

BOARD OF ADJUSTMENT
CITY OF LAMBERTVILLE
RE-ORGANIZATION & REGULAR MEETING MINUTES
7:30 PM, JUSTICE CENTER, 25 SOUTH MAIN STREET
Thursday, March 31, 2011

The meeting was called to order by the Bill Shurts 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: J. Leyman, P. Pittore, W. Seaman, F. Eisinger,
G. Hambach, M Fennessy and K. Dunn.

Absent: P. Mackey & D. Moraski.

Also Present: Bd. Attorney Bill Shurts & Bd. Planner Linda
Weber, Bd. Engineer Thomas Cundey and City
Engineer Christine Ballard.

APPROVAL OF MINUTES

Fred Eisinger made a motion to approve the February 24, 2011 meeting minutes as submitted. John Leyman seconded the motion. A unanimous roll call vote in favor of the motion was taken by all members present.

MOTION CARRIED.

Ayes: J. Leyman, W. Seaman, F. Eisinger, G. Hambach, M. Fennessy & K. Dunn
Nay:
Abstained: P. Pittore
Recused:

APPROVAL OF ANNUAL MEETING SCHEDULE

Kate Dunn made a motion to approve the Board of Adjustment annual meeting schedule for 2011. Georg Hambach seconded the motion. A unanimous roll call vote in favor of the motion was taken by all members present.

MOTION CARRIED.

Ayes: J. Leyman, W. Seaman, F. Eisinger, G. Hambach, M. Fennessy P. Pittore
& K. Dunn

Nay:
Abstained:
Recused:

APPROVAL OF OFFICIAL NEWSPAPERS

Maura Fennessy made a motion to approve the Board of Adjustment official newspapers for 2011. John Leyman seconded

the motion. A unanimous roll call vote in favor of the motion was taken by all members present.

MOTION CARRIED.

COMPLETENESS

245 South Franklin Street, Block 1048 Lot 51
Major Subdivision / D5 Variance

Mr. Steven Grullenburg was present at the meeting on behalf of the applicant, Mr. Mullane.

The Board's engineer, Thomas Cundey, submitted a review letter regarding this matter. In his letter he listed the waivers that the applicant is requesting from the Board. Those would include the following waivers from the checklist: 13, 17, 23, 24, 25 and 33.

Mr. Cundey stated that the steep slope chart that was submitted by the applicant was incorrect and needed to be updated prior to the public hearing.

Linda Weber, the Board Planner, although she agrees on the waiver #25 regarding the shade trees for the completeness hearing, stated that she would like the Board to be able to insist on new trees being planted in the future

John Leyman made a motion to grant the application complete, with the comments and suggestions from the professionals. Bill Seaman seconded the motion. A unanimous roll call vote in favor of the motion was taken by all members present. Georg Hambach recused himself from voting due to the fact that he is lives adjacent to the applicant.

MOTION CARRIED.

Ayes: J. Leyman, W. Seaman, F. Eisinger, M. Fennessy P. Pittore & K. Dunn

Nay:

Abstained:

Recused: G. Hambach

PUBLIC HEARING

241 South Franklin Street, Block 1048 Lot 48.03
Steep Slope Variance

Mr. Shurts announced that the public notices, affidavit of service and proof of insertion that were submitted by Kendra Lelie were satisfactory.

Mr. Shurts swore in Kendra Lelie, the applicant's Planner, Eric Ruparain, the applicant's engineer and Diane Claus, the applicant.

Mrs. Lelie testified that the property is approximately 75% steep slope and that it would be impossible not to disturb anything.

The proposed drywell will collect the runoff from the roof and would be located to the rear of the property.

The drywell will have an irregular shape to lessen the need to remove additional trees.

Maura Fennessy asked about how the runoff from the driveway will be dealt with. Eric replied that there will be some reduction in velocity and that during construction there will be an increase in the erosion.

Christine Ballard stated that the drywell will create an over burden of pressure on the steep slopes. Eric stated that they could always increase the footprint of the drywell.

