

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, Emily Goldman, David Morgan, John Miller, Derek Roseman, Mayor David DelVecchio and Tim Korzun. Steve Stegman arrived at 7:08.

Absent: Jackie Middleton and Paul Kuhl.

Also Present: Attorney Shurts and Board Engineer Clerico

APPROVAL OF MINUTES

John Miller made a motion to approve the May 4, 2011 meeting minutes as submitted. David Morgan seconded the motion. A unanimous roll call vote in favor of the motion was taken by all members present.

MOTION CARRIED.

Ayes: P. Cronce, D. Morgan, J. Miller, D. Roseman, D. DelVecchio and T. Korzun.

Nay:

Abstained: E. Goldman.

Recused:

APPROVAL OF RESOLUTION 1-2011

Perry Road and Delaware Road, Block 1099 Lots 7 and 5.03

Derek Roseman made a motion to approve the resolution as submitted. John Miller seconded the motion. A unanimous roll call vote in favor of the motion was taken by all members present. Mayor DelVecchio recused himself from voting.

MOTION CARRIED.

Ayes: P. Cronce, E. Goldman, S. Stegman, D. Morgan, J. Miller, D. Roseman and T. Korzun.

Nay:

Abstained:

Recused Mayor DelVecchio

COMPLETENESS

23 North Union Street, Block 1035 Lot 7

Rich Mongelli, the applicant's attorney and Courtney Haviland, from Michael Burns Office were present at the meeting.

The applicant is seeking approval to modify the existing property and relocate her existing business to this location.

Currently the property has five one bedroom apartments. The apartments on the first level are proposed as being eliminated. No modifications to the remaining apartments are proposed at this time.

The building currently has existing porches. The applicant seeks to enlarge the porches to utilize for outdoor seating areas.

Mr. Mongellis stated that he feels that a Site Plan Waiver is appropriate due to the fact that a majority of the modifications are interior.

Mr. Korzun stated that the use is permitted in the Central Business District, however, he feels that it is a major alteration to the building and that the applicant should follow the engineer suggestion of applying for a Checklist Waiver rather than a Site Plan Waiver.

Mayor DelVecchio asked Ms. Haviland how different the proposed alterations are from what currently exists. Ms. Haviland replied that they intend to stay within the Historic nature of the building.

The changes that are being proposed would increase the parking requirements by twenty-three spaces, including the porch area seating.

The porches as well as the building will be ADA accessible.

All deliveries to the building will utilize the loading zone directly across the street.

Permanent Waivers:

Dave Morgan made a motion to deem the application complete subject to the permanent waivers listed in Mr. Clerico's letter date May 31, 2011. Paul Cronce seconded the motion. A unanimous roll call vote in favor of the motion was taken by all members present.
MOTION CARRIED.

Temporary Waivers:

John Miller made a motion to deem the application complete subject to the temporary waivers listed in Mr. Clerico's letter date May 31, 2011. Derek Roseman seconded the motion. A unanimous roll call vote in favor of the motion was taken by all members present.
MOTION CARRIED.

Steep Slope Ordinance

Emily Goldman and John Miller worked together on revising the Steep Slope ordinance for the Board to review. Each member received a copy of the proposed changes prior to the meeting.

The purpose of the changes is to prevent additional subdivisions within the City of Lambertville.

The one change made was extending the default time limit from three months to six months.

Emily Goldman made a motion to approve the proposed alterations to the Steep Slope Ordinance, with minor changes, and present it to the Council for review. Paul Cronce seconded the motion. A unanimous roll call vote in favor of the motion was taken by all members present.
MOTION CARRIED.

PAYMENT OF BILLS

Paul Cronce made a motion to pay the bills as long as funding is 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 8:01 pm.

