

City of Lambertville  
Planning Board  
Regular Meeting Minutes  
Wednesday, July 10, 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, Sarah Gold, Council President Asaro, Paul Kuhl and Mayor Fahl. Kevin Romano arrived at 7:05 pm and Gina Fischetti arrived at 7:07 pm.

Absent: Lester Myers.

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

**APPROVAL OF MINUTES – June 5, 2019**

Council President Asaro made a motion to approve the June 5, 2019 meeting minutes, with minor changes. Sarah Gold seconded the motion. A unanimous roll call vote in favor of the motion was taken by all members present. Mayor Fahl was abstained from voting. MOTION CARRIED.

**RESOLUTION – Minor Subdivision and Site Plan Approval**

14 Lambert Lane  
Block 1034 Lot 5

Mr. Korzun circulated a draft copy of the resolution to the Board members and its Professionals. There were several comments from John Miller that were addressed in the revised copy. However, Ms. Goldman also had comments and revisions that should be addressed in the resolution. A revised copy will be sent out for signatures.

John Miller made a motion to approve the resolution, with suggested changes. Sarah Gold seconded the motion. A unanimous roll call vote in favor of the motion as taken by all members present. Filomena Hengst and Mayor Fahl were abstained from voting. MOTION CARRIED.

**RESOLUTION – TIME EXTENSION**

10-12 McCready's Alley  
Block 1076 Lot 4, 4.01 and 5  
Funk n' Junk

Christopher Costa, the applicant's attorney, was present at the meeting requesting a time extension of 90 days be approved so that the deeds can be filed.

Mayor Fahl made a motion to grant the 90-day extension. John Miller seconded the motion. A unanimous roll call vote in favor of the motion was taken by all members present. Kevin Romano was abstained from voting. MOTION CARRIED.

**FINAL SITE PLAN APPROVAL**

JMG Builders  
Church and North Franklin Street  
Block 1076 Lot 14

In attendance at the meeting was the attorney, Alan Lowcher and the proposed buyer Chris Habig, along with Eric Rupnarain, the applicants engineer. Both Mr. Habig and Rupnarain were sworn in as witnesses.

Mr. Lowcher addressed Mr. Clerico's letter dated July 6, 2018 and Mr. Goldman's letter dated July 7, 2019. He stated that the applicant is requesting that they be permitted to submit the deeds prior to the issuance of the certificate of occupancy. He also stated that the maps were recorded last summer.

The architect plans that were submitted with the original application will be remain the same, with the foot print in the same location, as approved.

Ms. Goldman stated that it appears that there were several waivers that were discussed but never actually granted. Mr. Korzun stated that although the 2010 resolution does not list the waiver, the resolution done in 2015 addresses them.

Mr. Habig confirmed that the material that is to be used on the lower level of the units will be continuance on all four sides.

The Board agreed that this application can be ratified and deemed diminimus. No further exceptions or relief is required.

Mr. Lowcher advised the Board that the applicant will comply with the review letters from the Board Professionals.

John Miller made a motion to grant the Final Site Plan approval. Mayor Fahl seconded the motion. A unanimous roll call vote in favor of the motion was taken by all members present.  
MOTION CARRIED.

**COMPLETENESS – Site Plan Wavier and Sign Variance**

239 North Union Street  
Block 1005 Lot 17.01  
Basil Bandwagon

An application submitted by Basil Bandwagon Inc., was reviewed at the DRCC meeting. In attendance at that meeting were Robert Clerico, Emily Goldman and the Board Secretary Crystal Lawton.

Originally, this was submitted for the Zoning Board of Adjustments consideration. However, after reviewing the application, it became apparent that the application also required a Site Plan Waiver, along with the Sign Variance. Therefore, the Planning Board has jurisdiction to hear this application.

A letter was issued to the applicant advising them of the Site Plan Waiver, with a list of items that were needed in order to deem the application complete at the next meeting. Mr. Clerico and Ms.



Goldman were satisfied that all items had been addressed and recommended the Board deem the application complete.

Filomena Hengst made a motion to deem the application complete and continue with the public hearing. Sarah Gold seconded the motion. A unanimous roll call vote in favor of the motion was taken by all members present. MOTION CARRIED.

**PUBLIC HEARING – Site Plan Wavier and Sign Variance**

239 North Union Street  
Block 1005 Lot 17.01  
Basil Bandwagon

Mr. Korzun advised the Board that the public notices that were sent to the surrounding neighbors within 200' were satisfactory and that the board may continue with the public hearing.

The following exhibits were marked into the record; A-1- Application, A-2 Public Notices, A-3 DEP letter.

Larry Wohl, the applicant's attorney was present at the meeting. Also, in attendance and sworn in as witnesses were Michael Burns, the applicant's planner, Sue Haase and Ralph Celebre, the owners of Basil Bandwagon.

Mr. Burns prepared a slide-show presentation showing the building with the previous and current occupants sign locations and site improvements.

There is an existing projecting sign with a bracket on the building that they intend to utilize. It should be noted that this sign in particular does not extend over the sidewalk, but rather over an existing flower bed. A variance may not be required for this sign; however, the applicant is seeking to include this in their requests.

The applicant is proposing a total of five signs and is requesting four variances, 1) Projecting Sign Elevation, 2) Projecting Sign, 3) Number of façade signs, 4) Area of the façade signs. There will be a façade sign, a projecting sign, one over the entrance doors and two located directly on the entrance doors.

John Miller made a motion to grant the sign variances, as submitted. Mayor Fahl seconded the motion. A unanimous roll call vote in favor of the motion was taken by all members present. MOTION CARRIED.