Ms. Ballard suggested making a condition of approval based on the soil analyst. She said that if that can not be completed, that there may need to be several drywells on the property to accommodate the runoff.

Eric testified that the amount of runoff that is projected is less than or equal to what leaves the property now.

Mr. Hambach stated that he would like to hear from the Public Works Director regarding the history of the runoff on South Franklin Street.

Approximately 20 trees will be removed from the property. The trees located to the rear of the property that are on the steep slope will not be disturbed. There are some mature trees that will remain undisturbed as well.

The dwelling that is being proposed is a two story three bedroom house. It is 1,797 square feet and this includes the proposed garage.

In Linda Weber's letter dated March 30, 2011, she suggested eliminating the garage and significantly reducing the size of the

house. Mrs. Lelie stated that her client is not willing to reduce the size of the dwelling.

Although overhead utilities would minimize the disturbance to the property, the applicant would prefer them to be underground for aesthetic reasons.

Ms. Ballard stated that there is an inlet on the paved portion of South Franklin Street that they could connect to from the drywell. Mrs. Lelie stated that option would be too costly for her client.

Bill Seaman made a motion to approve the application. Georg Hambach seconded the motion. A majority roll call vote of Nays was taken by all members present.

MOTION DEFEATED.

Ayes: P. Pittore, W. Seaman and G. Hambach
Nay: J. Leyman, F. Eisenger, M. Fennessy and K. Dunn
Abstained:
Recused:

PAYMENT OF BILLS

Georg Hambach made a motion to pay the bills when the funds become available. John Leyman 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

The meeting was adjourned at 10:15 pm.

Respectfully submitted,


Pat Pittore
Vice Chairman


Crystal Lawton
Administrative Officer

**City of Lambertville
Board of Adjustment**

2011 Meeting Schedule

PLEASE TAKE NOTICE that pursuant to N.J.S.A 10:4-6 et seq., the Planning Board of the City of Lambertville, County of Hunterdon, State of New Jersey, has established their regular meeting schedule for 2011 as follows:

January 27, 2011
February 24, 2011
March 31, 2011
April 28, 2011
May 26, 2011
June 30, 2011
July 28, 2011
August 25, 2011
September 29, 2011
October 27, 2011
November & December Will be held on
December 8, 2011

All meetings will be held at the Justice Center, 25 South Union Street, Lambertville
beginning at 7:30 pm prevailing time unless announced otherwise.