Respectfully submitted,

Tim Korzun
Chairman

Crystal Lawton
Administrative Officer

**LAMBERTVILLE PLANNING BOARD
RESOLUTION NO. 1-2011
MIDDLETOWN MORTGAGE ASSOCIATES
R.S.I.S. and SUBDIVISION EXCEPTIONS and
PRELIMINARY MAJOR SUBDIVISION APPROVALS
BLOCK 1099, LOTS 5.02 and 7**

WHEREAS, Middletown Mortgage Associates, the owner of Block 1099, Lot 5.02, and R. Scott Elliott, one of the owners of Block 1099, Lot 7 have filed an application with the Lambertville Planning Board seeking R.S.I.S. exceptions, subdivision ordinance exceptions and preliminary major subdivision approval for their lots with Lot 7 and proposed new Lot 5.03 having frontage on Perry Road and Lot 5.02 having frontage on Delaware Road in the R-1 (Residential) zone; and

WHEREAS, the applicant seeks to subdivide the above mentioned Lot 5.02 to create two new lots and also to subdivided off a small triangular portion of existing Lot 5.02 which is to be merged with Lot 7 in Block 1099; and

WHEREAS, existing Block 1099, Lot 5.02 is a vacant lot containing 1.054 acres of land; and Block 1099, Lot 7 is a 0.602 acre developed lot with a single family residence located thereon; and

WHEREAS, the application requires major subdivision approval as well as relief from R.S.I.S. standards for sidewalks, cul-de-sac and minimum width of pavement requirements; and

WHEREAS, the application has been the subject of a public hearing before the Lambertville Planning Board on May 4, 2011 at which time the applicant was represented by Neal Solomon, Esq. and testimony was given under oath by Eric Rupnarain, P.E., the applicant's project engineer; and

WHEREAS, notice was provided to all property owners within two hundred feet of the subject property in both the City of Lambertville and West Amwell Township and all other parties entitled to notice in accordance with the applicable statutory and ordinance regulations, thereby conferring jurisdiction upon the Planning Board and those parties had the opportunity to attend and participate in the public hearing; and

WHEREAS, the Planning Board makes the following findings of fact and conclusions of law:

1. Prior to the public hearing on this matter, the Board granted temporary waivers as to the checklist items 5, 6, 8, and 10. The applicant will revise the current plan to address these items

as a condition of approval. Upon the Board Engineer's recommendation, the Board granted permanent waivers from submission items 17e, 18a, 18b, 23, 24c, 24d, 24e, 25, 33 and 34. All other checklist items had been resolved and, with the grant of the waivers mentioned above, the applicant was declared complete and the public hearing commenced.

2. The applicant's current plan is shown on a set of drawings entitled "Major Subdivision prepared for Block 1099, Lots 5.02 & 7, City of Lambertville, Hunterdon County, New Jersey" prepared by Goldenbaum Baill Associates, Inc. The plan consists of three sheets and is dated February 7, 2005 with revisions to April 20, 2011. A copy of the map was marked as Exhibit A-3 prior to the start of the public hearing.

3. This property was the subject of an earlier application before this Board made by B&D Custom Builders, Inc., the prior owner. That application was declared complete by the Planning Board and the public hearing process began during 2009. For various reasons, the hearing process was never completed and the application was ultimately dismissed without prejudice by the Planning Board.

4. This applicant submitted an initial plan earlier this year. At that time, the application only involved Block 1099, Lot 5.02. The applicant had intended to create two long narrow lots, each of which was to have frontage both on Perry Road and Delaware Road. Although the application was declared complete, the Board and the applicant agreed that it could be beneficial to have the applicant meet with a subcommittee of the Planning Board, its Engineer and one or more members of the public. That suggestion was acceptable to the applicant and a meeting took place on or about April 14, 2011. Thereafter, the project was redesigned with the two new lots being reconfigured and provision being made for a boundary line adjustment with adjoining Lot 7 which is shown on the aforementioned revised plans.

5. In general, the Board, its professionals and the public agreed with the applicant that the revised plan was a major improvement over the initial plan.