A Site Plan Waiver was also requested for the relocation of the existing loading zone and the new location of the HVAC system.

The proposed loading zone is sixteen feet, two inches whereas, the prior one was twenty on feet, five inches. The applicant noted that there will be no parking spaces eliminated with the new location.

The HVAC system that was previously there has been removed and the new location will comply with the City's requirement of twenty-five feet from the street line.

A resident from the public stated that the previous tenant had deliveries that would come in the early morning and would create a noise nuisance and he was concerned that this would continue with the new occupant. Mr. Celebre assured him that the pattern of deliveries would occur during regular hours and if there is a problem at any time, he will address it immediately.

Mayor Fahl made a motion to grant the Site Plan Waiver, with the condition that all flood materials are incorporated into the project. Council President Beth Asaro seconded the motion. A unanimous roll call vote in favor of the motion was taken by all members present. MOTION CARRIED.

**PUBLIC COMMENT**

None.

**GENERAL BOARD BUSINESS**

John Miller addressed the Board regarding the project approved at 42 York Street for the carriage house. He stated that the carriage house that was originally approved by the Board had been demolished completely.

Mr. Miller strongly disagreed with how the applicant went about this without contacting the Board for their consideration.

A discussion ensued regarding how this information came about and it was decided that a letter would be drafted and submitted to the Construction Office on the action that should be taken.

**PAYMENT OF BILLS**

John Miller made a motion to pay bills, so long as funding was available. Council President Beth Asaro 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 9:05 pm. John Miller seconded the motion. A unanimous voice vote was taken in favor of the motion by all members present. MOTION CARRIED.

Respectfully submitted,



Paul Kuhl  
Chairman



Crystal Lawton  
Administrative Officer





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Neil I. Van Cleef, P.E., L.S. & P.P.  
Robert J. Clerico, P.E. & P.P.  
Daniel A. Nagy, L.S. & P.P.  
Samuel D. Costanzo, P.E. & P.P.

April 1, 2015

City of Lambertville  
18 York Street  
Lambertville, New Jersey 08530

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

Reference: Jason Greenwald (previously Genadi Zatuzhni) - Subdivision/Site Plan  
Block 1076, Lot 14  
City of Lambertville, Hunterdon County, New Jersey  
**Completeness/Technical Review –Report #2**

Dear Crystal:

We are in receipt of the letter dated March 19<sup>th</sup> from Goldenbaum Baill Engineering, Inc. and the following attachments in connection with the above referenced application.

- A revised plan set titled "Major Subdivision and Site Plan for Jason Greenwald", prepared by Goldenbaum Baill Associates dated last revised and revised as follows:

<u>Sheet</u>	<u>Dated</u>	<u>Last Revised</u>
1	8/14/09	12/31/14
2	8/14/09	12/31/14
3	8/14/09	03/17/15
4	9/15/10	03/17/15
5	8/14/09	03/17/15
6	8/14/09	03/17/15
7	2/05/10	12/31/14
8	9/15/10	12/31/14

- An Operations and Maintenance Manual for Porous Pavement prepared by Eric Rupnarain, dated January 1, 2015 and last revised March 19, 2015
- Certification letter from Hunterdon County Soil Conservation District dated November 10, 2014.
- Final Subdivision Plan dated August 11, 2014, last revised March 17, 2015.
- Metes and Bounds for "Description Drainage and Access Easement", dated March 17, 2015.
- Metes and Bounds for "Description Sight Easements", dated March 17, 2015.
- Metes and Bounds for "Proposed Block 1076, Lot 14", dated March 18, 2015.
- Metes and Bounds for "Proposed Block 1076, Lot 14.01", dated March 18, 2015.
- Metes and Bounds for "Proposed Block 1076, Lot 14.02", dated March 18, 2015.

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

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#### Preliminary Site Plan

We have reviewed the above revised documents as they relate to the outstanding comments in our Preliminary Site Plan-Resolution Conformance Report #2, dated February 27, 2015 and find that the plan and document requirements of the Resolution of Approval for the Preliminary Site Plan have been met.

#### Final Subdivision Technical Review

We have reviewed the above revised documents as related to our initial technical comments in our Final Subdivision Technical review also dated February 27, 2015. We have updated our previous technical comments here as follows:

1. The first course of the drainage easement description should read Southwest, not Southeast.  
**This comment has been addressed.**
2. The third course, both on the plan and in the description should be revised. As depicted it is not parallel with the property line (first course) and therefore should not be of the same bearing.  
**This comment has been addressed.**
3. The applicant should also provide descriptions of the individual lots for review.  
**These descriptions have been submitted for each of the three proposed lots.**
4. The reference to the Site plans should be updated in Note #2 to the most current plan dates.  
**This comment has been addressed.**
5. The pervious pavement BMP's will be required to have a BMP Maintenance easement for each lot. These easements should be shown on the Final Major Subdivision Plan and easement descriptions also provided for review.  
**The BMP easements are shown on the subdivision plan and BMP easements included in each lot deed description. This comment has been addressed.**
6. The applicant will also be required to provide cross-access easements.  
**The easements at the rear of the properties will be both an access and drainage easement and are included in each lot deed description. This comment has been addressed.**
7. During our initial completeness review, reference was made to the need for an updated Soil Conservation District Certification. The applicant needs to obtain an updated certification and submit.  
**The applicant has provided an updated SCD certification, therefore this comment is addressed.**

Subsequent to the receipt of the above material we also received a copy of a letter from JCP&L dated January 16, 2015 indicating a willingness to provide electric service to the subject



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properties. It is also my understanding that the applicant has received connection permits from the LMUA and will present them at the hearing tonight.

