

City of Lambertville
Planning Board
Regular Meeting Minutes
Wednesday, April 3, 2019

The meeting was called to order by Board Chairman, Paul Kuhl, 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: Filomena Hengst, Elaine Clisham, Lester Myers, Kevin Romano, Sarah Gold, Council President Beth Asaro, Gina Fischetti, Paul Kuhl and Mayor Fahl.

Absent: John Miller and Michelle Komie.

Also, in attendance: Attorney Timothy Korzun, Board Engineer Robert Clerico and Board Planner Emily Goldman were present at the meeting.

APPROVAL OF MINUTES – March 6, 2019

Filomena Hengst made a motion to approve the March 6, 2019 meeting minutes, with minor changes. Mayor Fahl seconded the motion. A unanimous roll call vote in favor of the motion was taken by all members present and able to vote. Lester Myers and Gina Fischetti were abstained from voting. MOTION CARRIED.

COMPLETENESS – Minor Subdivision and Site Plan Approval

14 Lambert Lane
Block 1034 Lot 5

The following documents were marked into the record; A-1, Application, A-2 Public Notice and Publication, A-3 VanCleaf Letter dated March 4, 2019, A-4 Environment Impact letter, A-5 Easements and Deed, A-6 Environmental Assessment letter dated March 19, 2019, A-7 Property Survey, A-8 Landscape plan dated January 14, 2019, with revision date of March 5, 2019, A-9 An old tax map copy, A-10 Resume of Piero Grimaldi, the applicant's architect, A-11 Property Pictures, A-12 New Hope PA Picture, A-13 Front Elevation and A-14 Architectural Plans.

David Chapowitz, the applicant's attorney, was present at the meeting along with Eric Rupnarain and Piero Grimaldi. Both were sworn in as expert witnesses.

Mr. Clerico's letter, dated March 31, 2019 and attached to these minutes, shows that some of the incomplete items have been satisfied. However, there are several others that have not been satisfied.

Applicant must submit confirmation that the first quarter taxes of 2019 have been paid in full. The Flood Hazard Area Development permit that the Construction Official must review will not be able to be submitted until the applicant receives approval from the NJ DEP. This application has already been submitted to the State and is awaiting review.

Mayor Fahl made a motion to grant a **Temporary Waiver** for the submittal of taxes. Lester Myers seconded the motion. A roll call vote in favor of the motion was taken by all members present. There were eight affirmative votes and one vote not in favor. MOTION CARRIED.

Kevin Romano made a motion to grant a **Temporary Waiver** for the requests submitted by the Environmental Commission. Elaine Clisham seconded the motion. A unanimous roll call vote in favor of the motion was taken by all members present. MOTION CARRIED.

Elaine Clisham made a motion to grant a **Temporary Waiver** for the submittal and review of the Flood Hazard Area Development Permit and the DEP approval. Sarah Gold seconded the motion. MOTION CARRIED.

Council Present Asaro made a motion to deem the application complete, with the conditions of the temporary waivers. Mayor Fahl seconded the motion. A unanimous roll call vote in favor of the motion was taken by all members present. MOTION CARRIED.

PUBLIC HEARING – Minor Subdivision and Site Plan Approval

14 Lambert Lane
Block 1034 Lot 5

Gina Fischetti, a representative of the Environmental Commission, addressed a letter from the commission and some of their concerns. Those concerns included a site assessment and additional soil testing to determine the existing on-site fill.

The Commission would also like to see the high and low water elevations with the new structures. They are also seeking testimony regarding the run-off calculations, since the entire property is within the flood zone.

Mr. Rupnarain addressed the Board regarding the proposed project. The property will have frontage on Lambert Lane and Coryell Street and will be approximately 2,875 square feet per unit. Each unit will also have a loft space.

The property is currently a vacant lot with a majority of the surface gravel. With the construction of the new dwelling, the gravel surface will be lessened and the property will have additional grass area.

There is an existing easement that allows the access of the property owner at 14 Lambert Lane to utilize a portion of the neighbor's property for additional access. This easement will be void with the new project as it won't be necessary.

Since the property is in the flood zone, the first level of the structure must be constructed with flood proof materials and may not be used as living space. Flood vents are also required, the applicant is proposing five flood vents per unit in the lower level.