6. Block 1099, Lot 7 is owed by R. Scott Elliott and Avery Elizabeth English. The lot is developed with a single family residence. There is also an existing shed belonging to the owners of Lot 7 located on the adjoining Lot 5.02. One of the requests for relief which is part of this application is to subdivide a triangular 3,742 square feet (0.086 acres) parcel from existing Lot 5.02 and to merge it with existing Lot 7. When this aspect of the subdivision is completed, all of the existing improvements belonging to the property owner will be located on the reconfigured Lot 7.

The triangular piece has been cut so that there will be a 10' setback from the shed to the newly created common property line with proposed new Lot 5.03.

7. As to the proposed new lots to be developed, proposed Lot 5.03 will be 22,125 square feet (0.507 acres). It has frontage on Perry Road and will have direct access into the bulb of the existing cul-de-sac when the lot is created. No variance relief is required in order to create this lot.

8. Proposed new Lot 5.02 will front on Delaware Road. It is a conforming lot and it will have access to Delaware Road by means of a paved driveway. The lot in question is 20,064 square feet (0.461 acres) and will not require variance relief.

9. Delaware Road has a 50' wide right of way with a 18.3' wide paved cartway. Most of the new R.S.I.S. waiver requests are related in one way or another to Delaware Road. When the cul-de-sac on Perry Road was constructed as part of the development of Block 1002, Lot 30.02 and 30.03, the Board determined that *de minimus* waivers from R.S.I.S. requirements as to sidewalks and cartway width should be granted. The Board did not require this applicant to make requests for these same waivers in order to receive approval for new Lot 5.03 which fronts on and has access to Perry Road.

10. R.S.I.S. Section 5:21-4.5 requires sidewalks to be installed along one side of a low intensity residential access street such as Delaware Road. The section of Delaware Road involved in this subdivision is not heavily traveled.

11. Both Delaware Road and Perry Road are located on the area of Lambertville known as Music Mountain. There are no sidewalks on any portion of the Music Mountain. These dead end segments of Perry Road and Delaware Road are among the least traveled areas on Music Mountain. There would be little to gain by building a sidewalk along the frontage of New Lot 5.02 as the sidewalk would lead to a dead end at the municipal boundary of West Amwell Township.

12. There is no reason to think that Delaware Road will ever be connected into West Amwell Township as the adjacent property in West Amwell has already been fully developed with a major subdivision during the last ten years. The Board is satisfied that there is legitimate reason for granting a *de minimus* waiver from the R.S.I.S. provision for sidewalks along Delaware Road in front of Lot 5.02 for the reasons previously stated.

13. R.S.I.S. Section 5:21-5.4, Table 4, Note 3, requires a cul-de-sac to provide a turning radius of 40'. The applicant does not propose to construct a cul-de-sac at the end of Delaware Road

and neither the Board nor the existing residents were anxious to see one constructed. Only seven residential properties will use Delaware Road for access to their properties including proposed new Lot 5.02 in Block 1099.

14. As shown on Sheet 3 of 5 in Exhibit A-3, the applicant has designed a proposed turnaround easement, a large portion of which will be located within the Delaware Road right of way and some of which will be located on proposed new Lot 5.02. Both the Board and the applicant are satisfied that this turnaround is a better alternative than a cul-de-sac in this area.

15. The adjacent areas in West Amwell are higher than the land in Lambertville and there is a certain amount of sheet flow surface water which runs across the Lambertville properties as a result. Neither the applicant nor the Board is anxious to provide additional unnecessary impervious cover in this area. The Board is satisfied that, in this particular instance, the request not to require a traditional cul-de-sac is within the intent and purpose of the R.S.I.S. philosophy.

16. R.S.I.S. Section 5:21-5.4 requires a minimum traveled way of 21' for low intensity residential access streets for off street parking. The existing pavement width on Delaware Road is 18.3'. Neither the applicant nor the Board see any reason to widen this part of Delaware Road which would require additional pavement width in front of this property. The Board is satisfied that the 18.3' width is satisfactory for all vehicles which will require access to Lot 5.02 including emergency vehicles.