I will be in attendance at the hearing this evening to hear testimony on behalf of this application, and will advise the board accordingly. If the Board is inclined to take action on this application, I suggest that any approval be subject to outside agency and utility approvals as appropriate.

It is my understanding that the applicant has not submitted a Final Site Plan application at this time.

Very truly yours,

A handwritten signature in black ink, appearing to read "Peter G. McCabe".

Peter G. McCabe, P.E. for  
Robert J. Clerico, P.E., Board Engineer

R 5040.191 FinalSubdivision-Rpt#2 150401.doc

cc: Board Members (via e-mail)  
William Shurts, Esq. (via e-mail fcslegal@netcarrier.com)  
Emily Goldman, P.P. email (egoldman@vannoteharvey.com)  
Eric Rupnarain, P.E. (via e-mail ebr@gbamail.com)



MEMORANDUM

Clarke-Caton Hintz  
Architecture  
Planning  
Landscape Architecture

100 Barrack Street  
Trenton NJ 08608  
clarkecatonhintz.com  
Tel: 609 883 8383  
Fax: 609 883 4044

To: City of Lambertville Planning Board

From: Emily Goldman, PP, AICP



Re: Church Street Three, LLC  
Final Site Plan  
31 N. Franklin Street  
Block 1076, Lot 14  
CBD, Central Business District

Date: July 7, 2019

**1.0 PROJECT & SITE DESCRIPTION**

- 1.1 The applicant is seeking final site plan approval for Block 1076, Lot 14 in the CBD Central Business District to construct three (3) townhouse dwellings.
- 1.2 The owner obtained preliminary site plan approval and preliminary major subdivision approval with variances, design exceptions, and a Residential Site Improvement Standards (RSIS) de minimis exception by Resolution 09-2010.
- 1.3 The owner also obtained final subdivision approval pursuant to Resolution 06-2015.
- 1.4 The site is currently improved with a stone parking area.

**2.0 CBD ZONE REQUIREMENTS.**

- 2.1 **Principal Use.** The application is in compliance. §406.1 identifies a number of principal uses permitted within the CBD, including but not limited to, townhouse dwellings. The applicant is proposing three (3) townhouse dwelling units.
- 2.2 **Area, Yard, Height and Coverage Requirements.** The application does not comply with the front build to line. Resolution 09-2010 approved variance relief for the rear setbacks on proposed lots 14 and 14.01.

Philip Caton, FAICP  
John Hatch, FAIA  
George Hibbs, AIA  
Brian Slaugh, AICP  
Michael Sullivan, AICP

Emeriti  
John Clarke, FAIA  
Carl Hintz, AICP, ASLA



Table 1: §406.4 CBD Area, Yard, Height and Coverage Requirements								
	Required	Lot 14		Lot 14.01		Lot 14.02		Variance
		Approved	Proposed	Approved	Proposed	Approved	Proposed	
Min. lot size	1,000 sf.	1,241 sf.	1,241 sf.	1,120 sf.	1,120 sf.	1,185 sf.	1,185 sf.	No
Min. lot frontage	14 ft.	25.73 ft.	25.73 ft.	22.02 ft.	22.02 ft.	22.70 ft.	22.70 ft.	No
<b>Front Build to Line (1)</b>	<b>0 ft.</b>	<b>5.0 ft.</b>	<b>5.4 ft.</b>	<b>5.0 ft.</b>	<b>6.4 ft.</b>	<b>unknown</b>	<b>0.7 ft.</b>	<b>Yes</b>
<b>Min. Rear Yard (2)</b>	<b>10 ft.</b>	<b>5.0 ft.</b>	<b>5.0 ft.</b>	<b>5.3 ft.</b>	<b>5.3 ft.</b>	<b>N/A</b>	<b>N/A</b>	<b>Yes *</b>
Min. Side Yard	0 ft.		2.6 ft.		0 ft.		0 ft.	No
Max. Height	40 ft.	31.83 ft.	34.8 ft.	31.83 ft.	34.8 ft.	31.83 ft.	34.8 ft.	No
Max. Building Coverage	80%	unknown	57%	unknown	63%	unknown	60%	No
Notes:								
(1) – The front wall of a building shall be located on the front property line, unless modified by §602.								
(2) – Minimum rear yard shall be 10 feet, excepting corner lots								
* - Variance relief previously granted pursuant to Resolution 09-2010.								

- 2.3 Front Build to Line.** *Variance relief is required.* §406.4A.3 states that “the front wall of a building shall be located on the front property line, unless modified by §602.” Resolution 09-2010, paragraph 18, indicates that the owners engineer established the minimum building front setback line from the five (5) foot right-of-way line required to be dedicated pursuant to §601.4 of the subdivision ordinance. However, the current application indicates the proposed front build lines to Church Street for proposed lots 14 and 14.01 are 5.4 feet and 6.4 feet respectively. Resolution 09-2010 does not indicate what the approved front build to line for proposed lot 14.02 along N. Franklin Street nor if variance relief was granted. The applicant is proposing a front build to line along N. Franklin Street of 0.7 feet. Variance relief for all three (3) townhouse dwellings for front build to line that was not previously granted as part of Resolution 09-2010.
- 2.4 Rear Yard Setback.** *The application is consistent with the prior variance relief granted.* §406.4A.4 states “the minimum rear yard shall be 10 feet, excepting corner lots.” The applicant is maintaining the previously approved rear yard setbacks on proposed lots 14 and 14.01 as 5 feet and 5.3 feet, respectively. Proposed lot 14.02 is a corner lot and therefore does not have a rear yard.
- 2.5 Building Separation.** *Additional information is required.* §406.4A.6 states “the minimum separation distance between buildings shall be governed by the fire separation distance requirements in the currently adopted Building Code as amended by the Uniform Construction Code in N.J.A.C. 5:23-1 et seq.” Pursuant to Resolution 09-

2010, the Board previously granted variance relief for all three units pertaining to building separation since all three (3) units' south facades are closer than ten (10) feet to the adjoining building with windows. Subsequent to the owner obtaining preliminary site plan and subdivision approval, the neighbor to the west constructed an addition to their dwelling. The applicant should provide testimony as to the proposed distance between the dwelling on proposed lot 14 and the addition of the neighboring dwelling unit on lot 1.

