

PLANNING BOARD
CITY OF LAMBERTVILLE
REGULAR MEETING MINUTES
7:00 PM, JUSTICE CENTER, 25 SOUTH MAIN STREET
WEDNESDAY, May 4, 2011

The meeting was called to order by the Chairperson, Tim Korzun at 7:00 p.m. with a statement of compliance with the Open Public Meetings Act.

Roll Call

Mrs. Lawton called the roll as follows:

Present: Paul Cronce, Steve Stegman, Paul Kuhl, John Miller, Derek Roseman,
Mayor David DeVecchio and Tim Korzun

Absent: Emily Goldman, Jackie Middleton and David Morgan

Also Present: Attorney Bill Shurts, Engineer Bob Clerico and Planner Linda Weber

APPROVAL OF MINUTES

Paul Kuhl made a motion to approve the April 6, 2011 meeting minutes with minor changes. Derek Roseman seconded the motion. A unanimous roll call vote in favor of the motion was taken by all members present.

MOTION CARRIED.

Ayes: Paul Cronce, Paul Kuhl, John Miller, Derek Roseman, Mayor DeVecchio and Tim Korzun

Nay:

Abstained: Steve Stegman

Recused:

OATHS OF OFFICE

Bill Shurts swore in Steve Stegman as a new member to the Planning Board.

COMPLETENESS

Middletown Mortgage, Perry Road Major Subdivision Block 1099 Lots 5.02 and 7

The applicant met with the subcommittee meeting regarding the changes that the Board recommended at the April meeting.

Mr. Clerico's letter dated May 3, 2011 list the temporary waivers that the Board can grant for the applicant. It also lists the permanent waivers. (Letter is attached to these minutes)

It was noted that in the future, if the Board determines that the permanent waiver be changed, the Board has the jurisdiction to revoke that waiver.

Derek Roseman made a motion to deem the application complete for a Major Subdivision. Paul Kuhl seconded the motion. A unanimous roll call vote in favor of the motion was taken by all members present.

MOTION CARRIED.

Ayes: P. Cronce, P. Kuhl, Steve Stegman, John Miller, Derek Roseman, Mayor DeVecchio and Tim Korzun.

Nay:

Abstained:

Recused

PUBLIC HEARING

Middletown Mortgage, Perry Road, Block 1099 Lots 5.02 and 7, Major Subdivision

Mr. Shurts advised the Board and the public that the Public Notices were in order and marked them exhibit A-2. The new application for the Major Subdivision was marked exhibit A-1 and the new revised plans were marked A-3.

Neil Solomon, the applicant's attorney, was present at the meeting. He stated that the application now proposes two lots to be subdivided. One lot will front on Perry Road and the other lot will front on Delaware Road.

Each lot will have a driveway entrance on each Road.

Eric Rupnarain was sworn in by Mr. Shurts as an expert witness.

Mr. Rupnarain stated that Mr. Scott Elliot of 51 Perry Road will be purchasing a section of lot 7 from the applicant and there will be an easement established. A total of 32 square feet will be transferred to Mr. Elliot.

Sheet four of the revised plans show the proposed drywells. Mr. Rupnarain stated that the soil testing and water table were favorable.

The runoff water will be completely infiltrated within 72 hours.

Paul Cronce advised the Board that the revised plans were acceptable for emergency vehicle requirements.

Mr. Rupnarain is asking for R.S.I.S. exceptions for the requirement of sidewalks and the turn around requirements.

An application to JCP&L needs to be submitted to obtain electrical service at this location. United Water can provide service to this property as well as the Lambertville Municipal Utility Authority.

The storm water management complies with the City's ordinance.

The swale will be implemented along the property line and will discharge to Perry Road.

Tim Korzun stated that this application will be treated as a "stand alone application / project". It is disturbing less than one acre of land and the impervious coverage is less than ¼ of an acre.

Mr. Rupnarain stated that any additional runoff would be de minimus and that they are within the guidelines for the City's Ordinance.

The electrical service for the lot on Perry Road will be underground and will only service that lot. Additional approvals such as a street opening permit will be required for this service.

Linda Weber stated that she supports the new revised layout. Although landscaping is

not required she suggested that the applicant plant some street trees at the base of both properties. She also stated that all the preserved trees should be noted on the plans.

She also suggested that the applicant install some sort of fencing to protect the trees during construction.

John Miller suggested blending in the area in front of the properties to make it more ecstasically pleasing. Mr. Clerico stated that he was in favor of the applicants proposed plans and that it may prevent vehicles from using the area as a parking lot.