Mr. Rupnarain testified that they are not asking for any waivers or relief from the flood requirements. However, if after they receive notification from the DEP and they are requiring a relief, they will seek approval for that waiver.

The property proposed is a two and a half story structure and will sit back twenty-feet off of Lambert Lane. Each unit will have a two-car garage and the driveway will allow for three additional off-street parking spaces.

The width of the driveway, as stated in Emily Goldman's review letter, does not comply with R.S.I.S regulations and will therefore require a variance. The applicant is proposing a sixteen-foot wide driveway where a twenty-foot wide driveway is the required regulation.

Ms. Goldman recommended that a four-foot island within the driveway with plantings be installed.

The height of the structure is thirty-six feet two inches. The structure will be taller than the surrounding buildings since they will have to elevate the building to comply with flood regulations.

The only access to the property will be from Lambert Lane and the applicant is willing to offer an easement for neighbors to continue to park on a portion of this property, as they have been doing so for several years.

The applicant is proposing porous pavement with the construction of the driveway which will help with the storm water management.

The ordinance states that a fire hydrant must be within four-hundred feet of any new project. Since one is not readily available for the applicant, they are required to install a new fire hydrant. The applicant was advised to contact the Construction Office regarding the requirements for the installation and also the water company.

There are several shade trees on the property that will require approval from the Shade Tree Commission for removal. The applicant was advised to contact the commission for approval.

This property currently has access from both Coryell Street and Lambert Lane. With the construction of the new structure the access from Coryell Street will no longer exist.

Public Comment:

Jeff Grundy of 25 Lambert Lane stated he was concerned with the traffic impact with the new project and also the additional run-off onto Lambert Lane.

Coral of 37 Lambert Lane – She stated that the height of the structure is too large and that there are concerns regarding the property location being so close to the old rail-road tracks.

Steven Gruenberg, legal representative for Richard Green of 35 Lambert Lane – Asked why the garages couldn't be located to the rear of the property. He was also concerned with the height of the structure.

Jennifer of 31 Lambert Lane – stated that the proposed project does not fit in with the neighborhood and is concerned about the existing plantings that may be removed with the project. She also stated that she supports redevelopment but would like to see it conducted with responsibility.

Marie Marro of 5 Coryell Street – asked if the neighbors would still have access to the parking.

Before taking action on the application the Board members wanted to see additional information and documentation. They are seeking a comparison of the height of the proposed structure as

opposed to existing buildings in the area. They also want more information regarding the installation of a new fire hydrant.

The applicant should also set up a time to meet with the Environmental Commission and Emily Goldman to discuss a landscape plan.

It was also suggested that the applicant have a meeting with the neighbors prior to returning to the Board, to discuss their concerns.

They are also to comply with the Environmental Commission's request for additional soil testing.

No action was taken on this application. The continued public hearing will take place on May 1, 2019 and no additional notification is required.

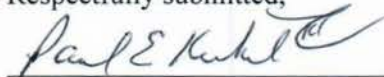
PAYMENT OF BILLS

Lester Myers made a motion to pay bills, so long as funding was available. Mayor Fahl seconded the motion. A unanimous voice vote in favor of the motion was taken by all members present. MOTION CARRIED.

ADJOURNMENT

Council President Asaro made a motion to adjourn the meeting at 10:36 pm. Mayor Fahl seconded the motion. A unanimous voice vote of ayes was taken in favor of the motion by all members present. MOTION CARRIED.

Respectfully submitted,



Paul Kuhl
Chairman



Crystal Lawton
Administrative Officer



Neil I Van Cleef, P.E., L.S. & P.P.
Robert J. Clerico, P.E. & P.P.
Samuel D. Costanzo, P.E. & P.P.
Cynthia V. Norfleet, COO

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March 31, 2019

City of Lambertville
18 York Street
Lambertville, New Jersey 08530

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

Ref: Block 1034 Lot 5 –Report #4 Update Completeness and Tech Comments
Minor Subdivision & Site Plan –KB Land Holdings LLC
City of Lambertville, Hunterdon County, New Jersey

Dear Crystal:

I have received updated documents identified in letter dated March 20, 2019 from David M. Shafkowitz Esq. (Applicant's Attorney) and Transmittal dated March 21, 2019 from Eric Rupnarian PE (GBA Inc.- Project Engineer) on behalf of the above referenced applicant (KB Land Holdings LLC) who is seeking a Minor Subdivision and Site plan approval for vacant property owned by RJF Holdings LLC (Rachel Finkle). The submissions consist of updated versions of the documents identified in my prior report #2 dated March 2, 2019 that were initially reviewed by the Board at the meeting on March 6, 2019 along with supplemental documentation. The current application consists of documentation perilously filed (*Italic Type*) along with the recent submissions (**Bold Type**) as follows:

- A. *Minor Subdivision & Site Plan application forms dated January 15, 2019 along with a copies of the Escrow Agreement under KB Land Holdings LLC. Copy of the Certification of Property Tax Status (dated 1/15/19) through 4th Quarter 2018.*
- B. *Minor Subdivision Checklist #1 and Site Plan Checklist #4 seeking waivers from several checklist requirements. Checklist were prepared and signed by Louis Bodine.*
- C. *Applications filed with the following:*
 1. *Lambertville Historic Preservation Commission – The applicant provided a copy of the application form signed by Rachel Finkle as a representative of the owner RJF Holdings LLC. Note that the form was not signed by the applicant and that aside from the cover page none of other pages that would list the other detailed description of the project were completed. Also note that the HPC has issued a Memorandum dated February 12, 2019 stating that the applicant was reviewed and approved as submitted.*
 2. *Hunterdon County SCD – SESC - dated January 14, 2019*
 3. *D&R Canal Commission – dated January 15, 2019. The form list KB Land Holding LLC as the applicant and identifies ownership as Lou Bodine (50% interest) and George Kirakidi (50% interest). Note that a February 27, 2019 D&R Staff Report has been issued and classifying the submission as being incomplete.*
 4. *Hunterdon County Planning Board (not dated) - Note that a February 22, 2019 response from the HCPB has been issued stating that the project does not impact any county facilities and that their approval is not required*
 5. *Email from GBA dated March 4, 2019 transmitting confirmation from City Tax Assessor of proposed Lot numbering.*
- D. *Minor Subdivision and Site Plan prepared by Goldenbaum Baill Eng. Inc. This plan now consists of 6 sheets with Sheet #1 -Existing Conditions Plan (dated 2/13/19- **Revised 3/15/19**) signed by Vincent J Rigelon Jr. PLS and Sheet #3 (Minor Site & Subdivision Plan dated 1/14/19 & **Revised 3/15/19**) signed by Vincent J. Rigelon Jr. PLS and Eric B. Rupnarain PE. The remaining plan sheets signed by Eric B. Rupnarian PE include Sheet #2 -Vicinity Plan (dated 1/14/19 & **revised 3/15/19**), Sheet #4 -Grading Plan (dated 1/14/19*

VanCleeEngineering.com

Please Reply To:

WESTERN NJ OFFICE

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March 31, 2019

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Minor Subdivision & Site Plan –KB Land Holdings LLC 14 Lambert Lane.
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- & revised 3/15/19, Sheet #5 -Landscaping & Erosion Control Plan (dated 1/14/19 & revised 3/15/19) & Sheet #6- Construction Details (dated 2/13/19).
- E. Drainage Design Report prepared by Eric B Rupnarian PE dated January 14, 2019 & Revised March 15, 2019
- F. Response letters from
1. Suez Water (10/17/18) addressed to Prime Custom Builders. I previously noted that the "will serve" commitment from Suez
 - a) will expire on 4/17/19 (six months from issuance)
 - b) is subject to the filing of a subsequent application and fees which will allow the Utility to complete an assessment of their distribution system and the proposed service connection in order to see if additional upgrades will be required
 - c) does not identify the size of their piping system or the location of adjoining fire hydrants or available fire flow in this portion of the City.
 2. Lambertville Municipal Utility Authority (09/24/18) addressed to Prime Custom Builders
 3. JCP&L (3/2/18) addressed to Louis A. Bodine
 4. Elizabethtown Gas (09/27/18) addressed to Prime Custom Builders
- G. Architectural Plans consisting of 8 sheets prepared by Grimaldi Architecture dated November 9, 2018. Sheets A1- A4 are floor plans for this 2 unit (4 story) semi-detached single family structure. Sheet A5 is a Building Section Plan and Sheets A5-A8 are the Building Elevation Plans. The Architect is not identified on the plans
- H. Building Elevation Rendering - single plan prepared by Grimaldi Architecture (note dated)
- I. Title Search prepared by Fidelity National Title Insurance Co. date January 18, 2019. I previously noted that:
1. The Title Search states that the property is subject to two (2) recorded Easements and at least one "exception" to the title however, the Descriptions of the PQ or the noted Exceptions and Easements were not provided.
 2. The Title Search states that the PQ is subject to "public & private rights" associated with the adjoining railroad tracts.
 3. The Survey of the property (D-#1 and D-#3) does not reference the Title Search document and the Title Search states that it is subject to documentation to be verified by a current survey.
- J. Phase 1 Environmental Site Assessment Report prepared by Brickhouse Environmental (Stephen Huxta PG & Paul White PG) dated March 19, 2019.
- K. Stormwater Management Measures –Maintenance Plan & Field Manuals prepared by GBA and referencing Site Plan revised 3/15/19.
- L. Wetlands Investigations Letter from Alexander H Mikos (GBA Inc) dated March 20, 2019.