- 2.6 **Principal Building Height.** The application is in compliance. §406.4A.7, the maximum building height is 40 feet. Pursuant to Resolution 09-2010, the Planning Board previously approved a building height of 31' 10" to the top of the cornice. The Architectural Plans indicate the building has a height of 31' 10" to the parapet and an additional 3' to the cornice for a maximum height of 34.8 feet. The applicant complies with the CBD District requirements for maximum height.
- 2.7 **Landscape Elements.** *I recommend the applicant work with my office to identify appropriate native plant materials.* §406.6.B.8 states *landscape elements such as individual trees and tree masses, walls, fencing, and other materials should be compatible with the existing views from the street.* The applicant is proposing Siberian Crabapple, Hino Crimson Azalea, and "Anthony Waterer" Spirea; none of which are native plant species. This office recommends the proposed plant material be replaced with native species.

### 3.0 LAMBERTVILLE DESIGN GUIDELINES

Upon review of the Resolution 09-2010, it does not appear that any of the exceptions from the City's Design Guidelines were granted as part of the preliminary subdivision and site plan application. Provided here is a description of the Design Guideline standards that the applicant either is in compliance with or requires exceptions from.

- 3.1 **Exposed foundations.** *Additional information is required.* §5.I.I.C. *exposed foundations should be covered with exterior building materials, such as clapboard, stucco, brick or stone. Concrete blocks should not be exposed.* Exposed foundations are prevalent on all of the facades. The applicant should confirm that the modular brick in running bond will be along all four (4) facades of the building.
- 3.2 **Materials.** *An exception is required.* Section 5.I.I.F indicates *"natural building materials should be used in all construction to the greatest extent possible. This includes*



clapboard, brick, smooth stucco and stone." The applicant is proposing exposed cement fiber by hardie (hardie board) or equal siding, azek trim, fascia, wood posts, windows and cornice panel with a raised inset. The applicant is also proposing modular brick in running bond along the foundations.

- 3.3 **Buildings on Corner Lots.** *An exception is required.* §5.1.1h requires buildings on corner lots to have frontages on two public streets. Both facades on proposed lot 14.02 should be designed as the front of a building, although only one front door is necessary. The applicant has designed the townhouse unit on proposed lot 14.02 with only one front façade despite it having frontage along two public streets.
- 3.4 **Front Door Entrances.** The application is in compliance. §5.1.3.a *the front door entrances to all buildings shall be highly visible and inviting. The use of pediments, trim, glazing and porches are encouraged to emphasize the front entry.* The front entrances are highly visible from Church Street and centered on the porch.
- 3.5 **Windows.** The application is in compliance. §5.1.3.b *all windows shall be framed with trim, lintels and sills. The width and materials of the trim will vary according to the architectural style and the exterior building materials.* The windows are consistent on all elevations of the building.
- 3.6 **Sidewalks.** The application is in compliance. §5.3.1.a *gaps in the City's sidewalk network should be filled as the opportunities arise for adequate circulation.* Sidewalks currently exist along N. Franklin Street and Church Street. The applicant is proposing to reconstruct the existing sidewalks.
- 3.7 **Driveways.** *A design exception is required.* §5.3.1.c *parking lots and driveways for all uses should utilize bricks and pavers, to the greatest extent possible.* The applicant is proposing porous pavement.
- 3.8 **Tree Removal.** *Additional information is required.* §5.4.2 *mature trees play a significant role in the character of the City. For every tree proposed to be removed with a diameter at base height (DBH) of 12" or greater, two trees shall be planted with a caliper of 4" each.* A March 31, 2015 memo prepared by the Board Planning indicated that a 12" tree located on the corner of N. Franklin and Church Street required Shade Tree Commission approval. The applicant should be required to plan two (2) trees on site to replace the 12" tree previously removed.

Operational  
Manual



#### 4.0 COMPLIANCE WITH RESOLUTION 09-2010

**Condition 1:** *Partially Satisfied.* The applicant obtained final subdivision approval pursuant to Resolution 6-2015. This office defers to the Board Engineer pertaining to the applicant's resolution of all subdivision issues to the satisfaction of the Board prior to construction of any improvements. The review memo provided herein indicates the applicant's resolution of all outstanding site plan issues to date.

**Condition 2:** Compliance is deferred to the City Engineer.

**Condition 3:** Compliance is deferred to the City Engineer.

**Condition 4:** Compliance is deferred to the Board Engineer pertaining to the final subdivision perfection.

**Condition 5:** Compliance is deferred to the Board Engineer. The applicant must submit an "As-Built" plan prior to issuance of a Certificate of Occupancy.

**Condition 6:** Compliance is deferred to the Planning Board Secretary.

**Condition 7:** Compliance is deferred to the Board Engineer regarding compliance with their report dated September 29, 2010.