Paul Kuhl made a motion to grant approval for the Major Subdivision technical issues, the R.S.I.S Exceptions and treating the new application as a stand alone project separate from the previous application from B&D Custom Builders. Paul Cronce seconded the motion. A unanimous roll call vote in favor of the motion was taken by all members present.

MOTION CARRIED.

Ayes: P. Cronce, S. Stegman, P. Kuhl, J. Miller, D. Roseman and Tim Korzun.

Nay:

Abstained:

Recused:

DISCUSSION

Canal View Project, Clinton Street

Tim Korzun advised the Board members that George Michaels, the owner of the property, will be speaking to Linda Weber regarding an amendment to the previously approved landscape plans.

If required, the Mr. Michaels will be coming before the Board for approval.

PAYMENT OF BILLS

Paul Cronce made a motion to pay the bills on the bills when the funds become available. Derek Roseman seconded the motion. A unanimous voice vote of ayes was taken in favor of the motion by all members present.

MOTION CARRIED.

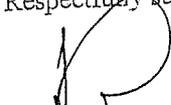
PUBLIC PARTICIPATION

None

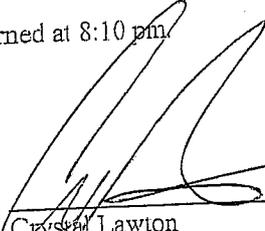
ADJOURNMENT

Tim Korzun announced that the meeting had been adjourned at 8:10 pm.

Respectfully submitted,



Tim Korzun
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.
Robert B. Heibell, P.E., L.S. & P.P.
Daniel A. Nagy, L.S. & P.P.
Samuel D. Costanzo, P.E. & P.P.

May 3, 2011

City of Lambertville
18 York Street
Lambertville, New Jersey 08530

Attention: Crystal Lawton

Reference: Middletown Mortgage Association
Block 1099, Lots 5.02 & 7
City of Lambertville, Hunterdon County, New Jersey

Dear Crystal:

I have received (electronic submission) the above referenced plans and application from Eric at Goldenbaum Bail Associates. The applicant previously sought a minor subdivision of Block 1099, Lot 5.02, however that application was deemed incomplete at the April 6, 2011 Board Meeting as a result of the Board's classification of the project as a major subdivision. My prior comments relating to "completeness issues" under the minor subdivision application were outlined in my e-mail of April 5, 2011 to the Board.

Under the current submission the applicant is seeking a major subdivision of lot 5.02 to allow for the creation of two (2) individual building lots with one fronting on Delaware Road and the other fronting on Perry Road. In addition, the application now involves a boundary line adjustment with the adjoining Lot 7 as part of a transfer of 3,742 sq. ft. portion of the property in question to the adjoining owner. In making the submission, the applicant has filed the following documentation:

1. Major Subdivision plans prepared by Goldenbaum Bail Associates (Eric B. Rupnarain, P.E.) consisting of five (5) sheets with revisions through April 20, 2011.
2. Subdivision application form dated February 8, 2011 along with City checklist #2 dated April 21, 2011.
3. Drainage Report prepared by Eric B. Rupnarain, P.E. from Goldenbaum Bail Associates dated March 10, 2011 revised through April 20, 2011.
4. Copies of correspondence to and response from City Tax Assessor (March 23, 2011 response), County Planning Board (April 13, 2011 response) and D&R Canal Commission (March 29, 2011 response).

My comments relating to the completeness issues associated with criteria under City Checklist #2 are as follows:

Items 1, 2, 3, 9, 12 – these are administrative items that you should review and advise the Board of the applicant's compliance with same. The documentation submitted to my office did not include the certification on payment of taxes (Item 9) or a copy of the deed of record (Item 12).

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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Items 5 & 8 – the new application involves a boundary line adjustment and transfer of property with adjoining Lot 7. However, the submitted plans or application form do not include reference to the adjoining property owner nor signature by same. If the Board (with input from Bill Shurts) is satisfied that the property owners are consenting to this submission, the Board could treat this as a temporary waiver with the documentation provided prior to or as a condition of any Board action.

Item 6 – the submitted plans contains the deficient list of adjoining property owners that was referenced in my April 5, 2011 review. Since this is required to be a noticed hearing, Bill Shurts needs to determine if proper notification was provided. If this is simply a matter of the incorrect list being listed on the subdivision plans then the Board could grant a temporary waiver of same. However, any issue relating to jurisdiction would need to be addressed by Bill Shurts.

