would not qualify for an exemption under Section 516.2. Accordingly, unless the Board was willing to grant a Site Plan Review Waiver (as specified under Section 516.3), the current submission would also be incomplete until such time as a Site Plan application (with related documentation) was filed. Under a site plan review, Architectural Plans for the existing and proposed dwelling unit would need to be submitted. These plans are missing from the current submission.
- C. Both properties are located within the flood hazard area (FHA) defined in the May 2, 2012 FEMA (D-FIRM) mapping. The D-FIRM mapping also indicates that the properties are within the NJDEP regulated FHA. The current submission incorrectly states that the properties are not in a FHA and are not subject to the FEMA or DEP regulations. The plans must be updated to reflect an accurate delineation of the FHA under both regulations including a denotation of the existing topography under the NAVD-88 datum utilized in the FEMA mapping. Once the correct FHA information has been presented, the Engineer must indicate if the proposed new dwelling unit can be constructed while meeting both the FEMA & DEP regulations. The current plan depicts proposed fill and building construction that may be prohibited under DEP regulations.

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- D. There is an existing 5 foot diameter concrete pipe culvert that traverses the rear portions of both lots. This pipe transitions into a larger brick arch culvert structure that ultimately runs beneath the adjoining townhome units, crossing under N. Union St., eventually draining under the canal and discharging into the Delaware River. There is a significant upstream drainage area that flows through these facilities. In 1995 there was a partial collapse (in the vicinity of Lot 46) of the structure and a subsequent internal repair made by the City with State Funding. The location of the existing culvert is not accurately depicted on the current plan. Although it may not impact the proposed development the plans need to accurately reflect the location of the structure and title documentation must be submitted to determine if there are recorded easements or restrictions that need to be reflected on the plan.

As previously noted, I understand that a "completeness review" will be held at the Board's meeting on August 7, 2013. I have reviewed the submitted documents against the various Minor Subdivision checklist requirements and determined the following;

Items 1, 2 & 3, - Administrative items - you should advise the Board whether the applicant provided these items.

Items 12 & 27 - Copies of the deeds of record and title search with documentation of any recorded or prescribed easements, covenants and restrictions have not been provided.

Item 13 - The applicant has not provided copies of their applications and filings with the HC Pl. Bd., D & R Canal Com. or Lambertville Historic Com.

Item 14- The applicant seeks a waiver from obtaining written verification of proposed lot numbers by the City Tax Assessor. **I recommend the Board grant a temporary waiver** of this requirement since this is only a two lot subdivision and it appears that the proposed lot numbering may follow the normal format.

Items 17(e) & 22 - The applicant seeks a waiver from providing topographic and planimetric documentation extending 200 ft. beyond the PQ. I am comfortable with the extent of documentation provided and **recommend that the waivers be granted on the condition that the NAVD - 88 topographic datum, FHA and**



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culvert location information requested in items C & D above be provided, along with any regulated riparian buffers or wetland areas and buffers be documented and depicted on the plan.

Items 23, 30 & 32- The applicant seeks a waiver from showing the location of existing utility and drainage layouts or providing letters of acceptance for connections from the LMUA and United Water. The plans do not reflect the location of the existing sewer line in Arnett Ave or the existing and proposed service connections to the electric, water, sewer and gas utilities in Arnett Ave. As noted under item D the plans do not reflect the accurate location of the culvert through this property. **I recommend that the waiver be denied and that the required documentation be provided including the letters of acceptance from the LMUA & United Water.**

Item 24 – as noted in item C above the FHA documentation has not been provided.