**Condition 8:** Compliance is deferred to the Board Secretary regarding escrow or inspection accounts.

Additional conditions that were identified within Resolution 09-2010 but not specifically listed within the conditions include:

**Item 10:** Compliance is deferred to the Board Engineer and Board Attorney pertaining to cross easements.

**Item 15:** Compliance is deferred to the Board Engineer pertaining to the sight easements and being depicted from the existing curb lines and right-of-way lines.

#### 5.0 COMPLIANCE WITH RESOLUTION 06-2015

**Condition 1A:** Compliance is deferred to the Board Engineer.

**Condition 1B:** See Section 3.0 for compliance with Resolution 09-2010.

**Condition 2:** Compliance is deferred to the Board Secretary regarding escrow.





- Condition 3:** Compliance is deferred to the Board Engineer and Board Secretary.
- Condition 4:** Compliance is deferred to the Board Engineer pertaining to "As-Built" plans.
- Condition 5:** Compliance is deferred to the Board Secretary regarding escrow or inspection accounts.

## **6.0 CONSIDERATION OF THE "C" VARIANCE**

While this office defers to the Board attorney in advising the Board on the application of relevant variance criteria, this report identifies the "c" variance criteria for purposes of establishing a framework for review. The applicant bears the burden of proof, which is divided into two parts, in the justification of the variances. The applicant must justify the variances separately and each variance must satisfy both parts.

- 6.1. Consideration of the Positive Criteria.** To satisfy the positive criteria for a "c" variance, the applicant has two choices. First, known as "c(1)" variance relief, the applicant may demonstrate that strict application of the regulation would result in peculiar and exceptional practical difficulties to or exceptional and undue hardship due to one of the following:

- By reason of exceptional narrowness, shallowness or shape of a specific piece of property;
- By reason of exceptional topographic conditions or physical features uniquely affecting the specific piece of property; or
- By reason of an extraordinary and exceptional situation uniquely affecting a specific piece of property or the structures lawfully existing thereon.

Alternatively, and known as "c(2)" variance relief, the applicant may demonstrate the following positive criteria in support of the request for relief:

- Where in an application or appeal relating to a specific piece of property to purposes of this act, N.J.S.A. 40:55D-2, would be advanced by a deviation from the zoning ordinance requirements and the benefits of the deviation would substantially outweigh any detriment.

- 6.2. Consideration of the Negative Criteria.** Should the applicant satisfy the positive criteria, it must also be demonstrated that that the granting of the variance can

be accomplished without resulting in substantial detriment to the public good and without substantial impairment of the intent and purpose of the zoning ordinance and zone plan. These factors are referred to as the negative criteria.

#### 7.0 MATERIALS REVIEWED

- 7.1. *City of Lambertville Planning & Zoning Board Application* and related documents, dated May 17, 2019.
- 7.2. *Final Subdivision Plan*, consisting of 1 sheet, prepared by Goldenbaum Baill Engineering, Inc., dated August, 11, 2014, last revised March 17, 2015.
- 7.3. *Major Subdivision and Site Plan*, consisting of 8 sheets, prepared by Goldenbaum Baill Engineering, Inc., dated August 14, 2009, last revised April 2, 2018.
- 7.4. *Architectural Plans*, prepared by Ralph Finelli Architect, consisting of 10 sheets, dated April 13, 2018.
- 7.5. *Resolution 9-2010*, dated December 1, 2010.
- 7.6. *Resolution 06-2015*, dated July 1, 2015.

#### 8.0 APPLICANT / OWNER AND PROFESSIONALS

- 8.1. **Applicant:** Church Street Three, LLC. 5 Randolph Drive, Robbinsville, NJ 08691. Telephone: 908.310.2408. Email: Chris.Mail1@yahoo.com.
- 8.2. **Owner:** Jason Greenwold, P.O. Box 1208, Buckingham, PA 18912. Telephone: 267.563.0775.
- 8.3. **Attorney:** Alan Lowcher, Esq., 438 High Street, Bethlehem, PA 18018. Telephone: 908.689.5740. Email: LowcherLaw@comcast.net.
- 8.4. **Engineer:** Eric Rupnarain, PE c/o Goldenbaum Baill Engineering Inc., 1509 Route 179, Lambertville, NJ 08530. Telephone: 609.397.1505. Email: ebr@gbamail.com.



8.5. **Architect:** Ralph Finelli Architect, P.O. Box 144, Sergeantsville, NJ 08557.  
Telephone: 908.581.0757. Email: rfinelliarchitect@gmail.com.

8.6. **Agent:** Chris Habig, P.O. Box 5031, Clinton, NJ 08809. Telephone:  
908.310.2408. Email: Chris.Mailr@yahoo.com.

## 9.0 SUMMARY

The applicant is seeking a final site plan to create a total of three (3) lots and construct a townhouse building consisting of three (3) units. Based on our initial review, the following variances and exceptions are required or may be required, depending on the additional information submitted by the applicant. This list is not exhaustive and may be augmented by analysis performed by other Board professionals.

- a) Variances  
§406.4A3 Front Build Line
- b) Exceptions  
Section 5.1.1.f Building Materials  
Section 5.1.1.h Buildings on a Corner Lot  
Section 5.3.1.c Driveway Material
- c) Outstanding Conditions of Resolution 09-2010  
Condition 1
- d) Outstanding Conditions of Resolution 06-2015  
Condition 1B

Please contact this office with any questions you may have.