2011 Official News papers

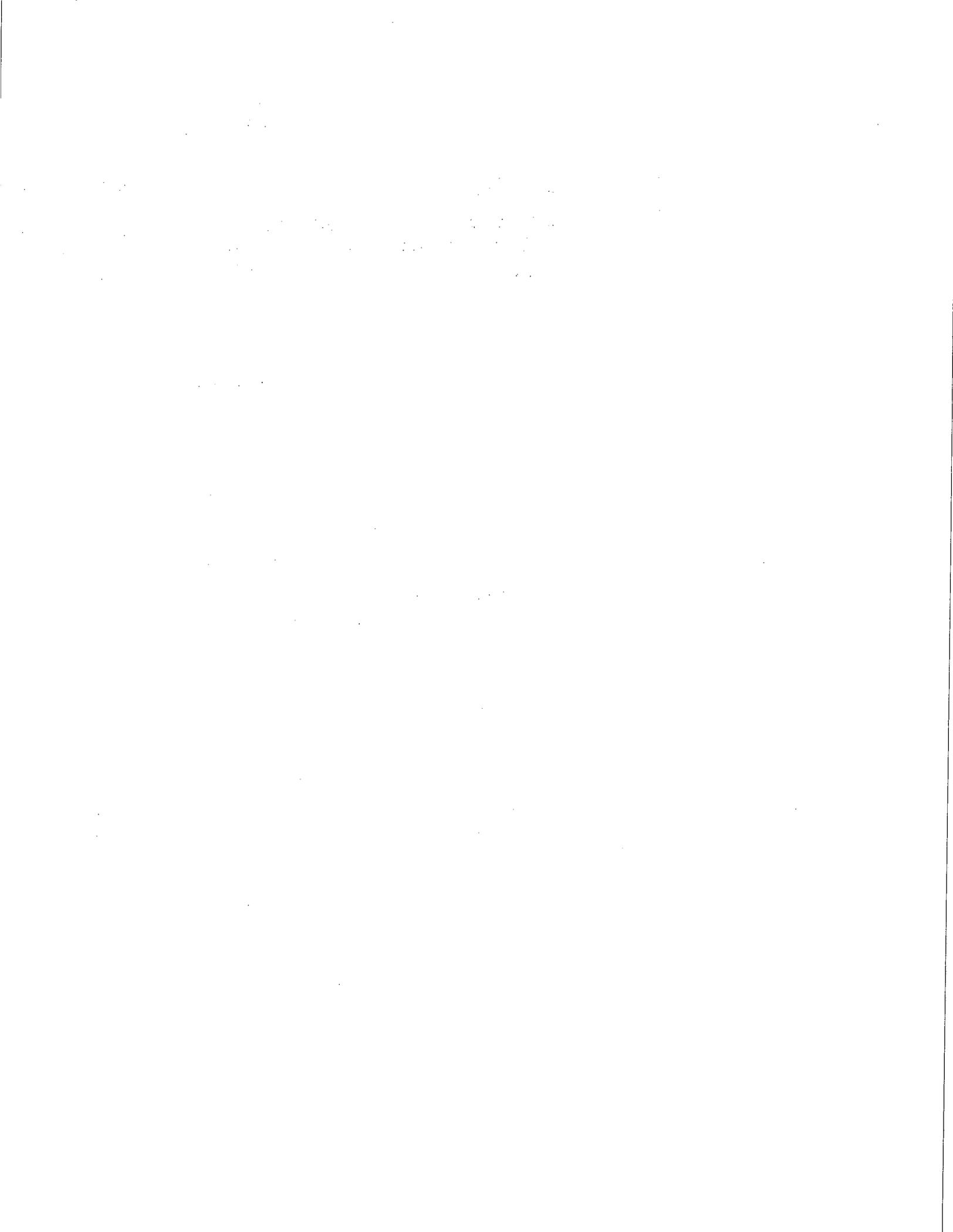
The official newspapers of the Planning Board of the City of Lambertville are as followed:

The Beacon: Weekly paper released on Wednesday's
The Democrat: Weekly paper released on Thursday's
The Trenton Times: Daily paper

The lead paper for the Planning Board is the Beacon.

2011 List of Professionals

Attorney: William Shurts of Felter, Cain and Shurts
Alt. Attorney: Stewart Palilonis
Engineer:
Planner: Linda Weber of the RBA Group
Board Secretary: Crystal Lawton



REMINGTON & VERNICK ENGINEERS

AND AFFILIATES

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CORPORATE SECRETARY
Bradley A. Blubaugh, BA, MPA

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Charles E. Adamson, PLS, AET
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Gregory J. Sullivan, PE, PP, CME
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Remington & Vernick Engineers
232 Kings Highway East
Haddonfield, NJ 08033
(856) 795-9595
(856) 795-1882 (fax)

Remington, Vernick
& Vena Engineers
9 Allen Street
Toms River, NJ 08753
(732) 286-9220
(732) 505-8416 (fax)

3 Jicama Boulevard, Suite 300-400
Old Bridge, NJ 08857
(732) 955-8000
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Remington, Vernick
& Walberg Engineers
845 North Main Street
Pleasantville, NJ 08232
(609) 645-7110
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4907 New Jersey Avenue
Wildwood City, NJ 08260
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Remington, Vernick
& Beach Engineers
922 Fayette Street
Conshohocken, PA 19428
(610) 940-1050
(610) 940-1161 (fax)

5010 East Trindle Road, Suite 203
Mechanicsburg, PA 17050
(717) 766-1775
(717) 766-0232 (fax)

U.S. Steel Tower
600 Grant Street, Suite 1251
Pittsburgh, PA 15219
(412) 263-2200
(412) 263-2210 (fax)

