

City of Lambertville
Planning Board
Regular Meeting Minutes
Wednesday, March 6, 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: John Miller, Filomena Hengst, Michelle Komie, Elaine Clisham, Kevin Romano, Sarah Gold, Council President Beth Asaro, Paul Kuhl and Mayor Fahl.

Absent: Lester Myers and Gina Fischetti.

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

John Miller made a motion to approve the February 6, 2019 meeting minutes, with minor changes. Filomena Hengst seconded the motion. A unanimous roll call vote in favor of the motion was taken by all members present and able to vote. MOTION CARRIED.

COMPLETENESS – Minor Subdivision and Site Plan Approval

14 Lambert Lane
Block 1034 Lot 5

Present at the meeting was the applicant's attorney, David Chapowitz and their engineer Eric Rupnarain.

At the February meeting the Board took no action on this application due to several incomplete issues. However, the Board advised the applicant that a combined meeting for the completeness issues and the public hearing may not be possible.

The applicant did notice for a public hearing to be held on March 6, 2019. However, it was brought to the Boards attention that the notices were insufficient and lacked important information.

Mr. Korzun advised the applicant that they would be required to re-notice for a public hearing and include all required information.

Mr. Korzun also advised members of the public that they would be receiving another notice for a new date for the public hearing.

The Lambertville Environmental Commission had not had sufficient information to conduct a review of the application before this meeting. The applicant was advised to obtain a letter from the Environmental Commission after they have reviewed the submittal.

The applicant has agreed to do a phase-1 environmental study on the property. They have also agreed to dedicate the Right of Way to the City of Lambertville, therefore a variance would not be required.

Mr. Steve Gruenburg was present at the meeting on behalf of a neighbor. Mr. Gruenburg stated that the applicant had not addressed some important details regarding the title, environmental study, flood permit from the Construction Office.

The Board deemed the application incomplete, referencing the review letter from Mr. Clerico and also the insufficient public notice.

In Mr. Clerico's review letter the following items were corrected at the meeting; checklist #1, items 14, 17e and 22 and checklist #4 items 17e and 23.

The Board granted to requested waivers for checklist # 4, items 18a, 18b, 24 and 23.

Temporary waivers were granted for checklist # 1, items 4 and 32, as well as checklist #4 items 4 and 24b.

Partial waivers for checklist #1, items 17e, 22 and 23, as well as checklist #4, item 23 were granted.

Mr. Clerico's review letter dated March 4, 2019 is attached to these minutes for reference.

MOTIONS:

Elaine Clisham made a motion to deem the application incomplete. Sarah Gold seconded the motion. A unanimous roll call vote in favor of the motion was taken by all members present. MOTION CARRIED.

Michelle Komie made a motion to grant the requested waivers, as stated above. Elaine Clisham seconded the motion. A unanimous roll call vote in favor of the motion was taken by all members present. MOTION CARRIED.

Filomena Hengst made a motion to grant the temporary waives, as stated above. Council President Asaro 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 the partial waivers, as stated above. Michelle Komie seconded the motion. A unanimous roll call vote in favor of the motion was taken by all members present. MOTION CARRIED.

GENERAL BOARD BUSINESS

Council Resolution 47-2019 – Emily Goldman addressed the Board regarding the study that she has been asked to conduct by the City Council for property appraisals for the Area in need of redevelopment. No public hearing will be required. Once City Council has reviewed, they will refer the resolution to the Planning Board for approval.

YMAC – 65 Wilson Street – Emily Goldman advised the Board that this property has been vacant for several years and recently there has been interest in redevelopment. Ms. Goldman has met with the interested parties and will update the Board as needed.

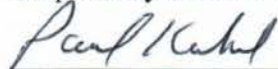
PAYMENT OF BILLS

John Miller 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

Lester Myers made a motion to adjourn the meeting at 8:00 pm. Elaine Clisham 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

City of Lambertville
RESOLUTION NUMBER 47-2019

*A Resolution Authorizing the Appraisals of Block 1073, Lots 1,3,5,6,7,8,9,10,11,32,33, & 33.01;
Block 1090, Lots 4&5, Block 1091, Lots 1 and 1.01 to the Musnuff Group, LLC in an Amount
Not To Exceed \$7,200.00 For the Purpose of Condemnation*

WHEREAS, the Redevelopment Attorney solicited for three proposals for the appraisal of Block 1073, Lots 1, 3, 5, 6, 7, 8, 9, 10, 11, 32, 33, 33.01; Block 1090, Lots 4 & 5, Block 1091, Lots 1 and 1.01; and

WHEREAS, two companies responded to the request and they are as follows:

Sterling DiSanto & Associates, LLC, \$9,500.00
Mugnuff Group, LLC, \$7,200.00

NOW, THEREFORE, BE IT RESOLVED by the governing body of the City of Lambertville, County of Hunterdon, State of New Jersey, that Musnuff Group, LLC is hereby awarded the contract for the appraisal of Block 1073, Lots 1,3,5,6,7,8,9,10,11,32,33,&33.01; Block 1090, Lots 4&5, Block 1091, Lots 1 and 1.01 for the purpose of condemnation in an amount not to exceed \$7,200 for the purpose of condemnation.