At the March 6, 2019 Meeting the Board took the following action:

- Granted requested Waivers for Checklist #4 items 18a, 18b, 24 & 33
- Granted Partial Waivers for Checklist #1 items 17e, 22 & 23 along with Checklist #4 item 23.
- Granted Temporary Waivers for Checklist #1 items 4 & 32 along with Checklist #4 items 4 & 24b which were noted as follows:
 - **Item 4-** the Architectural Plans (submission item G & H) are not dated or signed. The Board could grant a Temporary Waiver or this requirement.
 - **Item 32(CL#1)/24b(CL#4)-** The applicant has provided a "will serve" letter (submission item F1) from Suez Water however as noted it does not include the detailed information that would be required for the applicant to document compliance with the RSIS standards relative to adjoining Fire Hydrant Locations or available fire flow data. **The Board could grant a Temporary Waiver**

March 31, 2019

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of this documentation if they are willing to make any action taken upon the application subject to the information being submitted to show compliance with that aspect of RISI requirements prior to the recording of the subdivision deeds

- Deemed the application to be incomplete for the noted deficiencies under Checklist #1 items 9, 12 & 27 along with Checklist items #4 items 9, 13, 30, 34a, 34b & 34c, which were noted as follows with
 1. Item 9- as noted (submission item A) the certification on payment of taxes is through the 4th quarter of 2018. The owner should provide an updated certification for the 1st quarter of 2019.
Not Addressed. - Until & Unless an updated certification was provided to your office this item remains incomplete

2. Items 12(CL#1)/13(CL#4) & 27(CL#1)/30(CL#4) - as noted (submission item I) a Title Search has been provided however it does not include the Deed of Record or a number of recorded exceptions, easements and possible private & public rights associated with the adjoining RR tracts. **This missing documentation is critical to review the proposed application to subdivide the property and these items remain incomplete.**

Partially Addressed-

1. The survey (ref D-sheet 1) was revised to show identify the referenced easements on the adjoin Lot #6 however copies of the actual deeds were not provided
2. The issue of Public Rights associated with the adjoining RR is referenced in the letter dated March 20, 2019 from David M. Shafkowitz Esq. If I understand and his explanation correctly, he states that these are general rights associated with any property abutting a RR. In this case I would defer to Tim Korzen that to advise the Board if this explanation adequately address the issue of continuing rights that may affect the use of these lots
3. Item 34a & 34b (CL#4)- the applicant requests a waiver from providing a Natural Resource Inventory (34a) along with an EIS (34b). Given the proximity of the property to the adjoining railroad and canal I recommend that the Board obtain input & recommendation from the City Environmental Commission prior to determining if the waivers should be granted or denied.
Partially Addressed- It is my recollection that the at a minimum the Board was looking for the following in order to address these requirements:

1. Board wanted the CEC to provide their recommendations relating to any Environmental issues they felt needed to be addressed. Did the Board receive any recommendations from the CEC?
2. The applicant did provide a Phase 1 Environmental Assessment (ref submission item J). At the March 6th meeting I suggested that this would be the minimum information that should initially be provided.
3. The applicant did provide a Wetlands Investigations Letter from Alexander H Mikos (GBA Inc) dated March 20, 2019.