Univ. Office Plaza, Bellevue Building
262 Chapman Road, Suite 105
Newark, DE 19702
(302) 266-0212
(302) 266-6208 (fax)

Remington, Vernick
& Arango Engineers
The Presidential Center
Lincoln Building, Suite 600
101 Route 130
Cinnaminson, NJ 08077
(856) 303-1245
(856) 303-1249 (fax)

300 Penhorn Avenue, 3rd Floor
Secaucus, NJ 07094
(201) 624-2137
(201) 624-2136 (fax)

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Richard G. Arango, PE, CME

March 25, 2010

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

Attention: Crystal Lawton, Secretary

Re: Use Variance and Major Subdivision
Joseph Mullane & Gloria Cruz
South Franklin Street
Block 1048, Lot 51

Dear Board Members:

We have received a Use Variance and Preliminary Major Subdivision application submission, received on March 23, 2011, consisting of the following:

Sheet	Title	Date	Latest Revised Date
1/7	Cover Sheet	05-02-06	03-01-11
2/7	Existing Conditions Plan	05-02-06	03-01-11
3/7	Major Subdivision of Land	05-02-06	03-01-11
4/7	Grading & Stormwater Management Plan	05-02-06	03-01-11
5/7	Soil Erosion, Sediment Control, Notes and Construction Details	05-02-06	03-01-11
6/7	South Franklin Street Profile	09-22-06	03-01-11
7/7	South Franklin Street Cross Sections	09-22-06	03-01-11
----	Drainage Report	05-02-06	10-10-06
----	Environmental Information Report	03-09-11	

Sheet 1/7, sheets 4/7 through 7/7, Drainage Report, and Environmental Information Report were prepared, signed, and sealed by Eric B. Rupnarain, P.E., Goldenbaum Bail Associates, Inc., 119 Douglas Street, Lambertville, New Jersey 08530, (609) 397-1505.

t:\municipal\lambertville\zxxx\mullane, joseph & cruz, gloria\review 1.doc

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RECEIVED
MAR 29 2011
BY: CC

Sheets 2/7 and 3/7 were prepared, signed, and sealed by Kenneth E. Baill, P.E., P.L.S., P.P., Goldenbaum Baill Associates, Inc.

I. GENERAL INFORMATION

Applicant/Owner: Joseph Mullane & Gloria Cruz
245 South Franklin Street
Lambertville, NJ 08530
(609) 584-0117

Proposal: The proposal is to subdivide an existing 0.92 acre lot that contains an existing house into two (2) lots. A proposed 1,750 square foot single-family residence is proposed on the new lot. Steep slopes are contained in the existing lot and within the proposed lot.

Zoning: R-L (Residential Low Density)

II. SUBMISSION INFORMATION

The requirements for completeness are included in Lambertville's Checklist for Determination of Completeness. The plans comply with all of the applicable completeness items except for the items below, of which the applicant has asked for waivers for the following completeness items:

<u>Item</u>	<u>Description</u>
13	<u>Completed applications with appropriate fees and required information submitted directly to these Agencies with copies to the City for verification of these submissions: Hunterdon County Planning Board, Hunterdon County Soil Conservation District, D & R Canal Commission, and Lambertville Historic Commission (as required). Comment: It appears the D & R Commission and Lambertville Historic Commission does not have involvement with the project so those applications are not needed.</u>
17	<u>Existing Topography shown as follows: (a) Based upon accurate field or aerial topographic survey. USC&GS datum; (b) 5' contour interval for slopes exceeding 20%; (c) 2' contour interval for slopes less than 20%;</u>