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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, COO

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Stormwater Management | Surveying | Planning | Landscape Architecture

July 7, 2019

City of Lambertville

18 York Street

Lambertville, New Jersey 08530

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

Reference: Riverspoke LLC d/b/a Basil Bandwagon Natural Market  
Sign Variance & Request for Waiver of Site Plan  
239 N. Union Street Block 1005, Lot 17.01  
City of Lambertville, Hunterdon County, New Jersey

Dear Crystal:

I am in receipt of various documents associated with the above referenced Variance application. The essence of the applicant's request is seeking approval for several variances associated with the proposed installation of signs on this property. They are also proposing a major renovation to the interior of the existing building including their proposal to eliminate the two (2) existing overhead doors located on southwest corner of the building and install a new overhead door with exterior loading space on the southeast corner of the building. The shifting of the overhead doors does require a minor adjustment to current layout of site improvements on this parcel including:

- The relocation of 2 existing parking spaces from the southeast to the southwest corner of the building that is necessitated by the relocation of the overhead doors. As part of the relocation one of the new spaces will be established as a Handicap Accessible space adjacent to the entrance to the building
- The creation of an undersized Loading Zone that lines up with the new overhead door at the southeast corner of the building. The proposed size of the Loading Zone requires relief from the City's Land Use standards

Based upon the minor nature of the proposed site modifications the applicant is requesting that the Board grant a waiver from submission of a formal Site Plan Application and related Site Plan. Given that the City does not have a checklist for submission of variance applications and considering that the applicant is requesting waivers from the submission of a formal site plan the issue of making a "completeness determination" rests with the Board to determine if they have sufficient information to render a decision on the requested items.

In addition to the application their submission includes the following:

- A. Cover Letter dated June 26, 2019 from Larry Wohl (attorney for applicant) outlining the applicant's proposal. Among other things the letter indicates that the applicant has received approval from the Lambertville Historic Preservation Commission however, a copy of that document was not include the information provided to my office.
- B. Building Interior Renovations plan prepared by The Dietz Partnership (Charles P Dietz AIA) consisting of 5 sheets depicting existing and the resulting proposed modifications to the interior of the structure. The plans are dated April 5, 2019 with revisions through May 2, 2019.

VanCleafEngineering.com

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 • Freehold NJ • Phillipsburg NJ  
Toms River NJ • Hamilton NJ • Doylestown PA • Bethlehem PA  
Mechanicsburg PA • Leesport PA • Newark DE





July 7, 2019

Ref: Riverspoke LLC d/b/a Basil Bandwagon Natural Market  
Sign Variance & Request for Waiver of Site Plan  
239 N. Union Street Block 1005, Lot 17.01  
City of Lambertville, Hunterdon County, New Jersey

Page 2 of 2

- C. Site Diagram Plan prepared by Michael Burns AIA consisting of a single sheet dated June 26, 2019
- D. Certificate of Approval issued by the D&R Canal Commission dated April 17, 2019
- E. Photographs of the existing structure
- F. Details of the various signs proposed as part of this application.

Based upon the above I **recommend that submission be deemed complete for consideration of the Sign Variances and that the Board defer its decision on the applicants request for waiver of the site plan** until it as heard the applicant's presentation and clarification of their proposal. Some site related issues that will need to be addressed prior to and/or as a Condition of any action the Board on the requested waiver of Site Plan are as follows:

1. The property is located within the Flood Hazzard Area of the Delaware River. Assuming that the proposed modifications to the interior building is considered a major renovation then the First Floor Elevation of the structure will need to be set above the FHA elevation or the building will need to have flood proofing up to that level. Some documentation of the applicant's compliance with the City's Flood Damage Prevention regulation will need to presented.
2. The Site Diagram Plan prepared by Michael Burns (submission item "C") indicates that the property lines and site conditions were taken from the Dietz Plan (submission item "B") however, that plan does not referenced the source of the existing survey data. According the applicant shod provide a copy an actual survey of the site prepared by a licensed Surveyor which will confirm the existing conditions

The details of the applicant's proposal along with issues related to the use of this site and the requested relief are outlined in the report provided by the Board Planner Emily Goldman dated June 30, 2019. I defer to Emily's report for an overview of this proposal and do not see any Engineering issue at this time except for those noted above. I will attend the Board Meeting on Wednesday July 10<sup>th</sup> to review the above and listen to the applicant's presentation of their proposal.

Very truly yours,

A handwritten signature in dark ink, appearing to read "Robert J. Clerico".

Robert J. Clerico, P.E.  
Board Engineer

R-5040.311-1900311- Variance App.docx

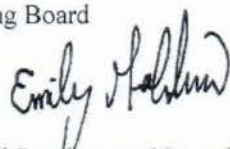
cc: All Planning Board Members (email distribution)  
Tim Korzun Esq. - email ([sheakkorzun@comcast.net](mailto:sheakkorzun@comcast.net))  
Emily Goldman, P.P. - email ([egoldman@cchnj.com](mailto:egoldman@cchnj.com))  
Larry Wohl Esq -email ([lwohl@archerlaw.com](mailto:lwohl@archerlaw.com))

MEMORANDUM

Clarke Caton Hintz  
Architecture  
Planning  
Landscape Architecture

100 Barrack Street  
Trenton NJ 08608  
clarkecatonhintz.com  
Tel: 609 883 8383  
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To: City of Lambertville Planning Board

From: Emily Goldman, PP, AICP 

Re: Ricerspoke, LLC d/b/a/ Basil Bandwagon Natural Market  
Sign Variance and Waiver of Site Plan Review  
239 N. Union Street  
Block 1005, Lot 17.01  
C-3, General Commercial District

Date: June 30, 2019

1.0 PROJECT & SITE DESCRIPTION

1.1. The subject property is a 0.061-acre lot in the C-3 General Commercial District. The lot is currently improved with a two-story building, a parking lot, a loading area and fences. The existing building formerly was utilized by the Big Bear natural foods market.