The first course of action that the Board would take at their next meeting on April 3, 2019 would be to determine if above items identified at the March 6th as being incomplete have now been adequately addressed so that the **application can be deemed “complete” and allow the applicant to proceed with his Public Presentation.**

Based upon my review of the new submission I am utilizing my prior technical comments (*Italic Type*) from my report #3 and updating them (**Bold Type**) as follows

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A. General Layout and Land Use Issues

1. *The property has frontage along Lambert Lane in the CBD Zone and includes a 15 ft. wide strip of land that extends out to and provides access from Coryell Street. The rear of the property along with the strip extending out to Coryell Street adjoins the Black River & Western RR tracks with the BR&W tracks separating the PQ from the D&R Canal. The applicant proposes to subdivide the property in order to create 2 lots which would then allow for the construction of 2 semi-detached single family dwellings on the individual lots.*
2. *The existing property is vacant and contains a significant amount of gravel surface area that is depicted on sheet 1 of the submitted Subdivision & Site Plan. Older aerial photographs show that the gravel area had been utilized for parking of vehicles and the storage of material. A component of the gravel area are two separate means of ingress/egress:*
 - i. *A stone access driveway to Lambert Lane with two separate depressed curb driveway openings on Lambert Lane*
 - a) *The Survey Plan shows the northerly component of the dual access driveway is located on the adjoining Lot #6 (Colombo) and in a recorded Ingress/Egress Easement benefiting the PQ. We need to see an actual copy of the recorded easement to understand its purpose and intent however, since upon subdivision and development of the PQ the existing driveway encroachment on the adjoining Lot will not be utilized I would recommend that the easement rights be vacated.*
 - b) *The Survey Plan also shows that all of the adjoining Lot #6 is encumbered by some rights associated with the PQ. Again, we need to see an actual copy of the recorded easement to understand its purpose and intent and determine if these rights also encumber the PQ.*
 - ii. *A stone access driveway to Coryell Street that utilizes the 15-foot-wide strip. The southerly end of this access appears to be currently block off from the PQ. In addition, gravel surface on the strip appears to provide vehicular access to an existing garage (encroaching on the PQ) and parking area on the adjoining Lot 9 (Marie Marro) as well as extending out and being part of the gravel surface on the adjoining Lot 11 owned by BR&W RR which also appears to be utilized for parking.*
 - a) *The Tile Report and updated survey does not clarify or provide any documentation of a recorded easement or documented rights of others currently using this driveway as their means of access to the adjoining Lot 11 (BR&W) and Lot 9 (Marro) nor does it acknowledge the encroachment of the existing garage on Lot 9 onto the PQ. Upon subdivision and development of the PQ (ref sheet #3) the future owner of proposed lot 5 will not utilize this 15 ft. wide strip of their property for vehicular access to Coryell St. This is a very unusual situation where upon subdivision of the PQ the subsequent owner of the new northerly lot #5 will continue to own the 15 ft. strip but not utilize it for driveway access. Instead the exiting gravel driveway on that strip will remain and presumably continue to be utilized by the other adjoining properties.*