- | <u>Item</u> | <u>Description</u> |
|-------------|--|
| | <u>(d) Spot elevation for area of slope less than 1% slope; and (e) All topographic information must be shown for adjoining area within 200' of the property boundary. Comment: The plans have been drawn to an assumed datum. Since the project is self-contained, this is satisfactory. If conversion to USGS datum is ever needed, a conversion factor is given on sheet 2 of the plans. Also, the topography for the project is shown only 100' from the property boundary instead of 200'. This is satisfactory for this site.</u> |
| 23 | <u>Location of all man-made and natural features both on-site and within 200' of the property including, but not limited to: dedicated open space, culverts, structures, drain pipes, water courses, railroads, bridges, wooded areas, rock outcrops, wetlands (specific source and notation if there are any wetlands present), swamps, buildings, streets, drainage right-of-ways and sewer and water facilities. Comment: The topography for the project is shown as a 100' limit instead of 200' limit. This is satisfactory for this site.</u> |
| 24 | <u>Plan and profile drawings of all existing and proposed drainage and utility layouts, drawn at a scale of 1"=50' horizontal; 1"=5" vertical, including: (a) Sanitary sewer (include letter of service feasibility from public utility) or results and locations of all percolation tests and soil logs attempted along with possible location of future septic systems; (b) Public water (include letter of service feasibility from public utility) or approximate well location and geologist report verifying a sufficient supply of available potable water; (c) Storm sewer including drainage swales and streams; (d) Gas (include letter of service feasibility for public utility); and (e) Electric, telephone and cable. Comment: The geologist report verifying a sufficient supply of available potable water was not submitted. This item can be made a condition of approval.</u> |
| 25 | <u>Landscaping plan for street shade trees noting location, material type and sizes, planting details and tree preservation details. Comment: We support the granting of this waiver.</u> |
| 33 | <u>Lighting plans, including location, type, wattage, height distribution pattern and footcandles. Comment: The applicant has asked for a waiver of this item, which can be granted as this item applies to larger commercial site and large housing developments.</u> |

III. PERFORMANCE STANDARDS

A. General

1. It is our understanding that in 2006 the applicant obtained conditional Planning Board approval. The approval was contingent upon the applicant providing water service to the property by extending the water main that ends in the vicinity of Highland Avenue. The applicant was not able to accomplish this. Without both water and sewer service, the density is one (1) unit per three (3) acres and a minimum lot size of two (2) acres, as opposed to the 1.3 units per acre density and 10,000 square feet minimum lot size with water and sewer service.
2. The application has several bulk variances, including minimum lot size, minimum lot width, maximum building coverage, front yard setback, and side yard setback besides the density variance. We defer to the Planner for comments on these issues.

B. Steep Slopes

1. The maximum allowable disturbance for steep slopes is given in Section 519.3.B of the ordinance. The applicant shows a Slope Disturbance Chart on which appears to be incorrectly calculated. The percentage of the proposed disturbance has been calculated by including the steep slope area on the remainder lot, which is the lot the existing house will be on. The intent of the steep slope analysis is to show the disturbance on the lot being developed. Including the remainder lot area, which has no disturbance in the calculation, skews the result to a lower value. Using the area of Lot 51.01 as the developed area, the Slope Disturbance Chart for the 15% to 20% range should be about 86% instead of 54% as shown in the plans and the 20.1% to 30% should be about 19% instead of 6.3%. Therefore, a variance will also be required for the 20.1% to 30% steep slope range as it is over the allowed amount of 10%.
2. The application exceeds the limits of disturbance on slopes of 15%-20% and 20%-30%; therefore, the applicant shall provide testimony that this application meets the steep slope evaluation criteria provided in Section 519.3.C1(a)-(d) and 519.3.C2(a)-(d) as follows:
 - a. The site cannot be reasonable utilized for its zoned use without the relief requested.