Item 10 – plans do not include space for signature block by the Board. This could be treated as a temporary waiver with the requirement addressed as a condition of any Board action.

Item 13 – the applicant did not provide any documentation as to filing with the Hunterdon County Soil Conservation District. While the Board could grant a temporary waiver, filing with this agency would be a condition that would need to be met either prior to or as a condition of any Board action.

Items 17e, 18a, 18b, 23, 24c, 24d, 24e, 25, 33 & 34 – the applicant seeks waivers from these checklist requirements. As I noted at the April meeting, the plans submitted are adequate for technical review of the proposal even though they do not meet the specific requirements for a major subdivision submission. Accordingly, I recommend the Board grant the requested waivers.

Item 24 – the applicant seeks waiver from providing plan and profile drawings for utility layouts. The Board can grant the requested waiver. However, this checklist item also requires the applicant to submit a letter of service feasibility from the Lambertville MUA. While the Board could grant a temporary waiver, the item would have to be addressed either subsequent to or as a condition of any Board action.

Item 24b – the applicant requests waiver from providing a letter of service feasibility from United Water. While the Board could consider this a temporary waiver, it would need to be addressed either prior to or as a condition of any action on the referenced application.

If the Board grants the noted permanent and temporary waiver, the applicant can proceed with the presentation of the proposal as part of a public hearing at the Board's meeting on May 3, 2011 assuming that the jurisdictional issues relating to notification of property owners referenced in Item 6 have been addressed and accepted by Bill Shurts.



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Block 1099. Lots 5.02 & 7
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My comments relating to the submission are as follows:

1. The applicant requires several waivers from RSIS criteria which are noted in the lower right hand corner of sheet 1 of the referenced subdivision plans. Specific waivers relate to:
 - 5:21-4.5 – requires the installation of sidewalks. Since there are no existing sidewalks in this portion of the city, the applicant is requesting waiver from this RSIS criteria.
 - 5:21-5.4 – requires the installation of a cul de sac with a forty (40) foot turning radius on Delaware Road. The applicant has proposed an alternate pavement extension at the current terminus of Delaware Road. The extension is intended to allow for a public turn around (k-turn movement) with an easement on proposed Lot 5.02 to insure public access for this purpose. The applicant met with the Board sub-committee on April 14, 2011 and the elimination of the cul de sac and consideration for alternate method of turn around was the major topic of discussion. The applicant's engineer was going to review the design with the City Public Works and Emergency Services representatives to insure and document that this would be adequate for the purpose of the fire company and the DPW. The engineer should report to the Board as to the assessments that were conducted and the Board should receive confirmation from those entities that this would be an adequate alternate solution given the limited length and number of residences served by this segment of Delaware Road.
 - 5:21-5.4 – requires minimum travel way of twenty-one (21) feet for Delaware Road. Since the existing road is only eighteen (18.1) feet wide along the applicant's frontage they are seeking waiver (deminimus exception) to this standard.

2. The applicant proposes utility connections as follows:
 - a. Underground electric service for proposed Lot 5.02 will extend from an existing pole in the southwest corner of the lot fronting on Delaware Road. As proposed, the line would extend on the applicant's property adjacent to the Delaware Road right-of-way to a point where it would make a right angle turn and enter the southwest corner of the proposed dwelling. This would be a privately owned line located on the future homeowner's property and no easements would be required. However, the proposed service for Lot 5.03 does include extensions across the public section of Perry Road and within the public right-of-way along the southerly side of Perry Road to a point near the driveway where the line would then enter the northeast corner of the proposed dwelling. This installation would require the issuance of road opening permits from the City of Lambertville and the ownership and maintenance responsibilities for the line within the public right-of-way would need to be defined.
 - b. Water service for proposed Lot 5.03 would extend from an existing water valve located behind the curb on the easterly end of Perry Road with an extension directly into the northeast corner of the dwelling on this lot. Water service for proposed Lot 5.02 would likewise extend from an existing valve located on the southerly curb line of Perry Road through an easement over Lot 5.03 and a direct connection into the southwest corner of the dwelling on Lot 5.02. **In both cases the method of connection and availability of service needs to be confirmed through Unified Water.**