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

- **Grant the requested waivers** for items 17e & 18 conditioned upon addressing the noted documentation.
- **Grant a Temporary Waiver** on item 14
- **Deny the requested Wavers** for items 23, 30 & 32 and **deem these items to be incomplete**
- **Deem items 12, 13, 24, & 27 to be incomplete**

As noted under item B above, the **Board should also deem the submission to be incomplete until a Site Plan application and related Checklist criteria is submitted**

Although we are not completing a technical review at this time, the applicant should be advised to address the following as part of their resubmission once the application is deemed complete:

- A. The City's Stormwater Regulations under Section 522.2 since more than 3000 sf of land is being disturbed.
- B. The RSIS off-street parking requirements. The applicant proposes to construct a dwelling unit with a garage. Architectural plans must be provided along with documentation that the RSIS parking standards are being met.

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C. The proposed driveway on lot 47 must be dimensioned and shown that it does meet the 3-foot setback required from the property line as specified in the table under Section 509.11.

Although I may not be able to attend the Board's meeting on Wednesday, August 7, 2013, I will be able to send a representative from my office 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 5040.184-07-31-13.doc

RJC

cc: All Planning Board Members (email distribution)
William A. Shurts, Esq. -email (fcslegal@netcarrier.com)
Emily Goldman, P.P. email (egoldman@vannotteharvey.com)
Eric Rupnarain PE - email (ebr@gbamail.com)

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VIA EMAIL
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August 6, 2013

Crystal Lawton, Planning Board Secretary
City of Lambertville
18 York Street
Lambertville, NJ 08530-2093

RE: Minor Subdivision – Completeness and Plan Review
Applicant/Owner: Daniella and Brian Sassman
Address: 11 Arnett Street
Block 1006, Lots 46 and 47
City of Lambertville, Hunterdon County, New Jersey
VNHA #41372-300-31

Dear Ms. Lawton:

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 Planning Board's information and consideration.

A. Material Forwarded & Reviewed

I have reviewed the following documents submitted by the applicant:

1. One (1) set of subdivision plans, entitled "Minor Subdivision (Lot Line Adjustment) prepared for Block 1006, Lots 46 & 47, City of Lambertville, Hunterdon County, New Jersey", prepared by Goldenbaum Baill Associates, Inc., Sheet 1 of 4 through 4 of 4, dated July 17, 2013;
2. One (1) copy of the Application Submittal Checklist;
3. One (1) copy of the Sketch Plat/Minor Subdivision Approval Checklist;
4. One (1) copy of the Planning Board Application Form;
5. Once (1) copy of the Escrow Agreement;
6. One (1) copy of the W-9 Form;
7. One (1) copy of Certified List of Property Owners – Lot 46;
8. One (1) copy of Certified List of Property Owners – Lot 47;
9. Once (1) Copy of Evidence of Taxes Paid; and

Additionally, I have reviewed the July 31, 2013 Review letter prepared by Board Engineer, Robert Clerico, the FEMA National Flood Hazard Layer data, and the NJDEP GeoWeb mapping service for the location.

B. Description of Subject Property & Proposed Development

Applicant/Owner: Daniella and Brian Sassman
8 Old Nursery Lane
Princeton, NJ 08540

Existing Conditions: Lot 46 contains the end unit of a six (6) unit row house (Townhouse) structure located on the south side of Arnett Avenue. Lot 47 is improved with only a shed structure. A five (5) foot diameter concrete pipe culvert that conveys the Ely Creek tributary traverses the rear portions of both lots. As such, both lots are located within the FEMA Flood Zone AE. Lot 46 is listed as the historic Bice House on the Delaware and Raritan Canal State Park Historic Structures Survey.

Proposal: The Applicant proposes to relocate the common property line between Lots 46 and 47 and construct a townhouse unit on Lot 47.

Zoning: R-2

C. Completeness Review

In addition to the comments provided by the Board Engineer, Mr. Robert Clerico, in his July 31, 2013 completeness review letter, the applicant should advise the Board whether the outstanding items, including but not limited to, a new escrow account form, copies of the existing deed, photographs, and property location forms, were provided.