17. The applicant was required to contact local emergency services and the City Department of Public Works for input as to the design of the turnaround previously discussed and to determine the width of pavement. Both the emergency services and the local Department of Public Works were satisfied that the existing pavement width is satisfactory and that the proposed turnaround design is more than adequate for the volume of traffic, the number of houses and the projected number of emergency vehicles which will use this segment of road.

18. There will be a sizeable area at the end of the turnaround area located within the municipal right of way which will allow for storage of plowed snow as needed. This layout will be helpful to the Department of Public Works during periods of bad winter weather.

19. The Board is satisfied that a *de minimus* waiver can be granted in this situation for the pavement width as discussed above.

20. Mr. Rupnarain testified that the project will meet all requirements for power lines. Both the United Water Company and the Lambertville MUA have provided "will serve" letters

regarding both new lots.

21. The project engineer also testified that the project meets all Lambertville Stormwater Ordinance criteria. Mr. Rupnarain stated that the project did not have to meet State of New Jersey requirements because it is below the threshold which would trigger such requirements. There is less than one acre of overall disturbance and less than $\frac{1}{4}$ acre of new impervious cover in this project.

22. There was some discussion as to whether or not this was a project that stood alone in terms of the state stormwater regulations. As noted, the parcel on the west side of Perry Road was recently subdivided and a cul-de-sac was built as part of that project. A portion of Block 1099, Lot 5.02 was used to create some of the cul-de-sac as shown on the plan.

23. When the prior subdivision was done, there was no certainty as to whether or not this project would ever go forward. As a result, the Planning Board determined that the earlier project had to stand alone and that finding was made part of the resolution of approval for same.

24. At the same time, it was determined that any application to develop this parcel would also have to stand alone and be reviewed as a separate entity.

25. After much discussion, the Planning Board determined that this application should be reviewed as a separate entity and that it was appropriate to use City Stormwater Regulations as the applicable standard for review.

26. The applicant will create a swale which will catch some of the stormwater sheet flow, most of which comes from the West Amwell properties, which as noted are higher. The swale will direct water along the newly created common property line between Lot 5.02 and Lot 7. The water will then be directed to a pipe in Perry Road.

27. In addition, there will be drywells on both new lots. The applicant will have to satisfy all technical requirements set forth in the Planning Board Engineer's letter dated May 3, 2011, including those related to the drywells.

28. As noted in the Engineer's report, the underground electrical service for proposed Lot 5.02 will be extended from an existing pole in the southwest corner of the lot just off Delaware Road. The applicant proposes that the line will be extended on the applicant's property adjacent to the road right of way to a point where it will make a right angle turn and enter the southwest corner of the proposed dwelling. This will be a privately owned line entirely located on private property and no municipal easements are required.

29. The proposed service for Lot 5.03 does include extensions across the public portion

of Perry Road and within the public right of way along the southerly side of Perry Road to a point near the proposed driveway where the line will then enter the northeast corner of the proposed dwelling. The proposed route of the line is shown on Sheet 4 of 5 of Exhibit A-3. The installation will require the issuance of road opening permits from the City of Lambertville. Ultimately, the ownership and maintenance responsibility for the line within the public right of way will have to be defined. This issue must be resolved prior to or as part of final subdivision approval.

30. The water service for both new lots will extend from an existing water valve located behind the curb on the easterly end of Perry Road. There will be an extension directly into the northeast corner of the dwelling located on Lot 5.03.

31. Water service for proposed Lot 5.02 will likewise extend from the existing valve located at the southerly curb line of Perry Road through an easement over Lot 5.03 with a direct connection into the southwest corner of the dwelling on Lot 5.02. Ultimately the method of connection and availability of service needs to be confirmed through United Water. This will be a condition of preliminary approval and will be resolved prior to the submission of a final subdivision plan.

32. The plans for sanitary sewer connections show that there will be a gravity lateral connection from the dwellings on Lots 5.02 and 5.03 into the existing sanitary sewer line located in Delaware Road. The sewer service line for Lot 5.03 will extend along the easterly property line in an easement through Lot 5.02. Ultimately, the method and approval for the connections will have to be approved by the Lambertville M.U.A. Those approvals and the details for the sanitary sewer easement across Lot 5.02 will have to be worked out as part of the final subdivision approval process.