- b. The extent of relief is the minimum needed to permit reasonable utilization of the site.
 - c. All applicable stormwater management standards will be satisfactorily addressed including the proper protection and stabilization of all disturbed areas consistent with the design techniques established by the Soil Erosion and Sediment Control Standards adopted and amended by the New Jersey State Soil Conservation Committee.
 - d. The proposed development adheres to the design guidelines for steep slopes to the greatest practicable extent.
3. The plans show a disturbance of 366 square feet on slopes of greater than 30% where no disturbance is permitted by ordinance. Therefore, the applicant shall provide testimony to demonstrate that this application meets the steep slope evaluation criteria provided in Section 519.3.C(2)(a)-(c) as follows:
- a. All utility of the site for its zoned use would be effectively foreclosed without the relief requested.
 - b. All applicable stormwater management standards will be satisfactorily addressed including the proper protection and stabilization of all disturbed areas consistent with the design techniques established by the Soil Erosion and Sediment Control Standards, adopted and amended by the New Jersey State Soil Conservation Committee.
 - c. The proposed development adheres to the guidelines for steep slopes to the greatest practicable extent.
4. The applicant should give testimony on features that were incorporated into the design to minimize adverse environmental impacts to the steep slopes, as outlined in the ordinance in Section 519.6.
5. Ten (10) out of thirty-six (36) trees on the site are identified as being removed. Testimony should be given on steps being taken to minimize the removal of trees.

C. Drainage

1. The drywell shown on the plans does not agree with the drywell detailed in the drainage report. The drainage report states that the drywell has been designed using four 30" diameter pipes each twenty-eight (28) feet long. The plans show a much smaller drywell with one 15" diameter pipe, seventeen (17) feet long. The calculations also show a larger size system than shown on the plans.
2. Clarification should be given on the plans about the type of inlets for the three (3) inlets on the site. They are all shown as lawn type inlets on the plan, whereas the drainage report references Type "E" inlets.
3. The emergency spillway description for the drywell in the drainage report does not appear to agree with the plans.
4. The applicant should confirm the stability of the downstream steep slopes considering the close distance of the drywell to the steep slopes. A groundwater mounding analysis should be performed to quantify the affects of groundwater mounding.

D. Miscellaneous

1. The site fronts on a narrow stone/gravel road. The Board should consider making any approval contingent on Police Department and Fire Department approvals.
2. A sewer cleanout is needed near the property line.
3. A construction detail for the sanitary sewer lateral is needed.
4. The sanitary sewer lateral is shown in different locations between sheets 3 and 4.

IV. SUMMARY OF VARIANCES AND WAIVERS

Variances:	Section 402.5 -	Density limits
	Section 402.6 -	Lot size
	Section 402.6 -	Lot width
	Section 402.6 -	Building coverage
	Section 402.6 -	Front yard setback

Section 402.6 - Side yard setback
Section 519.4.D - Steep slope disturbance

Waivers: Checklist - Submission information

V. APPROVAL PROCESS

If the Zoning Board of Adjustment should grant final approval to this project, the following is applicable:

1. The applicant's engineer must make appropriate revisions to the plan pursuant to the Zoning Board of Adjustment action.
2. Ten (10) copies of the final plan should be submitted to our office for review, approval and signature.
3. The applicant must contact the Zoning Board of Adjustment office to settle any outstanding review escrow accounts prior to the issuance of building permits.

VI. OUTSIDE AGENCY APPROVALS

This plan may be subject to the review and approval of the following outside agencies, if not already received. Evidence of these approvals must be submitted to the City and this office prior to the final signature of plans:

1. Hunterdon County Soil Conservation District.
2. Any others as may be necessary.

When plans are resubmitted, they are to be accompanied with a point by point response to all underlined items.

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City of Lambertville
March 25, 2010

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

Sincerely yours,

REMINGTON, VERNICK & ARANGO ENGINEERS, INC.



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

TEC/mcb

cc: Joseph Mullane & Gloria Cruz
Eric Rupnarain, P.E.
Kenneth Baill, P.E., P.L.S., P.P.
Donald Scholl, Esq.
William Shurts, Esq.
Ken Rodgers, Construction Code Official

MEMORANDUM

To: City of Mountain View Planning Board of Administration
 From: Mountain View Public Works Department
 Re: C-100-1414-100 - Steep Slope Application
 (South Franklin Street)
 Block 104 - Parcel 100
 Date: August 14, 2014

This memorandum is to advise the Planning Board of the following conditions of the steep slope application:

1.0 Information Reviewed

- As reviewed the following materials for the preparation of this report:
 - Engineering drawings of parcel of Lot 100, Block 104, Parcel 100, Block 104, dated February 2, 2014, submitted by applicant.
 - Site plan and steep slope report prepared by applicant, dated August 14, 2014, Block 104, dated August 21, 2014, consisting of the following:

2.0 Overview of Application

The applicant proposes to construct a house on an existing 0.23 acre parcel on South Franklin Street in the 100-100 Mountain View Residential Zoning District. The lot is a remnant of Highland Avenue when the Mountain View street was an unpaved road. The location of South Franklin Street is located and has a rural character similar to most of the City. (See the photo on page 2). The construction of the house will disturb hillside slopes in violation of the City's steep slope ordinance, Section 10.01. The steep slope requirements of the applicant's proposal are summarized in Table 1. The applicant is seeking action from the Board to grant exceptions to the steep slope ordinance. According to the municipal land use law, MSLA, Section 21, exceptions may be granted if the enforcement of such a law would constitute an undue hardship on the owner of the land, or if the enforcement of such a law would constitute an undue hardship on the owner of the land.

Table 1. Steep Slope Compliance

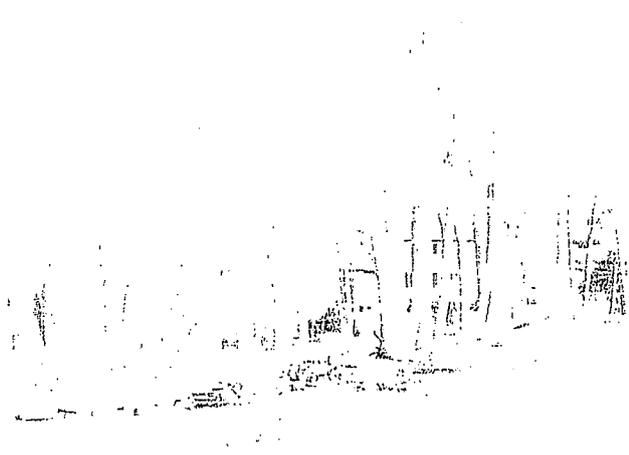
Slope Gradient	Maximum % Permitted	Proposed %	Area
15% - 20% slopes	30%	91%	3,920 sf
>20% - 30% slopes	10%	55.00%	1,179 sf
>30% slopes	Not permitted	58.00%	1,051 sf

3.0 Purpose of Steep Slope Ordinance

The purpose of the steep slope ordinance is to protect the public's safety and minimize environmental degradation that results from hillside development. The removal of vegetation on steep slopes and the re-grading of the land frequently causes an increase in the rate and velocity of the stormwater runoff. This in turn can cause a series of potentially serious problems include hillside erosion, siltation of streams and flooding. The impact is a result of both individual site development and the cumulative effect of hillside development in any given area.

4.0 Comments and Recommendations

The existing lot is comprised almost entirely of slopes greater than 15%. The most level (the least steep) grounds are located in the middle of the lot. While the house is located in this central area, the width of the structure (both house and garage) and the grading required for construction access, impacts slopes of 20%-30% and more. Further, the applicant is proposing to regrade virtually the entire lot for the construction of the house and garage. Our conclusion is that that footprint of the building is entirely too large for the lot.



We recommend that the footprint of the structure be reduced significantly away from the steepest slopes on the site. The structure should be designed to fit the constraints of the site, not the reverse. The proposed garage consumes roughly 30% of the footprint and perhaps should be omitted from the proposal. The majority of homes in this area do not have garages.

In addition to protecting the hillside slopes, the house and re-grading should be designed to protect as many trees as possible. The property is located within a unique area of the City characterized by the dominance of nature. The extent of the proposed clearing as shown on the site plan drawing is unacceptable and should be reconciled to conform more closely with the City's ordinances.

Should you have any questions regarding this report, please contact me at your convenience.

c: Goldenbaum Bail Associates, Inc.
Warren Higgins
Diane Claus
Tom Clundy, PE
William Shurts, Esq.