1.2. The applicant is proposing to use the existing building for a Basil Bandwagon natural food market. They are proposing to flip the locations of the existing loading area (which currently contains a picnic table) and two parking spaces. One of the relocated parking spaces will be converted into a barrier free parking space. The applicant also is proposing to install condensing units and HVAC units along the northern building façade to replace the units that were removed. The new condensing and HVAC units are proposed to be installed on a platform to raise them above the flood hazard area elevation.

1.3. Pursuant to §408.8 the application requires a variance for the size of the loading area. The applicant also requires sign variances, per §515.5 for the number of façade signs, the area of façade signs, and for the proposed projecting sign.

1.4. The application also requires site plan approval, pursuant to §516.1, although the applicant has requested a site plan waiver.

Philip Caton, FAICP  
John Hatch, FAIA  
George Hibbs, AIA  
Brian Slaugh, AICP  
Michael Sullivan, AICP

*Emeriti*  
John Clarke, FAIA  
Carl Hintz, AICP, ASLA





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2.0 C-3 DISTRICT COMPLIANCE

- 2.1. Principal Uses. The application is in compliance. The C-3 district, pursuant to §408.1 permits offices; parks and playgrounds; buildings used exclusively by federal, state, county and local government; the wholesaling and retailing of goods and services including the warehousing or storage of goods; existing non-conforming uses, buildings or lots; and light industry. The applicant is proposing a natural food market where a natural food market previously existed.
- 2.2. Area & Yard Requirements. The application is in compliance. The applicant is proposing to utilize an existing building for a natural food market; therefore, there is no change from the existing conditions in terms of area and yard requirements.
- 2.3. Front Build to Line. The application is in compliance. §408.4B states “no building or structure shall be located closer than 25 feet to any street right-of-way”. The applicant is proposing to use an existing building which is closer than 25 feet to the street right-of-way (pre-existing non-conformance). The applicant is proposing to construct a platform to hold condensing and HVAC units along the northern building façade. The applicant has located the platform and condensing/HVAC units 25 feet from the street right-of-way.
- 2.4. Off-Street Parking (Location). The application is in compliance. §408.6B states “off-street parking space shall be located within 200 feet of the use it is intended to serve.” The applicant is proposing to use an existing building on an existing property that includes a surface parking lot.
- 2.5. Off-Street Parking (Number). The application is in compliance. The C-3, per §408.6C requires “one (1) parking space per 700 square feet of general commercial or office use and one (1) parking space per 3,000 square feet of wholesale use.” The applicant is proposing to swap the locations of two (2) parking spaces and the loading area. One (1) of the relocated parking spaces will be converted into a barrier-free parking space.
- 2.6. Off-Street Loading. *Variance relief is required.* §408.8 indicates the required off-street loading for the C-3 District shall be in accordance with the C-2 District requirements. The C-2 District, per §407.8, states “each business, office, or retail outlet shall provide off-street loading and unloading space with adequate ingress and egress. There shall be no loading or unloading from the street in any C-3 Zone. Each off-street loading and unloading space shall measure 15 feet by 45 feet and be so located that any vehicles being loaded or maneuvering into a loading space do not



interfere with any other parking or loading areas, driveway, fire lanes, or street right-of-way.” The applicant is proposing a loading zone that is 16.167 feet by 21.4167 feet.

### 3.0 SITE PLAN REVIEW

- 3.1. Site Plan Approval. *The Board should determine if a Site Plan Waiver is appropriate or if the applicant requires a full, or partial, Site Plan review.* Pursuant §516.3, the Board of Jurisdiction is allowed to

“waive the requirement for site plan approval whenever it determines that the proposed development, alteration, repair, or change of use or occupancy does not affect the existing conditions of the lot or premises...and other considerations of site plan review.”

The Site Diagram Detail plan indicates that two (2) existing parking spaces will be relocated to the western side of the southern façade to relocate the loading area to the eastern side of the southern façade. Additionally, the Site Diagram Detail plan indicates that applicant is proposing a number of condensing units and HVAC units along the northern façade of the building. The Applicant should provide testimony as to the nature of these site improvements.

### 6.0 SIGNS

- 6.1. Façade Signs (Number). *Variance relief is required.* §515.6B states “one façade sign may be erected facing each street frontage with direct vehicular access from that street.” The applicant is proposing two (2) facade signs. One (1) façade sign is on the east elevation facing N. Union Street and one (1) façade sign is on the south elevation over the building entrance.
- 6.2. Façade Signs (Area). *Variance relief is required.* §515.6B states “the permitted sign area shall be 5% of the total façade area, or a maximum of 20 square feet, whichever is less”. The area of the southern façade of the tenant space facing the parking area is approximately 1,290 square feet; of which 5% is approximately 64 square feet. The area of the eastern façade of the tenant space facing N. Union street is approximately 1,183 square feet; of which 5% is approximately 59.15 square feet. As such, the maximum permitted sign area on both the southern and eastern façades is 20 square feet. The applicant is proposing one (1) 36 square foot sign along the





southern façade and one (1) 19.5 square foot sign along the eastern facade. Variance relief is required for the sign area on the southern façade.

- 6.3. Projecting Signs. *Variance relief is required.* §515.6, Signs in C-2, Service Commercial, C-3, General Commercial, and O, Office Business does not permit projecting signs. The applicant is proposing one (1) projection sign that is 6.25 square feet in area to replace the existing projecting sign from the prior tenant.
- 6.4. Projecting Signs Elevation. *Additional information is required.* §515.3H.3 states “no portion of the sign may be lower than 9 feet when located above a street, sidewalk, or other pedestrian way.” The plans do not identify the distance between the projecting sign and the sidewalk in order to determine compliance. This office scaled the vertical distance between the bottom of the building to the bottom of the projection sign as approximately seven (7) feet. The applicant should provide testimony to determine if the projecting sign is in compliance.