ADOPTED: February 19, 2019



I, Cynthia L. Ege, RMC, CMR, City Clerk of the City of Lambertville, in the County of Hunterdon, in the State of New Jersey, certify this to be a true copy of the resolution adopted by the Governing Body of the City of Lambertville at the regularly scheduled session held on Tuesday, February 19, 2019 at the Phillip L. Pittore Justice Center located at 25 South Union Street in the City.

A handwritten signature in black ink, appearing to read "Cynthia L. Ege", is written over a horizontal line.

Cynthia L. Ege, CMR, RMC, City Clerk

**CITY OF LAMBERTVILLE
RESOLUTION NUMBER 48-2019**

**A RESOLUTION OF THE CITY OF LAMBERTVILLE, COUNTY OF
HUNTERDON, DIRECTING THE CITY PLANNER TO PREPARE A REPORT
INDICATING WHETHER BLOCK 1053 LOTS 2 & 3 MEET THE CRITERIA
NECESSARY TO BE DESIGNATED AN AREA IN NEED OF REHABILITATION**

WHEREAS, the City Council of the City of Lambertville seeks to undertake the rehabilitation of certain property within the City; and

WHEREAS, N.J.S.A. 40A:12A-14 authorizes the governing body of any municipality, by Resolution, to designate a delineated area to be in need of rehabilitation provided that certain conditions exist in the designated area; and

WHEREAS, the City Council of the City of Lambertville seeks to implement a plan of rehabilitation of property identified on the Tax Maps of the City of Lambertville as Block 1053, Lots 2 & 3 ("Property"); and

WHEREAS, the City Council of the City of Lambertville desires to direct the City Planner to prepare a report stating whether the Property meets the criteria necessary to designate the Property an area in need of rehabilitation.

NOW, THEREFORE, **BE IT RESOLVED** by the City Council of the City of Lambertville, County of Hunterdon, that:

1. Emily Goldman, P.P., AICP of Clarke Caton Hintz, a planning firm, shall prepare a report stating whether the Property identified on the Tax Maps of the City of Lambertville as Block 1053, Lot 2 & 3 meet the criteria necessary to designate such Property an area in need of rehabilitation pursuant to N.J.S.A. 40A:12A-14; and
2. Clarke Caton Hintz shall prepare a report and map depicting the proposed rehabilitation area boundaries.

ADOPTED: February 19, 2019



I, Cynthia L. Ege, RMC, CMR, City Clerk of the City of Lambertville, in the County of Hunterdon, in the State of New Jersey, certify this to be a true copy of the resolution adopted by the Governing Body of the City of Lambertville at the regularly scheduled session held on Tuesday, February 19, 2019 at the Phillip L. Pittore Justice Center located at 25 South Union Street in the City.

A handwritten signature in black ink, appearing to read "Cynthia L. Ege", is written over a horizontal line.

Cynthia L. Ege, CMR, RMC, City Clerk



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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

March 4, 2019

City of Lambertville
18 York Street
Lambertville, New Jersey 08530

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

Reference: Block 1034 Lot 5 – 14 Lambert Lane. – Report #3 Technical Comments
Minor Subdivision & Site Plan –KB Land Holdings LLC
City of Lambertville, Hunterdon County, New Jersey

Dear Crystal:

On February 15, 2019 I received updated documents that have been submitted by the Goldenbaum Baill Eng. Inc. (Eric Rupnarian PE) 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 Documentation received was outlined in my prior report #2 dated March 2, 2019 in which I provided comments relative to the applicant's compliance with the submission requirements for a Minor Subdivision (Checklist #1) and Site Plan (Checklist #4). As noted in that report the Board will need to grant several waivers and the applicant will need to provide additional documentation before the application can be deemed complete. It is my understanding that Board scheduled to make a "completeness determination" at their meeting on Wednesday March 6, 2019 and that the applicant (in anticipation that the Board will deem the application to be complete) has Advertised and issued Public Notice to begin their public hearing at the March 6th meeting.

Although the application is not complete I have (as noted in my report #2) undertaken a detail review of the documentation submitted to date and offer the following technical comments for consideration by the Board and applicant when they are allowed to begin their public presentation of the project.

Please Reply To:

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

With Other Offices In:

Hillsborough NJ • Mt. Arlington NJ • Phillipsburg NJ • Freehold NJ • Toms River NJ • Hamilton NJ • Doylestown PA • Bethlehem PA • Mechanicsburg PA • Leesport PA • Newark DE

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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
 - 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.
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.

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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.
 - 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.
 - 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
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.
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:

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- 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. half width (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.**
 - 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 designed 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 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
 - 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.
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:

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- 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).
- 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.

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.

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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.
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.
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.

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.

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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.
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

I will attend the Board Meeting on Wednesday March 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,



Robert J. Clerico, P.E.
Board Engineer

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CC: All Planning Board Members (email distribution)
Tim Korzun Esq. - email (sheakkorzun@comcast.net)
Emily Goldman, P.P. - email (egoldman@cchnj.com)
Ian Hill PE - email (ihill@vcea.org)
Eric Rupnarian PE - email (ebr@gbamail.com)
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