

**ZONING BOARD OF ADJUSTMENT  
CITY OF LAMBERTVILLE  
RE-ORGANIZATION & REGULAR MEETING MINUTES  
Thursday, January 30, 2014**

The meeting was called to order by Bill Shurts, at 7:30 p.m. with a statement of compliance with the Open Public Meetings Act.

Roll Call

Mrs. Lawton called the roll as follows:

Present: Pat Pittore, Fred Eisinger, Georg Hambach, Kate Dunn, Sara Scully, John Woods, Marcus Rayner.

Absent: Phil Mackey and Jane Wesby.

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

**ELECTION OF CHAIRPERSON**

Motion to Nominate Pat Pittore for Board Chairperson:

Georg Hambach made a motion to nominate Pat Pittore for Chairman for the Lambertville Zoning Board of Adjustment. John Woods seconded the motion.  
MOTION CARRIED.

Motion to Close Nominations for Board Chairperson:

Fred Eisinger made a motion to close nominations for Board Chairman. Georg Hambach seconded the motion.  
MOTION CARRIED.

**ELECTION OF VICE CHAIRPERSON**

Motion to Nominate Georg Hambach for Board Vice Chairperson:

Fred Eisinger made a motion to nominate Georg Hambach for Vice Chairman for the Lambertville Zoning Board of Adjustment.  
MOTION CARRIED.

Motion to close Nominations for Board Vice Chairperson:

John Woods made a motion to close nominations for Vice Chairman. Marcus Rayner seconded the motion.  
MOTION CARRIED.

**APPROVAL OF MINUTES**

Fred Eisinger made a motion to approve the November 21, 2013 meeting minutes, as submitted. Sara Scully seconded the motion. A unanimous roll call vote in favor of the motion was taken by all members present.  
MOTION CARRIED.

### **APPROVAL OF THE 2014 MEETING SCHEDULE**

The Board approved the 2014 Zoning Board of Adjustment meeting schedule as submitted. There was a brief discussion on possibly changing the September meeting date due to a Holiday. The Board members will discuss this at a later date.

Fred Eisinger made a motion to approve the 2014 meeting schedule as submitted. Georg Hambach seconded the motion. A unanimous voice vote in favor of the motion was taken by all members present.

MOTION CARRIED.

### **OATHS OF OFFICE**

Mr. Shurts swore in Sara Scully, Georg Hambach and Fred Eisinger. There are still two members that need to be sworn in at the next meeting.

### **COMPLETENESS**

South Franklin Street  
Block 1048 Lot 45.03  
Hardship / Bulk Variance

The applicant and current owner of the property, Stavros Vrahnos, was present at the meeting.

The Board Engineer and the City Planner both discussed their review letters with the Board members and Mr. Vrahnos.

Mr. Cundy's letter stated that he recommended at this time that the Board deem this application incomplete until the applicant submits the required information for Mr. Cundy to complete his review.

Ms. Goldman's letter also stated that the application be deemed incomplete until further information is submitted. Particularly, the applicant must show the amount of trees that have been removed without prior approval and their locations.

The applicant was advised to return to the Board once all requirements have been met. At that time, the Board will take action on whether the application is complete or requires additional information. Once the application is deemed complete, Mr. Vrahnos will be given a date for the public hearing.

John Woods made a motion to deem the application incomplete as outlined in the Board Engineer's letter dated January 15, 2014 and the City Planner's letter dated January 29, 2014. Kate Dunn seconded the motion. A unanimous roll call vote in favor of the motion was taken by all members present.

MOTION CARRIED.

**PAYMENT OF BILLS**

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

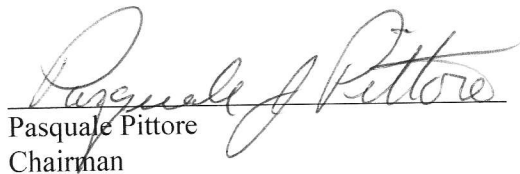
**PUBLIC COMMENT**

None

**ADJOURNMENT**

Georg Hambach made a motion to adjourn the meeting at 8:05 pm. Sara Scully seconded the motion. A unanimous voice vote of ayes was taken in favor of the motion by all members present.  
MOTION CARRIED.

Respectfully submitted,

  
Pasquale Pittore  
Chairman

  
Crystal Lawton  
Administrative Officer

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### VIA EMAIL

January 29, 2014

construction@lambertvillenj.org

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

Attention: Crystal Lawton, Secretary

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

Dear Crystal:

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

### 1.0 Materials Reviewed

I have reviewed the following materials for the preparation of this report:

1. One (1) copy of the plan entitled "Plot, SESC & Variance Plan Prepared for Lot 45.03, Block 1048, City of Lambertville, Hunterdon County, New Jersey", prepared by Goldenbaum Baill Engineering, LLC, Sheet 1 of 1, dated December 16, 2013;
2. One (1) set of architectural plans, entitled "Proposed New Residence, 123 South Franklin Street, Lambertville, NJ 08530, Lot 45.03, Block 1048", prepared by LIMN Architecture, Sheets A1 through A3, dated December 17, 2013.
3. One (1) copy of the Application Submittal 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; and
7. One (1) copy of the Escrow New Account Form.