33. The City Planner advised that street trees will be required along the affected frontage on both Delaware Road and Perry Road. The Planner suggested and the applicant agreed that the improvements being constructed along Delaware Road may require something different than a standard spacing of street trees as set forth in the ordinance. With the input from the Shade Tree Commission, the City Planner will work with the applicant's professionals to provide an appropriate number of street trees in a proper location.

34. It was also noted that there are some significant trees on the site particularly in the area where the common boundary line between Lots 5.02 and 5.03 will be located. The Grading Plan prepared by the applicant shows the limit of clearing within 25' of each side of the common

property line. The applicant has agreed to install tree protection fencing along the limit of clearing to protect the trees that will not be removed for construction of the dwellings and drywells.

35. It should be noted that the only property owners in attendance at the public hearing, including Scott Elliott, voiced their specific support for the revised design of the project.

36. The applicant has submitted a stormwater management report which concludes that the project should be reviewed under the City's ordinance criteria and that the State stormwater regulations did not apply to this project. The Board ultimately agreed with the applicants and determined that their project should be reviewed as a separate entity. As a result, the Board concludes that this is a "stand alone" project which is to be reviewed under City stormwater management criteria. The Board and its Engineer are satisfied that the applicant will comply with these requirements subject to the items in the technical review which is found at the end of the Engineer's written report.

37. For the reasons noted above, the Board has concluded that the applicant should be granted *de minimus* exceptions from the R.S.I.S. sections detailed earlier in this resolution.

38. The Board also will grant conditional preliminary subdivision approval for the project subject to compliance with the professional reports as set forth below. The approval will be subject to the approval of revised plans. The applicant will not apply for final subdivision approval until the conditions of preliminary approval have been satisfied.

NOW, THEREFORE, BE IT RESOLVED by the Lambertville Planning Board, County of Hunterdon, State of New Jersey, that the applicant is hereby granted relief from the provisions of R.S.I.S. as to pavement width, the need for an actual cul-de-sac at the end of Delaware Road and sidewalks on at least one side of Delaware Road; and

BE IT FURTHER RESOLVED that the applicant is hereby granted preliminary major subdivision approval, subject to the following conditions:

1. Prior to the construction of any improvements, the applicant will obtain final subdivision approval and resolve all subdivision and site plan issues to the satisfaction of the Board.

2. All changes to the plan which have been discussed herein and at the public hearing and as outlined in this resolution, will be incorporated into the revised preliminary plans. The revised preliminary subdivision plan will then be submitted to the Planning Board Engineer and City Planner for their review and approval. In the event that the applicant's

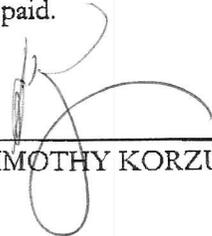
professionals and the Board's professionals cannot work out any issues, the Board will provide a final resolution of same.

3. Compliance with any conditions imposed by the Planning Board Engineer as part of his technical review of the revised plans.

4. The final subdivision shall be perfected by the filing of a map for the subject property which map will comply with the map filing law.

5. This approval is subject to final approval by all outside agencies having jurisdiction over this application if such review and approval is required.

6. Neither the Board nor its employees will perform any services in furtherance of this approval if there is a deficiency in any escrow or inspection fee account. The applicant will have a continuing duty to maintain a positive balance in all accounts until all conditions have been satisfied and all charges have been paid.



