

**PLANNING BOARD
CITY OF LAMBERTVILLE
REGULAR MEETING MINUTES**

Wednesday, September 11, 2013

The meeting was called to order by Tim Korzun, 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, John Miller, Mayor DelVecchio, Ken Rogers and Gina Fischetti.

Absent: Jackie Middleton, Derek Roseman and Erin Keyes.

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

APPROVAL OF MINUTES

Paul Kuhl made a motion to approve the August 7, 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, John Miller, Mayor DelVecchio and Ken Rogers.

Nay:

Abstained: Tim Korzun, Dave Morgan and Gina Fischetti

Recused:

COMPLETENESS - Continued

11 Arnett Avenue, Minor Subdivision

Block 1006 Lot 46 & 47

Brian Sassman

Brian Sassman, the applicant and Eric Rupnarain, the applicant's engineer were present at the meeting.

Mr. Rupnarain distributed a "Will Serve" letter from the Lambertville Municipal Utility Authority and advised the Board members that they have applied to United Water for a "Will Service" letter but they had questions regarding the request and does not yet have an official response.

During conversation it was discovered that the applicant is seeking approval for a new driveway installation and curb cut. However, the applicant did not properly notice for a public hearing regarding that request. Therefore, the Board will not hear the public hearing for this application until such notices have been advertised.

The Board will make motions on the remaining issues regarding the completeness of this application.

TEMPORARY WAIVERS:

23b, 23b, 23d & 23e (Bob Clerico's letter, September 9, 2013)

Paul Kuhl made a motion to grant a temporary waiver for the "Will Serve" letter from United Water, Elizabethtown Gas, Storm Drains and JCP&L. 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, John Miller, Mayor DelVecchio, Ken Rogers, Tim Korzun, Dave Morgan and Gina Fischetti.

Nay:

Abstained:

Recused:

TEMPORARY WAIVERS:

18a, 18b, 24a, 24b, 32, 27, 35a, 35b, 35c, 35d, 35e, 35f, 35g & 29
(Bob Clerico's letter, September 9, 2013)

Paul Kuhl made a motion to grant a temporary waiver for the remaining items listed in Mr. Clerico's letter dated September 9, 2013. Ken Rogers 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, John Miller, Mayor DelVecchio, Ken Rogers, Tim Korzun, Dave Morgan and Gina Fischetti.

Nay:

Abstained:

Recused

PERMANENT WAIVERS: 17e and 22 (Bob Clerico's letter, September 9, 2013)

John Miller made a motion to grant a permanent waiver for items 17e and 22 of Bob Clerico's letter dated September 9, 2013. Paul Kuhl 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, John Miller, Mayor DelVecchio, Ken Rogers, Tim Korzun, Dave Morgan and Gina Fischetti.

Nay:

Abstained:

Recused

PERMANENT WAIVERS: 33a, 33b & 33c (Bob Clerico's letter, September 9, 2013)

Dave Morgan made a motion to grant a permanent waiver for items 33a, 33b and 33c of Bob Clerico's letter dated September 9, 2013. Paul Kuhl 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, John Miller, Mayor DelVecchio, Ken Rogers, Tim Korzun, Dave Morgan and Gina Fischetti.

Nay:

Abstained:

Recused

COMPLETENESS:

Steve Stegman made a motion to deem the application complete with a condition that, the applicant meets with the neighbors prior to the next meeting to go over the proposed plans. Paul Kuhl seconded the motion. A unanimous roll call vote in favor of the motion was taken by all members present.

MOTION CARRIED

PAYMENT OF BILLS

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

MOTION CARRIED.

PUBLIC COMMENT

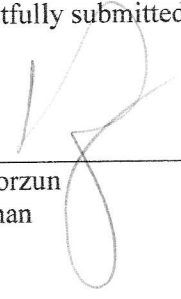
NONE

ADJOURNMENT


Ken Rogers made a motion to adjourn the meeting at 8:02 pm. Paul Kuhl 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



www.vcea.org

Since 1972 • Consulting Civil, Environmental & Municipal Engineering
Land Surveying • Professional Planning • Landscape Architecture

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.

September, 9, 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 & Site Plan Application Report #2
City of Lambertville, Hunterdon County, New Jersey

Dear Crystal:

I am in receipt of various revised documents submitted by the applicant for a lot line adjustment (2 -lot minor subdivision) application along with the new documentation for the required site plan application. The application now includes the initial filing outlined in my 7/31/13 report (*italic type*) along with the new documentation as follows:

1. *Previously submitted 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. New Site Plan application form and City Checklist #4 (Site Plan), unsigned and not dated that was prepared by the Project Engineer (Eric Rupnarain'- Goldenbaum Baill Assoc.)
3. Minor Subdivision & Site Plan, consisting of 4 sheets, dated July 17, 2013 - revised August 26, 2013. The plans are prepared by, Goldenbaum Baill Assoc. Vincent J Rigelon Jr. PLS (sheets 2 & 3) and Eric Rupnarain PE (sheets 1, 3 & 4).
4. Architectural Plans consisting of 2 sheets dated August 14, 2013 – revised August 15, 2013 prepared by 3D Architecture (William J Doran RA)
5. Copies of 8/14/13 response letter form D&R Canal Com, 8/14/13 response letter from HC Planning Bd and letter dated 8/19/13 that the Project Eng. filed with the LMUA.

