

**Zoning Board of Adjustment
City of Lambertville
Regularly Scheduled Meeting Minutes
Thursday, March 29, 2012, 7:30 p.m.
Justice Center, 25 South Union Street**

The meeting was called to order at 7:31 p.m. by the Chairman, David Moraski with a statement of compliance with the Open Public Meetings Act, noticing the Beacon, the Democrat, the Times, and posted to the bulletin board at City Hall and the website at www.lambertvillenj.org on Friday, March 23, 2012.

ROLL CALL.

Mrs. Ege called the roll as follows:

Present: Fred Eisinger, Maura Fennessy, George Hambach, Phillip Macky, Pat Pittore, David Moraski, and Kate Dunn – Alternate 1.

Absent: John Leyman.

Also present: Attorney Shurts, Engineer Clerico, Planner Weber, the City of Lambertville's Construction Official, Ken Rogers, Cynthia Ege sat in for Crystal Lawton as the Secretary.

APPROVAL OF MINUTES

Phillip Macky made a motion to approve the minutes as submitted from the February 23, 2012 session of the Zoning Board of Adjustment. Pat Pittore seconded the motion. An affirmative voice vote was taken in favor of the motion by all members present.
MOTION CARRIED.

RESOLUTION, 39 DOUGLAS STREET, BLOCK 1068, LOT 5.11

There were six amendments to the resolution. They are as follows:

1. The resolution referred to basement apartment, and this should be changed to "ground level."
2. The elevations of the house need to be put on the plans prior to the issuance of a construction permit.
3. Number 14 of the resolution should be corrected to reference the two separate levels of the apartment.
4. Number 16 should be corrected to reflect the five stacked cars in the driveway.
5. Number 19 should reflect the testimony given that there will be only one licensed driver residing at the property.
6. Number 35 requires certification every year to the City Clerk that the property is leased to a relative much like the requirements of an ECHO house.

Fred Eisinger made a motion to approve the amended Resolution for the use variance and site plan waiver filed for 39 Douglas Street, Block 1068, Lot 5.11. Phillip Macky seconded the motion. An affirmative roll call vote was taken in favor of the motion by all members present, except Chairman Moraski who abstained. MOTION CARRIED.

MOMENT OF SILENCE

Chairman Moraski asked for a moment of silence in remembrance of Steve Morland, who represented many applicants before this board throughout the years. Mr. Morland is also credited with writing the first set of Zoning Ordinances for the City of Lambertville, some of which are still on the books.

PUBLIC HEARING – 214 SOUTH FRANKLIN STREET, BLOCK 1057, LOT 2.01

George Hambach resides within 200 feet of this property and is not eligible to participate on this application. Phillip Macky has a business relationship with Mr. Simpson, the applicant and he recused himself. Both Mr. Hambach and Mr. Macky stepped down from the Dias during this application.

Mr. Clerico's presence was noted for the minutes. He is not the engineer of record for the Zoning Board, however due to his knowledge of the application previously approved by the Planning Board, he was asked to represent the Zoning Board tonight.

This application was filed by Robert G. Simpson of 214 South Franklin Street and is for a "c" variance from the strict application of the steep slope ordinance, 519.5, steep slope limits, hardship/bulk variance. The application was deemed complete at the February session of the Zoning Board of Adjustment. The applicant's attorney is Lawrence C. Wohl of Archer & Greiner, PC, and the engineer of record is James Ceglia of SiteWorks, New Hope, PA.

The Zoning Board's Attorney deemed the Board had jurisdiction over this matter and that the notices, including the certified mail notices, were complete.

The following items were recorded by the City's Attorney as part of the application:

- Addendum A1 - The Application filed by Robert Simpson.
- Addendum A2 - Affidavit of Service and attachments.
- Addendum A3 - The applicants plans completed by James Ceglia dated July 26, 2010, revised December 6, 2010.
- Addendum A4 - Robert Clerico's plan submitted with the March 27, 2012 Report #2 was marked as A4.
- Addendum A5 - the proposed dwelling plan dated 2004 prepared by Mr. Hanon.
- Addendum A6 - Two letters from Hunterdon County Soil Conservation dated 09-07-10, 09-08-10.
- Addendum A7 - Easement from George Hambach

The Zoning Board's Attorney swore the following people in for testimony:

Robert Simpson, 214 South Franklin Street – applicant.
James Ceglia, 6 Village Square, New Hope, PA – certified engineer and planner in both the State of New Jersey and Pennsylvania. Mr. Ceglia has previously appeared before this board and was deemed to have the required credentials.

Mr. Lawrence Wohl of Archer addressed the board members and stated that his client is requesting relief from Ordinance Number 16-2011, Section 519 of the land use ordinance for steep slopes and from the design for the driveway. He informed the members of the board that the applicant purchased the property from foreclosure.