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3. *As noted in my report #2 there are numerous unresolved title questions relating to the PQ including two (2) recorded Easements and at least one "exception" to the title were the referenced/recorded deeds have not provided. In addition, the Title Search also states that the PQ is subject to "public & private rights" associated with the adjoining railroad tracks. Given the unusual conditions outlined item 2ii the applicant needs to provide the missing information and document if other property owners have rights in the PQ including the 15 ft. wide strip that extends out to Coryell Street.*
 - i. See comments above regarding the recorded easement on the adjoining Lot 6 and the need to clarify the one easement and the recommendation to vacate the driveway easement
 - ii. See comments under completeness regarding the undefined Rights of the BR&W RR in the PQ. I am attaching a copy of a 1984 D&RC Plan that I had in my office which seems to indicate that the rear 25 +/- ft. portion of the PQ was at one point in time part of the RR –ROW. I marked this up (for discussion purposes only) to show the approximate locations of current properties as they relate to the D&RC map. Again, the applicant should provide sufficient title documentation to insure that they have exclusive and sole rights to PQ and that no other adjoining owners have rights and/or use of any portion of the QP.
4. *In a related "Title Question", the submitted Plan Sheet #1 depicts existing conditions on the adjoining areas to the south of this property that require clarification.*
 - i. *The Existing Conditions Plan (Sheet #1) identifies a "Gore Area" along the southerly property line with the adjoining Lot 4 (River Edge HOA parking). The Project Surveyor needs to clarify this designation since it is not labeled as such on the Minor Subdivision Plan (Sheet #3) and no further explanation/documentation has been provided.*
 - a) **The "Gore" is still shown. The Project Surveyor needs to provide testimony as to how this "Gore" was established between the PQ and the adjoining Lot #4 (River Edge HOA parking lot). Not sure if the "resolution" of this discrepancy between the PQ and the adjoining Lot 4 can be resolved as part of this application but any effort to do so would seem to benefit both property owners.**
 - ii. *The Existing Conditions Plan (Sheet #1) and Minor Subdivision Plan (Sheet #3) identify an existing Lot #12 located between the adjoining Lot #4 (River Edge HOA parking), the BR&W RR and the PQ. Sheet #1 identifies this parcel as owned by "Frances, Rachel, Florence Finkle" while sheet #3 (and City Tax Records) state that it is an unknown owner. Neither plan denotes the size or relationship of the Lot #12 parcel to the PQ.*
 - a) **The revised Survey now acknowledges that the adjoining Lot #12 is an "Unknown Owner". It should also be noted that the attached copy of a 1984 D&RC Plan states that this is a "Historic Intake Structure" that is associate with and presumably still located property owned by the State of New Jersey.**
 - iii. *A 1991 site plan filed with the City that approved the parking lot improvements on the adjoining Lot 4 did not acknowledge the "Gore" area between Lot #4 and the PQ. In addition, it better defined Lot 12 as being 12 ft. wide by 25 ft. long. That site plan (copy attached) was prepared by Goldenbaum Baill Associates.*

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- a) As noted under 4i (a) above the Project Surveyor needs to provide testimony relating to how the gore was established and which property (lot 4, lot 12 or the PQ0 may have rights to that strip of land.
5. *All Title documentation must be provided and resolution of any interest that outside parties may have in this property must be identified and resolved before the Board acts on this application.*
Not Addressed. - As note above under Sections 2, 3 & 4
6. *The lot is also located within a Flood Hazzard area and any subsequent construction would be subject to the applicant's ability to obtain NJDEP- FHA Permits along with the City Construction Code review in order to determine compliance with the Local FEMA Flood Regulations. Any approvals granted by the Board would require the applicant to obtain the required Permits and approvals prior to the recording of a deed of subdivision.*
7. *Emily Goldman has issued a report dated February 6, 2019 and revised on February 18, 2019, which provides an evaluation of the City Zoning and design guidelines. I am deferring to Emily's comments for that aspect of the Board's review except for the following additional comments:*
- i. *Under Section 400.5 of the Zoning Ordinance the applicant is required to dedicate additional ROW as part of subdivision applications along existing streets which have deficient ROW. In this case the Project Surveyor indicates that Lambert Lane has a "variable width" ROW and is showing that it is only 16.5 ft. from the centerline which is less than the minimum 25 ft. halfwidth (50 ft. total). Emily correctly notes that per 513.1A-4 the Surveyor is showing the "ultimate ROW" in order to calculate the minimum Lot Area and measuring the setback however, they are not proposing to actually dedicate that ROW as required under 400.5. In this case the applicant would either need to dedicate the required addition ROW or seek a variance.*
Not addressed-
1. **the subdivision plan (sheet 3) is establishing an 8.5 +/- strip of land along the frontage of this parcel which is set at 25 ft. off the centerline of Lamberts Lane and is labeled as "propose" ROW. However, the Project Surveyor has not deducted the acreage from the actual size of the PQ which I assume means that they do not intend to dedicate this additional ROW and going to seek the referenced variance from 400.5. The applicant needs to clarify their intent regarding the deduction of additional ROW**
2. **Whether or not the strip is dedicated all of the noted Building Coverage calculations would need to exclude the area of that from base area of the proposed individual lots.**
- ii. *Under section 509.11 the applicant is limited to a 12 ft. maximum width for a driveway. As noted in Emily 's report the applicant is proposing a common 38 ft. wide driveway (45 ft. at the street line) that will be split along the property line to accommodate a 19 ft. wide driveway approach to what is shown on the Architectural Plans to be an 18 ft. wide (2 car) garage. If the Board is going to grant the noted design exception, it should be to create a condition that would accommodate the required off-street parking which is noted in Emily's report to be 2.4 parking spaces per unit or 5 total for the project under RSIS standards As currently deigned the parking spaces are not sufficiently deep (20 ft. min.) to count as one off-street parking space so the applicant would only be providing 4 spaces*