### 2.0 Overview of Application

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

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

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

Table 1 – Steep Slope Compliance

Category	Maximum % Permitted	Proposed %	Area
15.1 – 20%	30%	54%	2,306 sf
20.1 – 30%	10%	17%	360 sf
30.1% +	0%	6%	110 sf

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

### 3.0 Completeness Review

I understand that a "completeness review" will be held at the Board's meeting on January 30, 2014. In that regard I have reviewed the submitted documents against the Application Submission checklist and Steep Slopes ordinance requirements and determined the following:

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

- Photographs of property and/or existing structure relevant to this application; and,
- (4) Copies of existing deed.

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

Furthermore, per Section 519, the application is deficient, and should not be deemed complete by the Board until the following items are provided:

- Information regarding stormwater management, per Section 519.6B.
- The identification of the trees previously removed during the summer 2013 without prior Board authorization, per Section 519.9G.

- The soil erosion sediment control measures proposed to protect the vegetation outside of the limit of disturbance, per Section 519.9M.

#### 4.0 Purpose of Steep Slope Ordinance

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

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

#### 5.0 Comments and Recommendations

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

Professional Planning testimony should be provided to address the items listed in Section 519.6B.

The applicant must demonstrate that the proposed development adheres to the design guidelines for steep slopes to the greatest practicable extent. Those design guidelines are outlined in Section 519.9 of the local ordinance.

- 5.2 *Trees.* The applicant previously removed trees onsite during the summer 2013 without prior approval. The applicant should identify and show the trees previously removed from the property on the plan, and clarify if the steep slopes disturbance calculations include the disturbance incurred onsite through the removal of trees. Additionally, the applicant shall demonstrate how these trees will be replaced.
- 5.3 *Drainage.* The applicant should address how they propose to manage stormwater runoff to avoid negligible impacts to neighboring properties.
- 5.4 *Building Height.* The applicant should explain how the proposed building height was calculated. Per Section 519.9(K), the maximum height of a proposed building should not exceed the mid-point of the tallest building on the adjacent uphill lot. Furthermore, per the 2009 Lambertville Design Guidelines section 5.1.2(a), the height of new buildings shall not exceed the average height of buildings on the street block, as defined by all of the structures on either side of

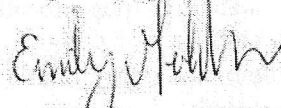
January 29, 2014

the proposed building (including across the street) to the nearest intersections in both directions. The shortest and highest structures shall be omitted from the averaging calculations.

- 5.5 *Limit of Disturbance.* The applicant should confirm that construction can be accomplished within the shown limit of disturbance. The total area of disturbance differs between the areas noted within the slope analysis and the note below the slope analysis table. Please clarify.

I will be in attendance at the January 30<sup>th</sup> meeting to hear the applicant's testimony and may have additional comments at that time. Should you have any questions regarding this report, please contact me at your convenience.

Very truly yours,



Emily R. Goldman, PP, AICP  
City Planner

ERG/jgd

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cc: Lambertville Zoning Board of Adjustment  
William Shurts, Esq., Board Attorney (fcslegal@netcarrier.com)  
Thomas Cundy, P.E., Board Engineer (thomas.cundey@rve.com)  
Eric Rupnarain, Goldenbaum Baill Engineering (ebr@gbamail.com)

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(201) 624-2136 (fax)

January 15, 2014

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

Attention: Crystal Lawton, Secretary

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

Dear Board Members:

We have received a Variance application submission, received on December 23, 2013, consisting of the following:

Sheet	Title	Date
1 of 1	Plot, SESC & Variance Plan	12-16-13

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

## I. GENERAL INFORMATION

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

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

**Zoning:** R-2

## II. SUBMISSION INFORMATION

The applicant has prepared the Application Submittal Checklist and is requesting submission waivers for the following two items:

- a) Photographs of the property and/or existing structure relevant to this application.
- b) Four copies of existing deeds.

The Zoning Board may waive the two items above or require their submittal.

In addition, Section 519.6B of the ordinance states that all applicable standards regarding stormwater management will be satisfactorily addressed including the proper protection and stabilization of all disturbed areas consistent with design techniques established by the Soil Erosion and Sediment Control Standards. No stormwater runoff/drainage calculations were submitted so that the increase in runoff from the site can be quantified and its effect on neighboring downstream properties can be analyzed and discussed. No methods of stormwater runoff management were shown and no details of soil erosion and sediment control or stormwater management were shown. Also, recent roadway and stormwater improvements have been made to the roadway in this area. Any roadway or stormwater improvements that were made in the vicinity of the site should be shown.

Because stormwater runoff is a major concern when steep slopes are involved, and that issue was not addressed in the application submission, I would recommend that the Board deem the application incomplete.

## III. SUMMARY OF VARIANCES AND WAIVERS

**Variances:** Section 519 - Steep slopes

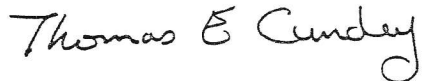
**Waivers:** Checklist - Submission information

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

Sincerely yours,

**REMINGTON, VERNICK & ARANGO ENGINEERS, INC.**



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

TEC/mcb

cc: Stavros Vrahnos  
Eric Rupnarain, P.E.  
Anthony Danzo, Esq.  
William Shurts, Esq.  
Ken Rodgers, Construction Code Official