Please Reply To:

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

With Other Offices In:

Hamilton NJ • Hillsborough NJ • Phillipsburg NJ • Freehold NJ • Parsippany NJ • Doylestown PA • Bethlehem PA •
Wyomissing PA • Newark DE • Salisbury MD

September 9, 2013
Block 1006 Lots 46 & 47- 11 Arnett Ave.
Sassman -Lot Line Adjustment & Site Plan Application
Report #2

Page 2

At their meeting on August 8, 2013 the Board considered the original Minor Subdivision application and took the following action in regards to the City checklist #1 criteria:

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

The updated comments on the previously identified minor subdivision checklist deficiencies based upon the new submissions are as follows:

- **12 & 27-** a copy of the current deed has been submitted. Although here is no reference to any easements or restrictions of record **the items have been addressed and are now complete.**
- **13-** The applicant has filed with the D&R Canal Com & HCPB. There is no documentation stating that they have filed with the Lambertville Historic Com. However, I understand that this property is not in the Lambertville Historic Dist. and filing with the LHC would be not applicable in this situation. **Accordingly, the item is now complete.**
- **24-** FHA – FEMA documentation has been provided and **this item is complete**
- **23, 30 & 32-** the plans reflect the location of the existing and proposed sanitary sewer & water connections along with the location (to the best of their ability) of the existing culvert . They have filed a letter requesting confirmation of capacity with the LMUA (#30) but have not yet received a response. I have no record of their filing with United Water (#32) on this same issue.

Based upon the above the Board would still need to deem #30 & 32 under the Minor Subdivision Application to be incomplete or grant temporary waivers of those items in order to proceed with that aspect application . I recommend that the Temporary Waivers be granted.

In regards the newly filed Site Plan application and documentation under Checklist #4 I would recommend the following:

- **Item 17e & 22 –** Waiver requested for not showing existing data extending 200 ft. beyond the property. **Recommend granting this waiver similar to the relief previously granted under the Checklist #1**

September 9, 2013
Block 1006 Lots 46 & 47– 11 Arnett Ave.
Sassman –Lot Line Adjustment & Site Plan Application
Report #2

Page 3

- **Items 18a & 18b-** Waiver requested from providing documentation of existing street conditions. Some street modifications relating to curb & sidewalk construction will be required and accordingly existing and proposed conditions along Arnett Ave will need to be provided. **However, the Board could grant a Temporary Waiver at this time with the understanding that the data would be provided as a condition of any action taken on the site plan.**
- **Item 23a, 23b, 23c, 23d & 23e –** Waiver requested for not showing all connection details or having letters of service feasibility from LMUA, United Water, E 'town Gas, storm drains & JCP&L. Following my recommendation regarding similar criteria under the Minor Subdivision Checklist items #30 & #32, **I recommend that these items be given a Temporary Waiver.**
- **Item 24a, 24b & 32 -** the applicant is not proposing any Landscaping or Lighting Improvements so they are requesting a waiver. **I recommend that these items be given a Temporary Waiver.**
- **Item #27-** the applicant is not proposing any SWM improvements on the basis that they are disturbing less than 3000 sf and would be exempt from City Ord. Requirements. They are requesting a waiver. **I recommend that this item be given a Temporary Waiver subject to resolution of comments contained in paragraph 7 at the end of this report. .**
- **Item 33a, 33b & 33c –** Waiver requested from providing NRI, EIS and Wetland Report. I would defer to the Board with input from the Environmental Commission to decide this request. However, since the proposed construction is subject to the applicant obtaining DEP permits I think the Board could consider granting these requested waivers.
- **Item 35a, 35b, 35c, 35d, 35e, 35f, & 35g. –** Waiver requested for not providing any off street parking details (a & b) because the applicant states that they are not required and likewise they are indicating that parking calculations or parking layout criteria (c, d, e, f & g) are not applicable. Under RSIS this prosed 4 bedroom Townhouse on lot 47 would require 2.4 spaces and the existing dwelling on Lot 46 (unspecified bedroom count) would probably require the same. Until we hear the applicants testimony along with some additional detail regarding the number of bedrooms and the ability of the site to either accommodate on-premises parking or they request waiver from same I **recommend that only Temporary Waiver be granted from all of this criteria.**
- **Item #39 –** The Surveyor's Certification on Sheet 3 was not signed or sealed I **recommend that this item be given a Temporary Waiver.**