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for the project. Given the above I recommend that the following modifications be considered:

- a) *Set the proposed building back an additional 6 ft. in order to provide a 20 ft. depth to the driveway (outside the ROW) which would account for 3 parking spaces (2 in garage & 1 in driveway) per unit to meet the RSIS requirements*

Item Addressed- the buildings have been moved back to allow for a 20 ft. depth on the driveway

- b) *Provide for a 4 to 6 ft. separation between the adjoining driveways by reducing the width of each the driveway to 16 ft. (matches width of garage door). This would avoid the current situation where a visual separation of ownership of the individual driveways is not provided.*

Item Addressed- the proposed driveways for each lot been separated by an island and reduced to a width of 16 ft. each. The portion of the driveway within the existing Lambert Lane ROW will be a concrete apron adjoining the 45 ft. long common depressed curb opening. The noted relief under section 509.11 (12 ft. maximum width) will be required.

8. *As noted in item #2 there is a significant amount of existing stone/gravel driveway and parking areas on this site that would serve no purpose and would need to be removed if the PQ were converted to a residential use. Issues associated with these existing areas are as follows:*

- i. *The access driveways to Lambert Lane and parking area at the rear of the building lots (Lot 5 & 5.01) will be removed in-order to construct the new 2-unit semi-detached single family residential structure. A small portion of this gravel area will fall within the footprint of the structure however the majority will be in the side and rear yards of the new units. In these areas the existing stone will be removed with area restored as lawn. Specific test pits will need to be excavated within this area in order to document the depth of the gravel surface along with any non-native subsurface material that will need to be removed. Ultimately any contaminated material will need to be excavated, tested and taken to licensed facilities for proper disposal. In addition, any replacement material will need to meet NJDEP Residential Direct Contact Soil Remediation Standards (RDCSRS).*

The applicant has provided a Phase 1 EIS (ref. submission item J). This document should be evaluated by the CEC with comments provided to the Board. The EIS concludes that their “assessment has revealed no evidence of Recognized Environmental Conditions (RECs) Historic RECs (HRECs) or controlled RECs (CRECs) in connection with the use of this property”. Based upon my limited review of this document to date I note the following:

1. **The consultant draws this conclusion in part based upon an assumption that no portions of the PQ was ever part of the adjoining RR. As noted above that may not be the case if the DR&CC map of the area is correct.**
2. **The EIS did not acknowledge or review the limited amount of soil testing data that the Project Engineer has conducted on the front portion of the site. Of interest is the soil profile in Log #1 which revealed “Debris and Fill Material” at 12” to 27” below the surface. This would indicate that some portion of this site was used for the deposition of unidentified, waste material.**

I still stand by my recommendation that “specific test pits will need to be excavated within this area in order to document the depth of the gravel surface along with any non-native subsurface material that will need to be removed”.

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- ii. *The plan does not currently state how the remaining stone/gravel surface on the 15 ft. wide stem (ref 2ii above) will be addressed and as noted (ref 3 above) there may be rights of others in that portion of the property that will need to be documented and addressed as part of this application.*

See comments under 2ii (a) - the applicant intends to leave but not utilize the existing gavel driveway. The applicant also needs to correct the "Proposed Impervious Surface" calculation on sheet #3 since they have not accounted for this portion of the gravel surface that will remain.

- B. **SWM Issues** - *In order to meet the City Stormwater Management regulations the applicant proposes to construct individual onsite features consisting of porous asphalt driveways connecting the garage to a proposed depressed concrete curb within the public ROW of Lambert Lane. My comments relative to this aspect of the proposal are as follows:*

1. *The porous asphalt driveway located in the front yard of both lots is a designated BMP system that will need to be protected through the recording of a restrictive easement that would preclude any removal, alteration or neglect of these systems. The Operation and Maintenance procedures associated with this system will need to be recorded as part of that easement with the homeowner being identified as the entity responsible for inspection, maintenance and operation of the system. A copy of these proposed O&M Manuals (one for each lot), prepared in accordance with the standards of the NJ BMP Manual must be submitted for review and approval. The separation of the driveways (ref 7ii-b) would allow for the individual property owners to be responsible for the maintenance of the BMP on their individual properties.*