Mr. Robert Clerico's letter of March 27, 2012 was reviewed and read into the record by the applicant's attorney, Lawrence Wohl. The items marked with the record were reviewed. Discussion ensued.

Mr. Ceglia informed the board members that there were problems with the initial plan with the location of the sewer main and a drain that ran under the entrance of the driveway which would cause a problem with the pitch of the sewer line servicing the property. The applicant had to either put in a pump or realign the sewer line to take advantage of the gravity. A pump is not favorable, so Mr. Simpson obtained an easement from Mr. Hambach, the owner of an adjoining property, to run the sewer line across the Hambach property.

Mr. Simpson gave testimony that he was not in possession of the Hanon plan at the time. He obtained approvals from the construction department and the sewer department. Mr. Moraski asked Mr. Rogers if he wanted to comment. Ken Rogers, the Construction Official for the City of Lambertville was sworn in for testimony by the City's Attorney. He stated that Mr. Simpson submitted an OPRA request in 2009 and received copies of all pertinent resolutions and viewed the plans on file in the Construction Office. Mr. Wohl stated that Mr. Ceglia, the project engineer, was not aware of the Hanon's plan because they were not filed with the deed with the County. Mr. Ceglia was engaged in March of 2010 by the applicant.

Mr. Simpson gave testimony regarding the change in the driveway. He stated that the driveway was initially planned as a straight driveway and at the suggestion of his excavator, they changed the driveway to the curve in front of the house because they thought it would decrease the 15% slope. He also expressed concern for his safety with the straight driveway due to the drop off across the street during inclement weather. Mr. Clerico asked what the slope ended up at and Mr. Simpson responded it was 15%. The concern is for the disturbance of land. The initial plans would have minimized the land disturbance and required the driveway to be paved with a curb that would have diverted the water runoff so as to not cause damage to the roadway and surrounding properties. Mr. Simpson would prefer to not pave the driveway giving him some traction during inclement weather.

A discussion ensued regarding the best way to proceed with this project. The applicant's attorney suggested that the applicant's engineer and the city's engineer work together on the plans to ensure the property was completed to address the concern for adjoining

property and the public right of way. Mrs. Ege, sitting in for the board's secretary, reminded Mr. Wohl, the applicant's attorney, that this would require escrow funds. The applicant deposited \$600 in his account prior to the meeting, but the time spent at this meeting will deplete those funds. Concern was expressed to ensure the funds are available to pay for the professionals' time and review required for the board.

After much discussion, Chairman Moraski stated he would feel better having a plan to look at prior to granting approvals. Mr. Wohl agreed that would be the best way to proceed.

Mr. Clerico is not available the third Thursday of the month due to a prior commitment. The board and the applicant agreed that this public hearing would be continued to the May 31st meeting of the Zoning Board of Adjustment.

MOTION

Pat Pittore made a motion to grant a continuance to the May 31st session of the Zoning Board of Adjustment. Maura Fennessey seconded the motion. An affirmative roll call vote was taken in favor of the motion by all members present. MOTION CARRIED.

Mr. George Hambach and Mr. Phillip Macky returned to their position at the dais.

PUBLIC COMMENT.

Fred Eisinger asked about the status of the Munice property. He was inquiring why the applicant took the building down to the foundation since that was not approved by the Board. The Construction Official stated Mr. Munice saved everything. Board members were instructed to contact Mr. Moraski with their concerns and he would communicate that to Mrs. Lawton for appropriate action by the Building Sub Code Official.

Mrs. Weber, the planner for the board, mentioned her concern for the escrow balances. She questioned if the purchase order was on the list for payment for the Nelson resolution. Mrs. Ege confirmed that it was. She expressed concern going forward for the accounts in deficit which means she does not get paid.

Escrow balances were discussed. Mrs. Ege stated that part of the issue is with the timely submission of bills by the professionals representing the Zoning Board. The Chairman will have a discussion with Crystal Lawton on how best to communicate and track escrow balances.

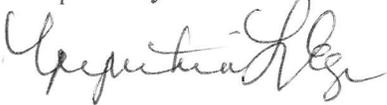
PAYMENT OF BILLS.

Pat Pittore made a motion to authorize the payment of the bills on the bills list. George Hambach seconded the motion. An affirmative voice vote was taken in favor of the motion by all members present. MOTION CARRIED.

ADJOURNMENT

Pat Pittore made a motion to adjourn at 10:05 p.m. Kate Dunn seconded the motion. An affirmative voice vote was taken in favor of the motion by all members present.
MOTION CARRIED.

Respectfully submitted,



Cynthia L. Ege
CMR, RMC, City Clerk

Approved at the regularly scheduled session of Zoning Board of Adjustment held on
5/21/12