D. Plan Review

Although we are not completing a technical review at this time, the applicant should be advised to address the following as part of their resubmission once the application is deemed complete:

1. The proposed subdivision has been designed to meet the objectives and design standards at Section 513.1.A. The Project is proposing side lot lines at right angles and lots that are regular in shape. The Applicant is not proposing extra width for dedication or reservation for the widening of Perry Street.
2. While the applicant has only applied for a Minor Subdivision approval, he is also proposing the construction of a townhouse dwelling on Lot 47. Per Section 516.1, the construction of the new dwelling is subject to Site Plan review. The proposed townhouse dwelling is neither exempt from site plan review, nor was a site plan waiver requested. Please address the requirements for Site Plan review.
3. Townhouse dwellings are permitted uses within the R-2 Zone. However, Mr. Clerico raised the question as to the permissibility of constructing a 7th townhouse dwelling unit. Per Section 201, a townhouse dwelling is defined as a single family dwelling in a row of 3 or more such units separated from one another by an unpierced vertical wall from ground to roof. While the R-3 Zone limits the

number of townhouse units attached on a single linear plane to six (6) units, the R-2 Zone does not limit the number of townhouse units within a single linear plane.

4. Per the plan entitled: "Minor Subdivision (Lot Line Adjustment)", sheet 3 of 4, dated July 17, 2013, it is unclear where the proposed unit will be attached through an unpierced vertical wall from ground to roof. Please submit architectural plans and clarify what type of dwelling is proposed on Lot 47.
5. The proposed lot line adjustment and townhouse dwelling unit meet all of the applicable area, yard, height and coverage requirements prescribed in Section 404.5. However, if it is determined the proposed dwelling does not meet the definition of a townhouse dwelling, the bulk standards at Section 404.5 will have to be reevaluated for compliance.
6. The applicant should include the existing shed structure within the Bulk Table on Sheet 3 of 4 of the plan set.
7. Please clarify what the pre-existing nonconformity is on the Bulk Table on Sheet 3 of 4 of the plan set.
8. The dimensions of the proposed driveway should be shown on the Plan Set. Please address how the driveway meets the requirements of Section 509.11 Driveway Standards.
9. Per Section 510.1.B, a landscape design shall be provided as part of site plan and subdivision submissions. Every applicant for subdivision or site plan approval shall comply with the minimum standards as set forth in Section 510.
10. The proposed dwelling unit should comply with Section 5 of the Lambertville Design Guidelines for Building Design.
11. Per Section 5.1.1.g of the Lambertville Design Guidelines, complete architectural elevations for all subdivision and site plan applications shall be submitted as part of the application and become binding upon application approval.
12. The applicant is proposing an attached garage structure on Lot 47. Per Section 5.1.5 of the Lambertville Design Guidelines, the use of garages shall be minimized in the downtown residential districts. The width of the garage door shall not exceed 35% of the width of the new residence. First floor garages are not permitted on city blocks where there are no existing garages. A driveway with a separate garage structure in the rear of the lot is an acceptable alternative design.

E. Other Agency Approvals

Please submit evidence of application and/or approval from the following regulatory agencies:

1. Hunterdon County Planning Board;
2. Delaware and Raritan Canal Commission; and

Ms. Crystal Lawton

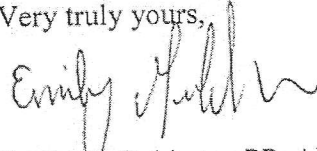
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August 6, 2013

3. New Jersey Department of Environmental Protection – Division of Land Use Regulation.

I will attend the Board's meeting on Wednesday, August 7, 2013 to discuss these issues with the Board. 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/jgd

Y:\NHADATA\PROJECTS\41610\CORRESPONDENCE\PLANNER COMMENTS.DOCX

cc: All Planning Board Members (email distribution via Planning Board Secretary)
William Shurts, Esq., Felter, Cain & Shurts, (fcslegal@netcarrier.com)
Mr. Robert Clerico, Van Cleef Engineering Associates, LLC (rclerico@vcea.org)
Mr. Eric Rupnarain, Goldenbaum Baill Associates, Inc. (ebr@gbamail.com)