#### 7.0 CONSIDERATION OF THE “C” VARIANCE

While this office defers to the Board attorney in advising the Board on the application of relevant variance criteria, this report identifies the “c” variance criteria for purposes of establishing a framework for review. The applicant bears the burden of proof, which is divided into two parts, in the justification of the variances. The applicant must justify the variances separately and each variance must satisfy both parts.

- 7.1. Consideration of the Positive Criteria. To satisfy the positive criteria for a “c” variance, the applicant has two choices. First, known as “c(1)” variance relief, the applicant may demonstrate that strict application of the regulation would result in peculiar and exceptional practical difficulties to or exceptional and undue hardship due to one of the following:
- By reason of exceptional narrowness, shallowness or shape of a specific piece of property;
  - By reason of exceptional topographic conditions or physical features uniquely affecting the specific piece of property; or
  - By reason of an extraordinary and exceptional situation uniquely affecting a specific piece of property or the structures lawfully existing thereon.

Alternatively, and known as “c(2)” variance relief, the applicant may demonstrate the following positive criteria in support of the request for relief:



- Where in an application or appeal relating to a specific piece of property to purposes of this act, N.J.S.A. 40:55D-2, would be advanced by a deviation from the zoning ordinance requirements and the benefits of the deviation would substantially outweigh any detriment.

7.2. Consideration of the Negative Criteria. Should the applicant satisfy the positive criteria, it must also be demonstrated that that the granting of the variance can be accomplished without resulting in substantial detriment to the public good and without substantial impairment of the intent and purpose of the zoning ordinance and zone plan. These factors are referred to as the negative criteria.

#### 8.0 CITY OF LAMBERTVILLE'S MASTER PLAN

8.1. Master Plan Goals. The City Master Plan includes several goals, of which, the following are relevant to the Board's consideration of this application. The following goals can be found on page 5 of the 2019 Master Plan Reexamination Report:

1. Preserve the historic integrity of the City.
2. Strive to preserve the natural, scenic, historic, aesthetic aspects of the community and its environment.

The property is located within both the Delaware and Raritan Canal Historic District (#1600) and the Lambertville Historic District (ID#1601) on the New Jersey and National Registers of Historic Places. However, while the structure itself is not included on the NJ and National Registers of Historic Places, it was identified as the Allen's Oil Company within the Delaware and Raritan Canal State Park Historic Structures Survey, dated June 1982.

4. Seek long term solutions to problems of parking and traffic congestion, particularly truck traffic.

The applicant requires seven (7) parking spaces and is not changing the number of parking spaces within the existing off-street parking lot adjacent to the existing building.





## BASIL BANDWAGON | VARIANCE AND SITE PLAN WAIVER

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Clarke Caton Hintz

5. Encourage a greater diversity of personal service retail opportunities in appropriate areas throughout the City and encourage a balance of residential as well as commercial uses in the central business district.
6. Promote commercial, light industrial and office uses in appropriate areas throughout the City.

The applicant is proposing a natural food market within a vacant building in the C-3 General Commercial district.

### 9.0 MATERIALS REVIEWED

- 9.1. City of Lambertville Planning & Zoning Board Application and related documents, dated May 20, 2019.
- 9.2. Interior Renovation Plans, prepared by The Dietz Partnership, consisting of 26 sheets, dated April 5, 2019, last revised May 2, 2019.
- 9.3. Sign Plan, prepared by River Signs, LLC, no date.
- 9.4. DRCC Certificate of Approval, dated April 17, 2019.
- 9.5. Site Diagram Detail, prepared by Michael Burns Architects, consisting of 1 sheet, dated June 26, 2019.

### 10.0 APPLICANT / OWNER / PROFESSIONALS

- 10.1. Applicant: River Spoke, LLC dba Basil Bandwagon Natural Market c/o Susan Haase and Ralph Celebre. Telephone: 908.581.4859. Email: sue@basilbandwagon.com and ralph@basilbandwagon.com.
- 10.2. Owner: Canal Properties, LLC, 1800 E. State St., Suite 220, Hamilton, NJ 08609. Telephone: 609.731.0378. Email: mpopkin@modernrecycledspaces.com.
- 10.3. Attorney: Lawrence Wohl, 101 Carnegie center, Suite 300, Princeton, NJ 08540. Telephone: 609.580.3707. Email: lwohl@archerlaw.com.



## BASIL BANDWAGON | VARIANCE AND SITE PLAN WAIVER

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10.4. Architect: Michael Burns, RA., PP c/o Michael Burns Architects. 21-2 Bridge Street, Lambertville, NJ 08530. Telephone: 609.397.5508. Email: michael@michaelburnsarchitects.com.

### 11.0 SUMMARY

The applicant is seeking variance relief for signage, the size of the loading area and site plan waiver to open a natural food market within an existing building. Based on our initial review, the following variances and exceptions are required or may be required, depending on the additional information submitted by the applicant. This list is not exhaustive and may be augmented by analysis performed by other Board professionals.

- a) Variances
  - §408.8 Off-street Loading
  - §515.3H.3 Projecting Sign Elevation
  - §515.6 Projecting Sign
  - §515.6B Façade (Number)
  - §515.6B Façade (Area)
- b) Exceptions
  - §516.3 Site Plan Review Waiver

Please contact this office with any questions you may have.

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