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- c. Sanitary sewer connection would be provided by a gravity lateral connection from the dwelling on Lot 5.02 into the existing sanitary sewer line located in Delaware Road. Likewise sewer service for Lot 5.03 would extend along the easterly property line in an easement through Lot 5.02 for a connection to the Delaware Road public sewer line. In both cases, the method and approval for connection would need to be obtained through the Lambertville MUA.
3. The applicant has submitted a Stormwater Management Report that assesses the impact of the proposed development under the City's Ordinance Criteria. In discussions with the project engineer, he indicates they followed that format on the premise that the development of this property (Block 1099, Lot 5.02) does not exceed the State Stormwater Criteria for definition as a "major project". In my reviews of the prior applications under B&D Custom Builders, Inc., the applicant at that time took a similar position. In my review of that project (August 10, 2009 Report #5), I stated the following:
- However this new project has an inherent relationship to the prior project that resulted in the subdivision of Lot 30.02, since the cul-de-sac on Perry Road was created as a result of that earlier subdivision and was only possible due to the addition of right-of-way easement area from the lot now proposed to be subdivided. The Board in their approval of the prior subdivision noted that subsequent development of the current property would trigger the necessity to comply with the RSIS Standards requirements. Accordingly, the supplemental developments under the current application must be treated as "major development" as defined in RSIS and the applicant must demonstrate that all stormwater management requirements under RSIS have been met.*
- The Board should discuss and determine if the subsequent development of this property is to be treated as an extension of the prior development on the north side of Perry Road thereby forcing an assessment under the State Stormwater Criteria or (if as presented by the applicant) this should be treated as a stand alone project that would need to meet City criteria as long as it does not exceed the 1-acre disturbance/1/4-acre impervious coverage requirement. If the Board determines that this would be treated as a "major project", the applicant would need to reassess their stormwater evaluation under the State criteria. If however the Board determines that this is a "stand alone" project, they would be then be reviewing this under the City Stormwater Criteria. If the Board concludes the latter, I have included some comments relating to the submitted report following the City Stormwater Criteria under Technical Review Comments at the end of this report.
4. If the Board grants Preliminary Subdivision approval with conditions, the applicant would need to return with an amended subdivision map addressing those conditions along with the submission of a final subdivision application and plan. The final subdivision map would need to be approved and recorded prior to the issuance of any building permits or the subsequent sale or transfer of any of the properties proposed as part of this application. If the project stands as proposed the only "public" improvement being constructed would be the turn out area at the end of Delaware Road. Specific construction of that turn out could be deferred prior to issuance of a building permit for proposed Lot 5.02. Subsequent consideration will be given at the time of final subdivision application.



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5. Proposed transfer of land to adjoining Lot 7 would ultimately require the preparation of a description for transfer along with the new description of the expanded lot resulting from this transaction.

The above represents my comments relating to the application as submitted. I will attend the Board's meeting on May 4, 2011 to listen to the applicant's presentation and address any comments relating to same.

If you have any questions or require additional information, please feel free to contact me directly.

Very truly yours,

A handwritten signature in black ink, appearing to read "R. Clerico", written over a horizontal line.

Robert J. Clerico, P.E.
Board Engineer
R-5040176-110503-Rev01.doc
RJC:kdp

cc: Timothy Korzun, Board Chair (via e-mail shealdkorzun@comcast.net)
Board Members (via e-mail)
William Shurts, Esq. (via e-mail fcslegal@netcarrier.com)
Linda Weber, P.P. (via e-mail lweber@mosaic-planning-design.com)
Eric Rupnarain, P.E. (via e-mail ebr@gbamail.com)
Neil Solomon, Esq. (via e-mail nsolomon@pralaw.com)



Middletown Mortgage Association
Block 1099, Lots 5.02 & 7
City of Lambertville, Hunterdon County, New Jersey
Stormwater Management Technical Review
May 3, 2011

1. Provide larger scale drainage area drawings that clearly delineate which areas are associated with which hydrographs in the drainage report.
2. Provide design calculations for the proposed drywell areas. Route the design storm hydrographs through the drywell systems to demonstrate that no runoff occurs during any of the design storms.
3. Use the soil testing data to establish a design infiltration rate for each drywell system and demonstrate that each of the systems will fully evacuate within 72 hours of a storm event. Also, by subtracting the infiltration component from the routing, it's possible that the systems may be able to be reduced in footprint size without overflowing.
4. On Lot 5.02, the stormwater design breaks down runoff to the drywell system into pervious and impervious components, while Lot 5.03 lists only "Developed Conditions - Lot 5.03". Please clarify the design methodology, because it appears that there are pervious areas that will be captured by the proposed inlet, but only impervious areas were factored into the calculations.
5. The proposed on-site stormwater management facilities must be placed in a protective easement that prohibits their removal, alteration or neglect.
6. An operation and maintenance manual for the proposed Stormwater BMPs must be submitted to this office for review and approval.

AKL