TIMOTHY KORZUN, Chairman

ATTEST:


CRYSTAL LAWTON, Secretary

ROLL CALL VOTE:
THOSE IN FAVOR: 7
THOSE OPPOSED: 0
Date Memorialized: June 3, 2011



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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 31, 2011

City of Lambertville
18 York Street
Lambertville, New Jersey 08530

Attention: Crystal Lawton (via e-mail construction@lambertvillenj.org)

Reference: Caffe Market/23 North Union, LLC
Block 1035, Lot 7
City of Lambertville, Hunterdon County, New Jersey

Dear Crystal:

I have reviewed the documents that were forwarded electronically last week on the above referenced application. The applicant is under contract to purchase the existing residential structure located adjacent to and owned by the First Presbyterian Church. The current structure contains five single bedroom apartments in a 2 1/2 story building. The applicant proposes to modify the first floor of the structure by eliminating two (2) of the residential apartments and creating a restaurant and retail market space within the building and utilizing exterior porches for outdoor seating associated with the restaurant use. The project also proposes an 8 foot by 28 foot extension of a porch along the southerly side of the building and a 7 foot by 8 foot extension of the porch area on the north side. The porch extensions would also be utilized for outdoor seating areas.

The applicant seeks site plan approval along with a request for relief from the parking requirements. The documents submitted include:

- A. Application form along with City Checklist #4 signed by the applicant and the owner's representative on May 25, 2011.
- B. Copy of application form filed with the D&R Canal Commission.
- C. Copies of existing and proposed site plan documents including lighting, existing and proposed building floor plans and architectural building elevation plans. The documents are included in a set of eleven (11) drawings (11"x17") prepared by Michael Burns, architect. The plans are dated May 20, 2011 and are unrevised. Although not provided, the architect's documents do reference a site survey prepared by Goldenbaum Bail Associates on May 13, 2011.

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 •
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May 31, 2011

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Although the application form indicates a request for “waiver of site plan”, the applicant applied for site plan approval and submitted a checklist requesting several waivers of site plan criteria. Typically a waiver of site plan is not considered in applications that involve expansion of structures or site related (landscaping, lighting, parking, etc.) issues. In this particular instance the Board will be treating this as a formal site plan application and considering the appropriate temporary and permanent waivers associated with aspects of the checklist that may not be essential to the current proposal. In that regard, I have reviewed the applicant’s documentation and checklist and recommend the following:

Administrative Items 1, 2, 3, 5, 9 and 12– you should review and determine if the applicant has forwarded the appropriate forms and fees for site plan submission. In addition, the applicant will need to file a “disclosure statement” and obtain certification on payment of taxes. Once you verified compliance with same, these items can be deemed complete.

Survey Items 7d, 13, 19, 29 and 39 – the applicant should provide signed and sealed copies of the recent Goldenbaum Baill survey of this tract along with copies of deeds of record and title restrictions. **Upon submission of the survey along with the referenced deed, these items can be deemed complete.**

Permanent Waivers Items 7h, 15, 16, 17 (a-e), 18 (a-c), 21, 22, 23c, 30, 33 (a-c)– the applicant has or should request permanent waivers from these checklist items due to the nature of the application and the limited building and site modifications that are currently proposed. **If the Board is in agreement, these items could be waived by the Board.**

Temporary Waivers – several items within the checklist are required but have not yet been provided by the applicant. In order for the Board to determine the application to be complete at their meeting on June 1, 2011 and subsequently allow the applicant to proceed with the public hearing at the July meeting, the Board should consider granting temporary waivers of the following:

Item 6 – the list of all property owners within 200 feet must be provided since public notice for the variances/design waivers will be required.

May 31, 2011

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Block 1035, Lot 7
City of Lambertville, Hunterdon County, New Jersey

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Item 23a – since the elimination of the (2) apartments and conversion of the first floor to a retail and restaurant use, there will be a change in the sewer flow from the structure. In that regard, the applicant should obtain a letter of service feasibility from the Lambertville Municipal Utilities Authority. The architect should also note whether any exterior modifications to the sanitary sewer connections (grease traps, clean outs, etc.) are required by the LMUA and/or utility codes.

Item 23b – the applicant should obtain a letter of service feasibility from United Water relating to the increase in water demand from the change of use of the building. In addition, the architect should indicate if any type of fire suppression system will be provided that will require fire flow from the water utility.