Partially addressed. *A BMP O&M Manual has been submitted (Submission Item K, above); however, it appears to largely be the default boiler plate manual created by NJDEP. This document needs to be edited to be specific to this project and the supplemental documents that are required to be included in the manual must actually be included within it.*

2. *The Porous Pavement BMP cannot be installed within the City ROW of Lambert Lane since the City would not be responsible for the maintenance obligation of the BMP. A standard Concrete or Bituminous pavement apron should be constructed within the Public ROW.*

Item addressed. *The applicant is proposing a concrete apron within the City right-of-way.*

3. *Due to the fact that this project will disturb more than 3,000 square feet of land, it is subject to the requirements of the City Stormwater ordinance. However, the property is also located in Review Zone A of the Delaware and Raritan Canal Commission (DRCC) and as such, is subject to DRCC regulations under NJAC 7:45-8. As the DRCC regulations are more stringent than the City's, I defer the approval of the design to DRCC as the applicant will also be in compliance with the City regulations once they meet those of DRCC.*

Not addressed – *As noted above, DRCC has issued an "incomplete" determination of the project stormwater management submission. Approval of the site stormwater design would normally be made a condition of any Board action on this application however, in this case it would be appropriate for the applicant to show the Board a plan that has been revised to address the comments from the DRCC before making their approval a condition of any action taken by the Board*

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4. *The design calculations for the proposed condition excludes the porous pavement areas from contributing to the overall site runoff. Presumably, this is due to the fact that the applicant is claiming that there is sufficient storage in the stone beneath the porous pavement to capture all of the runoff from the 100-year design storm without surcharging. However, the stormwater analysis does not explicitly state this nor is a calculation demonstrating adequate storage presented anywhere in the report. The report shall be revised to address these items.*

Item addressed – The SWM report has been revised to include a calculation that shows that the porous pavement design includes sufficient storage to capture and infiltrate the entire 100-year storm volume that falls on the porous pavement.

C. *General Development Issues*

1. *The plan depicts that individual water, sewer, gas and underground electric/phone/cable services to the individual lots. This will require separate approvals from the serving utilities along with the issue of Road Opening Permits from the City. As part of that process the City Engineer would determine the extent and requirements for pavement restoration.*
2. *The applicant will need to provide documentation from Suez Water confirming that the location of the nearest Fire Hydrant is within 400 ft. (measured along the existing streets) of the proposed residential buildings in order to document compliance with the RSIS standards under 5:21-5.4 (a). As I noted in my report #2 (item F-1) that the current "will serve" letter from Suez expires on 4/17/19 and that their commitment is subject to the applicant filing appropriate fees and having Suez undertake an assessment of their facilities in order to determine if additional upgrades to the system are required to serve the proposed residential use of this property.*

Not Addressed – no additional documentation related to hydrant locations or Fire Flow data from Suez Water has been provided

3. *As noted in item A-8i there is a concern relating to the possibility of existing site contamination due to the prior use (parking, material storage etc.) of the PQ as well as any potential for residual contamination that might typically be associated with the adjoining BR&W Railroad. Since under the current application the property would be converted to a Residential Use the applicant should at a minimum provide a Phase One Environment Assessment property.*

Not Adequately addressed – see comments under A 8 (i)

4. *Since the applicant is requesting that this approval be processed as "Minor Subdivision" the applicant will need to meet all conditions of approval and record all deeds within the 190-day time period allowed under MLUL otherwise any approval granted by the Board will expire. As noted above those conditions of approval will at a minimum include*
 - i. *Obtaining all NJDEP permits associated with the construction of the project including FHA permits along with DR&CC approval.*
 - ii. *Submission and receipt of approval from Tim Korzun and our office of all proposed deeds and descriptions of the proposed lots as well as and deeds defining the onsite BMP's and recording the associated maintenance and operation manual.*
 - iii. *Obtaining Street Opening Permits from the City and approvals from the servicing utilities along with installing all individual utility connections (water, sewer, underground electric/phone/cable and gas services) to the individual lots*



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I will attend the Board Meeting on Wednesday April 6th to review the above and address any questions should the application be deemed complete and the applicant allowed to proceed with their formal presentation of this proposal.

Very truly yours,

A handwritten signature in blue ink that reads 'Robert J. Clerico'.

Robert J. Clerico, P.E.

Board Engineer

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cc: All Planning Board Members (email distribution)
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