September 9, 2013
Block 1006 Lots 46 & 47- 11 Arnett Ave.
Sassman -Lot Line Adjustment & Site Plan Application
Report #2

Page 4

If the Board is in agreement with the above then they should take the following action in relation to the Site Plan Checklist Criteria:

- **Grant permanent waivers on items 18e, 22, 33a, 33b & 33c.**
- **Grant temporary waivers on items 18a, 18b, 23a - 23e, 24, 27, 32, 35a – 35g & 39.**

If the above waivers are granted then the applicant can be deemed complete and the applicant be allowed to proceed with their public hearing at the meeting on Wednesday.

My comments regarding the application are as follows:

1. Lots 46 and 47 are both owned by Daniella Sassman and are located in the R-2 Zone.
 - a. 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.
 - b. Lot 47 is a vacant parcel that only contains a shed structure
2. The applicant (Brian Sassman) proposes to relocate the common property line between lots 46 and 47, moving it 8.22 feet to the West and placing it adjacent to the East wall of the existing end unit on lot 46 which along with several of the other townhouse units were destroyed in a recent fire. . Architectural plans showing the proposed reconstruction of the existing dwelling on Lot 46 have not been provided however, we now have plans for the proposed new townhouse unit on Lot 47. . 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). The proposed new structure on lot 47 would include a garage with driveway access off of Arnett Avenue.
3. 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.
4. The Applicant has now applied for both Minor Subdivision (lot line adjustment) and Site Plan (new townhome construction) approval; however, it is not clear if they are also proposing to possibly modify the existing unit on Lot 46. Construction associated with these units is subject to Site Plan review under Section 516.1 and would not qualify for an exemption under Section 516.2.

September 9, 2013
Block 1006 Lots 46 & 47- 11 Arnett Ave.
Sassman -Lot Line Adjustment & Site Plan Application
Report #2

Page 5

5. 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 now states that the properties are in a FHA and subject to the FEMA criteria which establishes the Base Flood Elevation of 71.2 ft. (NAVD 88) with the new townhome having its First Floor Elevations set at 72.62 The Plans do not reflect if the DEP Base Flood Elevations differ from the FEMA delineation. The Project Engineer must indicate if the proposed new dwelling unit can be constructed while meeting both the FEMA & DEP regulations. Any action taken by the Board would be made subject to the applicant's ability to show compliance with FEMA requirements along with their ability to obtain DEP- FHA Permits.
6. 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 Project Surveyor has attempted to show the location of a portion of the existing 5 foot diameter pipe culvert but it is not clear how this was located or if it represents an accurate depiction 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. The applicant is proposing to dedicate an easement along their rear property line a location set 10 ft. off of the Centerline of pipe as depicted. Accurately determining the location of the pipe along with the appropriate size, form and beneficiary of easement dedication are issue that would need to be addressed by the Governing Body, City Attorney and City Engineer.
7. The City's Stormwater Regulations under Section 522.2 would apply if more than 3000 sf of land is being disturbed. If the site plan and related disturbance is limited to new Lot 47 then the applicant would fall below that criterion however, if the Board determines that the reconstruction of the dwelling on Lot 46 is to be considered as part of this site plan then the City's Regulations may apply. Further discussion and determination of this issue is required.

September 9, 2013
Block 1006 Lots 46 & 47- 11 Arnett Ave.
Sassman -Lot Line Adjustment & Site Plan Application
Report #2

Page 6

8. The RSIS off-street parking requirements must be documented for both structures. The applicant proposes to construct the new dwelling unit with a driveway and garage on Lot 47. The current driveway and parking area serving the existing home on Lot 46 is being eliminated. If the applicant is not meeting the off street parking requirements then relief from the City and RSIS standards must be requested.
9. The August 14, 2013 Staff Report from the D&R Canal Commission (copy attached) states that the application is incomplete since the proposed Lot Adjustment has not yet been acted upon by the City Planning Board. In addition they further state that Commission would require the establishment of their "regulated stream corridor" on this site and that the proposed new dwelling on Lot 47 would be "prohibited" since it would fall "within the Commission stream corridor" unless, the applicant obtained appropriate waivers from the Commission. This is obviously a critical issue that would need to be resolved between the applicant and the D& R Canal Commission.

I will reserve any further technical review of the submission until the basic parameters of the application have been discuss with and decided by the Board. I will attend the Public Hearing at the Board's meeting on Wednesday' September 11, 2013.

Very truly yours,



Robert J. Clerico, P.E.

Board Engineer

R 5040.184- 09-09-13.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)