Item 23d – the applicant should identify the location of gas service and obtain a letter of service feasibility from Elizabethtown Gas Company.

Item 24a & b – the applicant's proposal for outdoor seating on the porch is permitted as an accessory use in the CBD District under Section 406.2D. However, that section establishes various conditions associated with that use such as fencing, screening and lighting restriction. In order to determine compliance with same, the plan would need to document the locations of existing and/or proposed landscape and fence screenings on the front portions of the property adjacent to the existing and proposed porches that will be utilized for out door dining.

Item 25 – the existing sidewalk along the southerly side of the structure would need to be relocated since it currently falls in conflict with the proposed porch expansion. In addition, any other proposed site landscaping, lighting or other site modifications would need to be detailed on the applicant's plan.

Item 36 – plans do not indicate the location of solid waste storage, screening or disposal locations. Since this proposal involves the construction of a commercial kitchen, these locations should be noted and documented on the submitted drawings.

May 31, 2011

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If the Board is in agreement with the above, the appropriate permanent and temporary waivers should be granted. If that action is taken, the application would be deemed complete upon submission of the survey related deed documents. Although the matter is only considered for completeness at the meeting on June 1, 2011, I do offer some preliminary comments for consideration at the subsequent public hearing on this request.

1. As noted on sheet 1 of the architect's plans, the current use of this structure with five (5) one-bedroom apartments requires a total of eight (8) parking spaces to accommodate this use. Under the applicant's proposal to retain three (3) of the apartments and convert the first floor to 3,600 square feet of retail space (with 10 seats) and a restaurant with 64 seats, the parking demand would increase to 31 space. Since no parking spaces are provided on this site, this current eight (8) space deficit would increase by 23 spaces to a total of 31 space deficit. Since the parking standards are under Section 406.7A of the Ordinance, this would constitute variance relief from the Ordinance Criteria.
2. Although not currently noted, the applicant would also require relief under Section 406.7B since onsite loading is not provided. The change in use from residential to a retail/restaurant use would require onsite loading unless the applicant could demonstrate that loading is currently located within 300 feet of the premise.
3. As previously noted, outdoor seating is permitted in the CB District as an accessory use under the provision of Section 406.2D of the Zoning Ordinance. In order to document compliance with those conditions, the applicant/architect must document the following:
 - D1 – all proposed seating is handicap accessible
 - D2a – seating is screened from adjacent properties by fencing and/or landscaping.
 - D2b – no glare from exterior lighting of the outdoor seating shall be created.
 - D2c – the number of outdoor seats shall not exceed the number of indoor seats. In that regard the plans (sheet 7) show a total of 32 seats on the exterior porches with 32 interior seats proposed for the restaurant.
4. Plans must document the relocation and modification of any existing onsite sidewalks that would be constructed or relocated as part of this project. In addition, the architect

May 31, 2011

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City of Lambertville, Hunterdon County, New Jersey

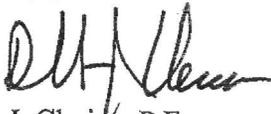
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would need to document how barrier free access is being provided to both the market and restaurant areas of the building and porch areas.

5. The applicant must demonstrate how deliveries will be made to the proposed market and restaurant kitchen areas as well as how solid waste locations and method of storing, screening and disposal of solid waste will be accommodated.

The above represents my comments on the application. I understand the matter is scheduled for completeness determination at the meeting on June 1, 2011. If you have any questions or require additional information, please feel free to contact me.

Very truly yours,



Robert J. Clerico, P.E.
Board Engineer

RJC:kdp
R-4040177-110531-Rev01.doc

cc: Board Members (via e-mail)
William Shurts, Esq. (via e-mail fcslegal@netcarrier.com)
Linda Weber (via e-mail Linda@BKUrbanDesign.com)
Richard Mongelli, Esq. (via e-mail rich@mongellilaw.com)
Michael Burns, RA, PP (via e-mail Michael@MichaelBurnsArchitects.com)
Dawn Raia (via e-mail caffegalleria@aol.com)